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Abstract

Law and Policy on Intellectual Property, Traditional Knowledge and Development: Legally Protecting Creativity and Collective Rights in Traditional Knowledge Based Agricultural Products through Geographical Indications

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Geographical indications emerged on the international scene at the centre of three highly debated subjects: intellectual property, international trade and agricultural policy. This article discusses the use of geographical indications in the protection of traditional knowledge-based agricultural products in the international intellectual property framework, and assesses the challenges and opportunities geographical indications present with respect to efforts to cater to the needs of indigenous people and local communities. The discussion begins with a succinct overview of the definitional aspects of geographical indications, traditional knowledge and traditional knowledge-based agricultural products. In an attempt to locate the issue of geographical indications in the current intellectual property landscape, the article examines their regulation in international and national legal frameworks, and critically appraises the attendant controversies in international negotiations. The article then broaches issues to do with the link between geographical indications and traditional knowledge, and examines the cultural, economic and environmental issues in policy debates surrounding the applicability of geographical indications to traditional knowledge-based agricultural products.

Keywords: agricultural products, geographical indications, traditional knowledge, TRIPS, WTO