

Traditional knowledge: free to use or deserving of protection?

Prof. Graham Dutfield of the University of Leeds set out a brief history of traditional knowledge as intellectual property.

The "story" starts in the late 1980s and the movement comprises three groups:

1) anthropologists and ethno-ecologists whose focus was indigenous peoples and who promoted their landscape management techniques including use of plants. For them knowledge protection is linked to self-determination. They had major concerns about culturally inappropriate modes of commercialisation but they tended to be suspicious of "solutions" vesting powers in governments;

2) What he called the anti-neocolonials who focused on marginal rural populations in the developing countries and who fought for "bio-nationalism" which effectively vests rights in the state;

3) groups of anti-corporate social justice activists who focused on farming communities first in North America and then shifted their attention to global issues. Traditional knowledge was one element of a much bigger campaign to roll back private power over the food system.

All these groups identified the industrial use of traditional knowledge as an injustice, in the context of wider debates on global environmental crises and the shift of IP rights into multilateral trade negotiations.

Once one is aware of this background one can see that the current international stalemate has very deep roots, and there is a lot of disagreement on where and what is the "core" of the injustice.

Prof Dutfield flagged up a question that is rarely broached: does geography still matter? Legal efforts to protect TK require it to be true that all TK is relatively pure and has a single location and is owned by a single groups of people. This may in fact to a large degree be wrong.

More detail can be found in Prof. Dutfield's recent paper *J World Intellect Prop.* 2017;20:144–159.

Darren Smyth spoke on the Convention, Protocol and Regulation, including national compliance requirements. More detail may be found in the slides.

Finally, Tim Roberts described the ongoing WIPO negotiations. The work of the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore can be seen on the WIPO website.

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