

# LESSONS NOT OF LESS IMPORTANCE - BIOPIRACY

B. Sasikumar

**T**he patenting of indigenous knowledge and biodiversity in the pretext of bioprospecting assumes new dimensions. Intellectual Property Rights (IPRs) are being claimed by the West on the traditional knowledge of the developing countries like India.

Turmeric (*Curcuma longa L*) is known to Indians from time immemorial as a home remedy for a variety of ailments. This rhizomatous spice has been used as an antiseptic, anti-inflammatory antihelminthic, antidermatitis, etc. for centuries besides its widespread application in cosmetics and as spice.

Neem (*Azadirachta indica*) tree is very much identified with Indian rural life. In fact, neem is a community tree in India. The tree has a myriad of uses in Indian system of medicine as an antidermatitis, antimicrobial, anticlotting, antiphlegum, antirheumatic, anti-inflammatory, antiviral (against pox viruses) antiulcer, etc. in addition to its application as a contraceptive. Neem leaf, oil and cake have been known to the rural communities in India since very olden days as a biopesticide (for storing grains, etc.) and biofertilizer. Neem is *Nimba* in Sanskrit, the ancient Indian language. *Nimba* is derived from the term *Nimbati Syasthyamdadati* meaning 'good health'.

*Keezharnelli* (*Phyllanthus niruri*) has been a panacea for jaundice and many other liver complaints in Indian countryside for centuries.

This small, seasonal herb, known as *Bahuveerya* in Sanskrit, is now also a part of the formal health care practice under Indian system of medicine and folk medicine.

Turmeric, neem and 'Kizharnelli' are just few examples, illustrating the wealth of our traditional collective knowledge. Usurping these knowledge, patents are now being claimed in the West!

Patent No.5, 401, 504 granted to Drs. Suman K. Das and Harihar P. Cohly of Mississippi Medical Centre in Jackson, US confers the applicants exclusive right to specific formulation of turmeric as a wound healer (powder as obtained from food store which may be taken orally with drinking water or directly administered topically to wounds).

Though, in total 14 US patents are filed (12 patents on the pesticide properties, 1 each on antitumour activity and neem toothpaste) on neem products, the US patent No. 5001 146 on the stability of azadirachtin formulation from neem seed, granted to W.R Grace and Co. has attracted much news in India.

Similarly, in case of *Phyllanthus niruri* the Fox Chase Cancer Centre, Philadelphia, US has applied for patent to the European Patent Office for its effect on the treatment of viral hepatitis infection.

The case of Indian Basmati rice is yet another

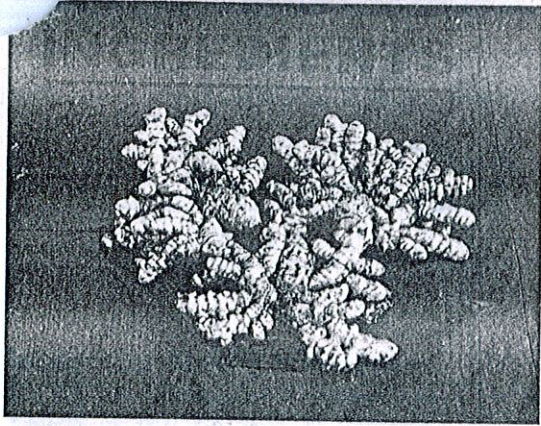
example In this context. US grain corporation dominated by Cargill and Continental Grains are exploiting *Basmati* as a trade name to sell their superfine aromatic rice in the traditional importing countries of Indian Basmati rice. The latest additions to the list of patents to be filed in India are Nestle India's process patent on vegetable palao, parboiled rice and cooked cereals.

The name of the game is biopiracy comouflaged as bioprospecting. This piracy is now gradually enclosing other medicinal plants and microbes too-Pfizer, Bristol Myers and Merck have applied for patents on soil microorganisms from India. About 20 such patents are filed by these companies on various properties of soil bacteria collected from India.

Most of these patents have been granted ignoring the prior knowledge existing in India for US patent office recognizes or asks for the prior information with in that countries geographical boundaries



Neem



Turmeric

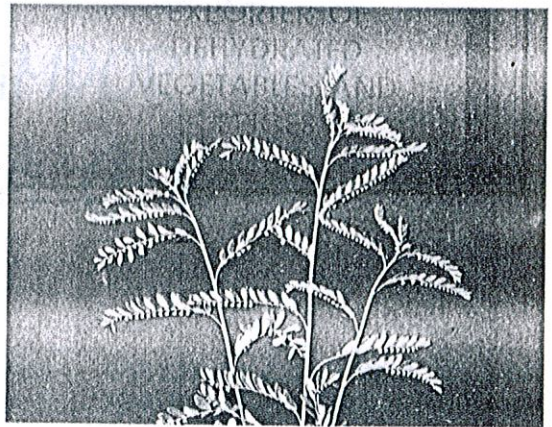
indigenous practices in India are being encashed in the West.

Now the question may be asked- Why can't we patent our traditional knowledge?

Any patents are supposed to satisfy three criteria namely

- Novelty
- \* Non obviousness
- \* Utility

Ironically by these reckoning our traditional knowledge do not qualify for patenting in India, since these knowledge are neither novel or non obvious for us. But for Americans they are novell Perhaps these are some of the



Keezharnelli

unseen strings in the GATT (General Agreement on Tariffs and Trade) agreement?

At this rate, it would not be surprising to hear tomorrow that some one has filed a patent on white pepper or ginger candy!

Here lies the need and importance of a locally suited system to protect our biodiversity and community knowledge.

only. Further, these patents are also in contravention of many clauses such as "informed consent" "material transfer" and "geographical indication" of the International Convention of Biological Diversity (ICBD) and also the Leipzig Declaration of sovereign right of States over their biodiversity. Of course though many of these patents are challenged, the fact remains that

*With Best Compliments from*

**NAVEEN MARCOS,**  
BIPIN'S COURT,  
NATTAKOM . P. O.,  
KOTTAYAM - 686 013.  
KERALA  
INDIA.



**PROCESSORS & EXPORTERS :**

DEHYDRATED GREEN PEPPER, GREEN PEPPER IN BRINE, CANNED GREEN PEPPER, PINK PEPPER IN BRINE, CHILLI POWDER, TURMERIC POWDER, PIRI PIRI, PEPPERONI, CHERKINS ETC ETC.

*With Best Compliments*

**ABS FOOD  
INGREDIENTS**

*For Quality Indian Spices*

NEAR RAJ CHAMBERS,  
KHODIYAR COLONY,  
JAMNAGAR - 361 006  
GUJARAT - INDIA  
PHONE : 0091-288-555665  
          : 0091-288-62124  
FAX : 0091-288-555195

**MANUFACTURER &  
EXPORTER OF  
DEHYDRATED  
VEGETABLES AND  
SPICES**