

Protecting Indigenous Knowledge Systems: Different Issues in Intellectual Property Law

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Abstract: *This study investigates the protection and legal empowerment of traditional knowledge (TK) held by indigenous communities in India within the framework of intellectual property rights (IPR) and related legal instruments. Drawing upon a comprehensive review of literature, national policies, international treaties, and judicial decisions, the research examines the extent to which existing legal frameworks recognize and safeguard ownership rights of TK. The study further explores strategies for legal empowerment, including the use of digitization tools like the Traditional Knowledge Digital Library (TKDL), participatory governance, and capacity-building initiatives. Additionally, the research identifies challenges in practical enforcement, community-level adoption, and equitable benefit-sharing, highlighting gaps in policy implementation. Employing a case study methodology, the study provides context-specific insights into effective approaches for protecting TK, emphasizing the integration of customary laws, international obligations, and socio-cultural considerations. Finally, the study proposes actionable policy recommendations aimed at enhancing TK protection, promoting sustainable utilization, and ensuring fair recognition of indigenous communities' rights in India.*

Keywords: Traditional Knowledge (TK), Indigenous Communities, Intellectual Property Rights (IPR), Legal Empowerment, Sui Generis Systems, Traditional Knowledge Digital Library (TKDL), Policy Recommendations, India, Benefit-Sharing, Legal Frameworks

