TRAINING TINGKAT LANJUT
RULE OF LAW DAN HAK ASASI MANUSIA
BAGI DOSEN HUKUM DAN HAM
Jakarta, 3-6 Juni 2015

MAKALAH PESERTA

PROTECT TRADITIONAL KNOWLEDGE OF INDIGENOUS PEOPLE WITH GEOGRAPHICAL INDICATION

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Abstract

The interface between human rights and intellectual property rights (IPR) has been discussed due to the emerging questioned whether IPR is conflicted or coexisted to human right protection. Recent development show that this both regimes might be support each other through traditional knowledge protection of indigenous people via geographical indication regime. This paper will briefly elaborate the link between human rights, traditional knowledge (TK) and geographical indication (GI).

I. Human Rights Protection, Traditional Knowledge (TK) and Geographical Indication (GI)

The crossing point between human rights and intellectual property rights (IPR)has been considerable emerging debatable issue. This interface has two dimensions. The first approach views human rights and IPR as being in fundamental conflict[1] seeing that strong IP protection undermining a broad spectrum of human rights obligations, especially in the area of economic, social and cultural rights, and the second approach sees both areas essentially compatible which propose the balancing between a sufficient incentive to create and innovate while ensuring an adequate public access.[2]

The international document, which can perhaps be said to constitutionalize the intellectual property right in the human right regime, is the Universal Declaration of Human Rights (1948). The declaration does not expressly refer to intellectual property rights however Article 27(1) states that everyone has the right freely to participate in the cultural life of the community, to enjoy the art and to share in scientific advancement and its benefits. And Article 27(2) states that everyone has the right to the protection of the moral and material interest resulting from any scientific, literary or artistic production which he is the author. Article 27 thus carries with a tension familiar to

[1] UN Resolution 2000/7 stating that actual or potential conflict exist between implementation of the TRIPS agreement and the realization of economic, social and cultural rights.

[2]See Laurence R. Helfer, Human Rights and Intellectual Property: Conflict or Coexistence?

intellectual property law-the tension between rules that protect the creators of information and those that ensure the use and diffusion of information.

The recognition of the interest of authors in the declaration complemented by the proclamation in Article 17.1 1 of a general right of property. This article state that "everyone has the right to own property and 17.2 states that no one shall arbitrarily deprived of his property. The rights of the Universal Declaration of Human Right are further developed in the International Covenant on Civil and Political Rights (ICCPR) 1966 and the International Covenant on Economic, Social and Cultural Rights (ICESCR) 1966. Newly emergent sovereign African and Asian states shaped the drafting of the two covenants with a view to emphasizing the rights of self-determination, national sovereignty over resources and freedom from racial discrimination.

Article 15(1) of ICESR recognize the right of everyone:

(a) To take part in cultural life;
(b) To enjoy the benefits of scientific progress and its applications;
(c) To benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

Yet, the most substantial concern of human rights community for first decade after The UDHR was elaborating and codifying legal norms and enhancing monitoring mechanism resulting categorization norms for the egregious form of state misconduct, to civil and political, then economic, social and cultural rights which the least well developed until the recent decade.[3]IP protection, by contrast, developed well, fast and expansive[4] through periodic revision of IP conventions such as Berne Convention, Paris Convention, TRIPS Agreement and other conventions and also creating link between IP and economic benefits in trade. IP became emerging issue of human rights community agenda when IP protection often neglected indigenous people rights and the consequences linking IP protection and trade in TRIPS Agreements.[5]

[3] Ibid,para 6

[4] Exception for GI development which unfortunately gain public interest after the rise of indigenous people right issues.

[5] Ibid, Laurence R. Helfer, para 8

1.1. Traditional Knowledge as Indigenous People Rights

The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) was adopted by the United Nations General Assembly during its 61st session at UN Headquarters in New York City on 13 September 2007. The United Nations system only prevail the rights of indigenous people, however UN has not developed a strict definition of"indigenous peoples", as such a definition may not be workable in all contexts and may be over-inclusive or under-inclusive.

The UNDRIP on Article 31 (1) Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual and performing arts. They also have the right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions.This article give recognition for indigenous people to control over their culture including traditional knowledge relating to biodiversity, medicines and agricultures. On the other hand, TK from an intellectual property perspective treated as part of un-owned public domain that available for unrestricted exploitation by outsiders which were privatized through patent, copyrights and plant breeder's rights.[6]Subsequently, the financial and technological benefits of those TK innovation were rarely shared with indigenous people.

Other convention which relate to TK relating especially with biodiversity is the Convention on Biological Diversity (CBD) Article 8(j): Subject to its national legislation, respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity and promote their wider application with the approval and involvement of the holders of such knowledge, innovations and practices and encourage the equitable sharing of the benefits arising from the utilization of such knowledge, innovations and practices;

[6]Ibid, Laurence R. Helfer, para 9.

This CBD move forward by added Nagoya Protocol on 29 October 2010 as a supplementary agreement to the CBD. The Protocol provides a transparent legal framework for the effective implementation of one of the three objectives of the CBD: the fair and equitable sharing of benefits arising out of the utilization of genetic resources.The Protocol applies to genetic resources and traditional knowledge associated with genetic resources that are covered by the CBD, and to the benefits arising from their utilization.

In some cases, traditional knowledge associated with genetic resources that comes from indigenous and local communities (ILCs) provides valuable information to researchers regarding the particular properties and value of these resources and their potential use for the development of, for example, new medicines or cosmetics. The Protocol addresses traditional knowledge associated with genetic resources with provisions on access, benefit-sharing and compliance. Contracting Parties are to take measures to ensure these communities' prior informed consent, and fair and equitable benefit-sharing, keeping in mind community laws and procedures as well as customary use and exchange.

Whereas the term 'traditional knowledge' (TK) itself is so broad that any attempt at defining it is necessarily incomplete. However, this paper will adopt the tentative definition proposed by WIPO: tradition based literary, artistic or scientific works, performances, inventions, scientific discoveries, designs, marks, names, and symbols; undisclosed information, and all other tradition-based innovations and creations resulting from intellectual activity in the industrial, scientific, literary, or artistic fields.[7]

The operative term in this definition is 'tradition based' which recognizes the dynamic nature of TK. TK keeps evolving and is not static. The word 'traditional' is used not because the knowledge is old but because it is created, preserved, and disseminated in the cultural traditions of particular communities.[8] It is representative of the cultural

[7] Intellectual Property Needs and Expectations of Traditional Knowledge Holders' WIPO Report on Fact-Finding Missions on Intellectual Property and Traditional Knowledge (1998–1999) sourced from www.wipo.int/tk/en/tk/ffm/report/final/pdf/part1.pdf. WIPO acknowledges that a singular and exclusive definition of traditional knowledge is not possible. This is merely a working definition.

[8] M Pannizon and T Cottier, 'Traditional Knowledge and Geographical Indications: Foundations, Interests and Negotiating Positions' in E-U Petersmann (ed.), Developing Countries in the Doha Round: WTO Decision-Making Procedures and WTO Negotiations on Trade in Agricultural Goods and Services (Robert Schuman Centre for Advanced Studies, European University Institute, Florence, 2005).

values of a community collectively. In recent times, protection of TK has become a major concern, known its tenacious misappropriation and exploitation by outsiders.

1.2 Possibility Traditional Knowledge Protection in TRIPS Agreement

Intellectual property rights do not have to work against the needs and interests of traditional knowledge holders. In fact, intellectual property rights can actually benefit traditional knowledge holders by promoting both their material and moral interests. It is said that the system is imperfect, as it tends to be based on a much more modern paradigm that is geared towards individual rights, as opposed to community rights (which tribal communities tend to emphasize).The point is realizing these benefits is in understanding how the intellectual property rights system works and the place that traditional knowledge can have in the system.

Within the international context, a regulatory regime, outlined in the TRIPS Agreement, has emerged as a means to protect groups and individuals from unfair resource exploitation. Geographical Indications (GI), which are one of the protective instruments outlined under this regime, have great potential in the context of protecting indigenous people right by protecting tribal resources including traditional knowledge.

TRIPS defines geographical indications as the following: "Those names 'which identify a good as originating in the territory of a Member, or a region or locality in that territory, where a given quality, reputation, or other characteristic of the good is essentially attributable to its geographic indication". Mostly rationale that geographical indications are useful for a number of reasons:[9]

1) They could protect and reward traditions while allowing innovation.
2) They will emphasize the relationships between human cultures and their local land and environment.
3) They are not freely transferable from one owner to another.
4) They can be maintained as long as the collection tradition is maintained.

Because of their emphasis on tradition, culture, and origination, they are different from other intellectual property rights. Geographical indications are geared towards

[9]Dr. R.A. Mashelkar FRS, The Role of Intellectual Property in Building Capacity for Innovation for Development: A Developing World Perspective, WIPO, May 2000.

community rights. Protection is not based on a single inventor, but rather on the region in which the product or plant was produced or grown. For this reason, geographical indications are much more community-oriented.

International treaties are important for traditional knowledge as they set standards and guidelines for business, trade, intellectual property, human rights, access and benefit sharing, conservation, and management of biological resources. All of these topics impact traditional knowledge.

II. How Geographical Indication (GI) protects Traditional Knowledge (TK)

The proponent of coexistence between human rights and IP rights considers IP right is a human right therefore should be protected as other human rights.[10] As such it should be available to the holders of traditional knowledge (TK) as well. The other argument is that the non-protection of TK withdraws the owners, who are generally poor, of their share in the economic benefits ensuing from the use of their knowledge. For instance, due to fraud of TK, several traditional skills become economically useless and condition of the indigenous people deteriorates leading to poverty. The second view also includes within its fold the argument that the protection of TK has enormous significance for the economic development of rural area in developing countries such as Indonesia. Meanwhile the market for goods representing TK is considerable, the need to protect TK is important.

The traditional knowledge of indigenous peoples are being used by western companies, eager to develop new products. Indigenous peoples are increasingly tested with the challenge of protecting their intellectual property rights, and, more specifically, their traditional knowledge and resources, against outside exploitation, generic imitations, and unfair patent challenges.

IP rights should guarantee both an individual's and a group's right to protect and benefit from its own cultural discoveries, creations, and products. But general IP regimes have focused on protecting and promoting the economic exploitation of inventions with the

[10]Proponents of this view rely upon instruments like UDHR. By Art 27: '(1) Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits. (2) Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author'

rationale that this promotes innovation and research. IP law often unintentionally facilitates and reinforces a process of economic exploitation and cultural destruction.

It is based on notions of individual property ownership, a concept that is often unfamiliar and can be unfavorable to many local and indigenous communities. An important purpose of recognizing private property rights is to enable individuals to benefit from the products of their intellect by rewarding creativity and encouraging further innovation and invention. But in many indigenous world-views, any such property rights, if they are recognized at all, should be extended to the entire community. They are tools of preserving and developing group identity as well as group survival, rather than promoting or encouraging individual economic gain.

Problems experienced by indigenous peoples in trying to protect their traditional knowledge under IP laws stuck mainly from the failure of traditional knowledge to satisfy requirements for intellectual protections. Otherwise, where intellectual property protection could potentially apply to such knowledge, the unaffordable costs of registering and defending a patent or other intellectual property right may restrain effective protection. There has been a clear bias in the maneuver of these laws in favor of the creative efforts of corporations, for example, pharmaceutical and other industries in industrialized nations.

Inside the context of scientific development, modern IP laws have allowed these industries to monopolize the benefits derived from their use of indigenous knowledge with neglect the moral rights and material (financial) interests of indigenous peoples themselves. Many incompatibilities between TK and IPRs have begun to surface with the rapid global acceptance of concepts and standards for IP. These incompatibilities appear when ownership of TK is inappropriately claimed or TK is used by individuals or corporations that belongs to local communities, primarily in developing countries.

For instances bio piracy which often used to describe the misuse of knowledge and/or biological materials from traditional communities. With rapidly globalizing IPR regime, situations of bio piracy are becoming increasingly evident. The specifics of these

examples are complicated and technical, but it is not an exaggeration to suggest that many more inconsistencies will develop between traditional knowledge and the IPR regime negatively affecting indigenous communities.

A major concern is that corporations will continue to adapt, incorporate, build upon, or directly claim indigenous knowledge without acknowledgement or compensation for the communities that developed the knowledge. In turn, this means that knowledge about cultivation and harvesting of certain plants and crops that are indigenous to certain regions and consumed by certain populations can be passed down from generation to generation while, in the same time, be protected.

Geographical indications protection in Europe Union have given local producers in Europe a greater piece of the regional, national, and international markets, the focus being on rural development through recognition of quality and reputation based on locality. If it's applied in other continent, this would certainly also benefit indigenous populations in rural areas who tend to be more marginalized.

II.1.The General Idea of Geographical Indication

Having known for centuries, unfortunately the conceptual, institutional, and epistemic of geographical indication GI are completely mess, overlapping and conflict each other.[11]Historically speaking, GI is known to be the earliest type of trademark[12]as it has been widely used in Europe, and it can even be traced back to 1222 AD that Charter Seven of Yugoslavia had some regulations about wine.[13] Later on for some decades it had been less popular in any discussion and ceased to develop while in the same times other intellectual properties branches significantly developed. Basically,the approaches for protection of geographical indication are used at certain locality level. However, since most of the national laws have failed to protect it when the infringement occurred outside of national law competency, GI now does need international legal framework

[11]GangjeeDev, Relocating the Law of Geographical Indications, Cambridge University Press, London, 2012, p 1.

[12]Bernard O' Connor, The Law of Geographical Indications, Cameron May Ltd, 2007, p.21

[13]Ibid, p. 27

Generally, the protection of geographical indication in international law starts from general protection of industrial property in 1883 when Paris Convention offered protections of Indication of Source (IS), continued by specific regulations about indication of source on good covered by the duo of Madrid Agreement (AO) and the Stresa Convention in 1951 which gave it dual identities not only as appellation of origin, but also as indication of source for products, supplanted by the Europe Commission which later developed the EU's Protected Designation of Origin (PDO).

The Lisbon Agreement year 1958 was specifically designed to protect appellations of origin, before the World Intellectual Property Organization (here in after WIPO) introduced international registration for GI and also prepared the Model Law of Geographical Indication as the standard for national law to set GI protection. This regulation was adjusted to local condition as well as to the TRIPS Agreements which lay down some basic rules to protect intellectual property rights including geographical indication.

Even though WIPO has introduced a set of rules for the international registration of GI, WIPO still lets the countries to regulate GI to make it harmonious with their own national laws. However, in Australia and Germany the GI is protected under the atmosphere of unfair competition as it is protected by passing it off in United Kingdom. Also, it is regulated under a trademark law with various references, such as geographical, collective, and certification. Regarding this situation, some countries then established a *sui generis* system to cover the GI. Therefore, several concepts in some extent lead to possibilities of disputes because it is not only about the protection, but also the definition of GI which also varies since there is no yet one generally accepted terminology for its[14] uniform definition.

However, GI is mostly defined as signs (mostly used as proper names) which identify the origin of certain product either it is from certain territorry of a particular country, or

[14] WTO surveys of national laws identified 23 nationals definition applied to this area see annex B to the WTO: Review under section 24.2 of the application of the provision of the section of the TRIPS Agreement on Geographical Indication, 24 November 2003 (IP/C/W/253/Rev.1). Ibid, p 3.

a region or locality in that country, where a given quality, reputation, or other characteristics of the product essentially attributable to its geographical origin.[15]

There are three major conditions for the recognition of a sign as the geographical indication.[16]

a) It must be related to a product,[17]
b) This product must originate in a defined area,
c) This product must have qualities, reputation, or other characteristics which are clearly linked to the geographical origins of the product.

Generally, traders and consumers recognize two terms to indicate the origin of certain product, namely *indications of source* and *appellations of origin*.

a) Indications of source refer to a sign that simply indicates that product originates in specific geographical region, such as "Made in Japan", "Made in Indonesia", Product of USA", or "Swiss Made".
b) Appellations of origin refer to a sign that indicates that product originates in specific region, but limited to those cases where the characteristic qualities of the product are due to geographical environment, including natural and human factors, of that origin, for example "Roquefort".

GI emerged as a new term generally known by most countries in the world today [18] which try to hold all forms of protection indicating geographical origin, including both indication of source and appellation of origin.

There are three articles within the TRIPS Agreement that address geographical indications in particular, and these will be discussed briefly.

1) Article 22 addresses the need to protect geographical indications. Paragraph 2 states that: "In respect of geographical indications, Members shall provide the legal means for interested parties to prevent:

[15]WIPO Intellectual Property Handbook Part I, Geographical indication and TRIPS: 10 years later, WIPO Publication No. 489 (E), 2004, p 1.

[16]Ibid, p 1. Any sign, even geographical, may not be considered as a geographical indication if it does not fulfill these three conditions

[17]In some countries services also included, for example in Azerbaijan, Bahrain, Croatia, Jamaica, Saint Lucia, Singapore and others

[18]At least 160 countries provide protection of geographical indication legally as describe in the WIPO Intellectual Property Handbook Part II.

(a) the use of any means in the designation or presentation of a good that indicates or suggests that the good in question originates in a geographical area other than the true place of origin in a manner which misleads the public as to the geographical origin of the good;

(b) any use which constitutes an act of unfair competition within the meaning of Article 10bis of the Paris Convention (1967)."[19]

When a connection between the actual characteristics of the product can be made with the geographical location of origin, protection of the indication is granted. Moreover, this article addresses the importance of making sure that consumers are protected from false advertising, that is, from names that make it seem like the product is from a particular region when, in fact, it is not. WTO member countries cannot use false or deceptive indications and individuals and countries are prohibited from registering false appellations.

2) Article 23 provides additional protection of geographical indications, dealing specifically with wines and spirits. Again, false appellations are prohibited; however, in this case, the prohibition deals directly with the wine and spirit industry. "Even when the true origin of the goods is indicated or the geographic indication is used in translation or accompanied by expressions such as 'kind', 'type', 'style, 'imitation', or the like"[20], the appellation cannot be used. As a result, countries and individuals must make sure not to mislead consumers by adding extra information to the labels on wines and spirits in order to get around copying or imitating another product. Additionally, it states that, "in the case of homonymous geographical indications for wines, protection shall be accorded to each indication, subject to the provisions of paragraph 4 of Article 22. Each Member shall determine the practical conditions under which the homonymous indications in question will be differentiated from each other, taking into account

[19] TRIPS Agreement on Trade-Related Aspects of Intellectual Property Rights, Section 3: Geographical Indications, http://www.wto.org/english/tratop_e/trips_e/t_agm0_e.htm.

[20] TRIPS Agreement on Trade-Related Aspects of Intellectual Property Rights, Section 3: Geographical Indications, http://www.wto.org/english/tratop_e/trips_e/t_agm0_e.htm.

the need to ensure equitable treatment of the producers concerned and that consumers are not misled".[21]

3) Article 24 addresses international negotiations in particular. It "calls for continued negotiations to further protect geographical indications for wines. The Council is ultimately responsible for the review and compliance of the measures and standards put forth in the above mentioned Articles. Moreover, members agree not to lessen protection for geographical indications that existed in their respective countries prior to the World Trade Organization Agreement". Furthermore, this article deals with cases in which members are not required to acknowledge already existing geographical indications. If a country used a certain appellation for ten or more years before the Uruguay Rounds took place, another country is allowed to use thesame appellation. Additionally, if a country uses an existing appellation in "good faith", it may continue to use it as well.

II.2 Protection of Traditional Knowledge under Geographical Indication

Though most of the systems of IP protection are individualized, some IP rights, such as regional based trademarksand GI, are based on the concept of collective rights. While copyright and patents are intended to reward investments in innovation, GI reward producers who invest in building the reputation of a product.10 GI are especially suitable for use by communities because based upon collective traditions and a collective decision-making process, protect and reward traditions while allowing evolution, designed to reward goodwill and reputation created over many years or even centuries, reward producers who maintain a traditional high standard of quality, do not confer a monopoly right over the use of certain information, but simply limit the class of people who can use a certain symbol and not freely transferable from one owner to another and can be recognized as long as the collective tradition is maintained.

Further, GIs are particularly useful in cases where supply is through traditional small-scale production and products are marketed directly to consumers. GIs allow small local

[21] TRIPS Agreement on Trade-Related Aspects of Intellectual Property Rights, Section 3: Geographical Indications, http://www.wto.org/english/tratop_e/trips_e/t_agm0_e.htm.

producers to enhance their reputations, and sell directly to final users, thus competing more effectively against large corporations. However, GI can be used to protect only certain kinds of TK.

1) First, GI identifies a 'good'. This would exclude all intangible forms of TK such as methods of medical treatment, techniques for dyeing cloth, folk music, and dances. However, a GI may be obtained for products as result of the process of intangible forms of TK such as a resulting medicine or dye or the recorded versions of songs and dances.
2) Secondly, GI protection is of assistance only where the knowledge is associated with a defined geographical area. Thus, if the knowledge is scattered perhaps GI cannot be used, as an example The TenunIkat, many areas claimed to have TenunIkat knowledge hence its complicated to defined which area will be the right holders.

   However, there may be exceptions to thisif the specificity is strong as an exampletheSikkaIkat Woven[22]whereas many other local weaving communities switched to industrial or synthetic yarn and chemical dyes (in the objective of saving time andto reduce cost production), many Ikat producers in Sikka, still use traditional handspun cotton yarn, and colored it with natural dyes. These dyes arefrom local plants or roots (Nyla leaf for blue and black, Mengkudu root for red…).

   The use of local cotton and local plants as dyes reinforce the link with the terroir, whichstands also by the territorial anchorage of the specific know-how.Moreover, the SikkaIkat is recognizable thanks to its specific colors and motifs. Main basecolors are dark brown (obtained from noni root) and black with variants of blue (indigo leaf), red (jack fruit bark), yellow (turmeric), and white (original cotton colour). Motif dominatedby lines type combined by cube or flower types as well as lizard animal. Basic motifs for SikkaIkat woven such as dragon, deer, peacock, morning star, pair of horse ride by men, and pelican.

[22]Based on Indonesian – Swiss Intellectual Property (ISIP) Project, Objective 7: Study on Potential of GIs and selection of 4 specific products for support Report of the 1st mission (16th to 31st of October, 2012)

Each SikkaIkat woven consists of two motifs, a main motif and an additional one. Local people as well as local buyers are able to describe and recognize well theproduct'stypicality.Consequently, even if it is also the case for others Ikats (Sumba ikat for instance), Sikkaikatis well known at local, regional and national levels.

It may be possible to treat 'SikkaIkat' as a manufactured good and argue that the activity of preparation takes place in the defined area. This is because, according to the GI Act, a GI can be obtained for a manufactured product if at least one of the activities of either the production or processing or preparation of the goods concerned takes place in the defined territory. Thus it is possible to have a GI for 'SikkaIkat Woven'.

3) Thirdly, the good must enjoy a commercial reputation.
And also goes for SikkaIkat, the products are not only sold locally but also at provincial level (in Kupang) and national level (in Bali and Jakarta). A number of national fashion designers in Jakarta used Sikkaikat for developing their product creations. Sikkaikat is also recognized well by art and antique woven collectors in Jakarta therefore it known better than other Sikka from Nusa Tenggara area.This is because a GI merely signifies the true source of the good, and if the source is not important to the consumer, protection by means of a GI is immaterial. It has been suggested that the representatives of interested local communities must first survey the industry and consumer groups regarding the market demands for various indigenous products because a significant market for the product is an essential criterion for use of a GI.

GI cannot be used to protect all of traditional knowledge because most of this knowledge enjoys a reputation only in neighboring areas, with the result that it can be easily misappropriated and marketed under a different name. A GI would be of hardly any use for such products.

III. Conclusion

1. Human Rights, Traditional Knowledge (TK) and Geographical Indication (GI) share unavoidable developing link that Geographical Indication may protect Traditional Knowledge as one of indigenous people right through protect its traditional knowledge products.
2. Intellectual property rights can actually benefit traditional knowledge holders by promoting both their material and moral interests via geographical indication (GI) regime.
3. GI can be effectively used for the protection of certain kinds of TK, however it appears to be insufficient. GIs cannot prevent disrespectful use of TK or its fraud; nordo it contain any explicit mechanism for benefit-sharing. TK is more in the nature of a service than a good. It often consists of processes which have more to do with human factors than natural factors. GI is unable to protect them completely.

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