



ILE MULTIDISCIPLINARY JOURNAL

VOLUME 4 AND ISSUE 1 OF 2025

INSTITUTE OF LEGAL EDUCATION



ILE MULTIDISCIPLINARY
JOURNAL

WHILE THERE'S RESEARCH THERE'S HOPE

ILE MULTIDISCIPLINARY JOURNAL

APIS – 3920 – 0007 | ISSN – 2583-7230

(OPEN ACCESS JOURNAL)

Journal's Home Page – <https://mj.ilededu.in/>

Journal's Editorial Page – <https://mj.ilededu.in/editorial-board/>

Volume 4 and Issue 1 (Access Full Issue on – <https://mj.ilededu.in/category/volume-4-and-issue-1-of-2025/>)

Publisher

Prasanna S,

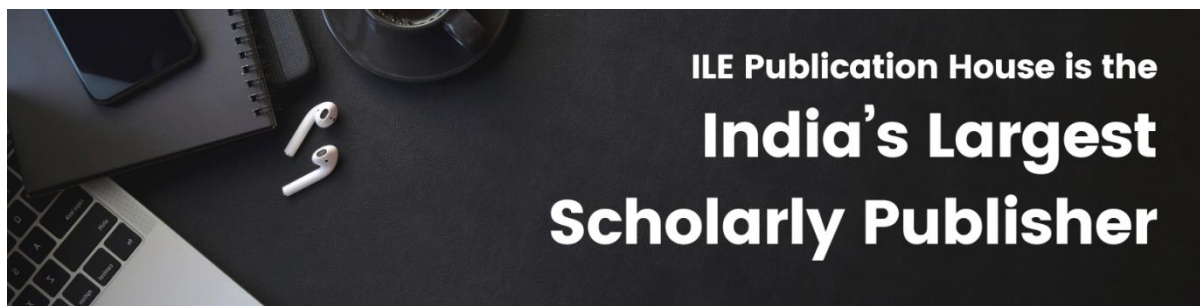
Chairman of Institute of Legal Education

No. 08, Arul Nagar, Seera Thoppu,

Maudhanda Kurichi, Srirangam,

Tiruchirappalli – 620102

Phone : +91 94896 71437 – info@ilededu.in / Chairman@ilededu.in



© Institute of Legal Education

Copyright Disclaimer: All rights are reserve with Institute of Legal Education. No part of the material published on this website (Articles or Research Papers including those published in this journal) may be reproduced, distributed, or transmitted in any form or by any means, including photocopying, recording, or other electronic or mechanical methods, without the prior written permission of the publisher. For more details refer <https://mj.ilededu.in/terms-and-condition/>



INTELLECTUAL PROPERTY RIGHTS AND TRADITIONAL MEDICINE: CHALLENGES AND OPPORTUNITIES IN THE AYUSH SYSTEM

AUTHOR – ANANYA SHIJO, STUDENT AT UNITEDWORLD SCHOOL OF LAW, KARNAVATI UNIVERSITY

BEST CITATION – ANANYA SHIJO, INTELLECTUAL PROPERTY RIGHTS AND TRADITIONAL MEDICINE: CHALLENGES AND OPPORTUNITIES IN THE AYUSH SYSTEM, ILE MULTIDISCIPLINARY JOURNAL, 4 (1) OF 2025, PG. 809-818, APIS – 3920-0007 | ISSN – 2583-7230.

ABSTRACT: -

This abstract explores the intricate relationship between Intellectual Property Rights (IPR) and traditional medicine within the AYUSH system, focusing on the challenges and opportunities it presents for law students. The AYUSH system, which encompasses Ayurveda, Yoga, Unani, Siddha, and Homeopathy, is rich in traditional knowledge that has often remained unprotected, leaving it vulnerable to exploitation and misappropriation. Key challenges include the lack of adequate legal frameworks that specifically address the unique aspects of traditional medicine, the difficulties in proving prior art, and the risk of biopiracy. Conversely, there are significant opportunities for law students to engage in policy development, advocate for stronger protections, and promote ethical practices in the commercialization of traditional knowledge. By examining case studies and current legal reforms, this paper aims to highlight the role of intellectual property law in safeguarding traditional medicine while ensuring equitable access to its benefits. Ultimately, the intersection of IPR and traditional medicine in the AYUSH system presents a dynamic field for legal exploration and innovation, with implications for cultural preservation, healthcare equity, and sustainable development. Conversely, there are substantial opportunities for law students to contribute to this evolving field. By engaging in research and advocacy, students can play a pivotal role in shaping policies that recognize and protect traditional knowledge.

INTRODUCTION: -

Intellectual Property Rights (IPR) and traditional medicine, particularly within the AYUSH (Ayurveda, Yoga, Unani, Siddha, and Homeopathy) system, present a complex interplay of challenges and opportunities. As law students, understanding this dynamic is crucial in navigating the legal landscape that governs traditional knowledge and its commercialization. Traditional medicine, rooted in centuries of cultural heritage, often lacks formal documentation, raising concerns about its protection under current IPR frameworks. This ambiguity leads to potential misappropriation by pharmaceutical companies, where indigenous knowledge is utilized without fair compensation or acknowledgment. The

challenge lies in reconciling the need for innovation and the rights of traditional healers and communities who have preserved this knowledge over generations. Conversely, the AYUSH system offers significant opportunities for patenting and other forms of intellectual property protection. By establishing frameworks that recognize and protect traditional knowledge, India can empower local communities and promote sustainable practices. Legal mechanisms, such as geographical indications and traditional knowledge databases, can be employed to safeguard these practices while encouraging ethical research and development.

The RESEARCH QUESTIONS of this paper are as follows:



1. How do existing Intellectual Property Rights frameworks impact the documentation and commercialization of traditional medicinal knowledge within the AYUSH system, and what reforms are necessary to balance the protection of indigenous knowledge with the interests of innovation and public health?
2. In what ways can the integration of traditional medicine practices under the AYUSH system into international patent systems enhance or hinder the preservation of cultural heritage and biodiversity, particularly in light of recent developments in global health policies?

LITERATURE REVIEW: –

Sr. No	Nature of Literature	Name of Literature	Covered/Review	Research Gap	Intended Research
1.	Report	T. C. James, "Traditional Medicine and Intellectual Property Rights Law and Policy Perspectives", November 2022	Highlights the legal frameworks that govern the protection of traditional knowledge within the AYUSH system. The paper discusses various policy perspectives, emphasizing the importance of safeguarding indigenous medicinal practices while addressing the challenges posed by globalization and commercialization. This book stresses that the environment in which the well-known brands operate should provide more protection against dilution, especially	While the article discusses theoretical frameworks, it lacks in-depth case studies on the practical challenges faced by traditional medicine practitioners in protecting their knowledge under current IPR laws. There is limited analysis on the socio-economic impacts of IPR enforcement on communities that rely on traditional medicine, particularly in terms of access to healthcare and preservation of biodiversity.	Conduct empirical research through case studies of specific communities within the AYUSH system to analyze the real-world effects of IPR laws on their traditional practices and knowledge preservation. Investigate the socio-economic ramifications of IPR enforcement on indigenous communities, examining access to resources and healthcare as well as the sustainability of traditional practices.



			in situations where there is no immediate risk of confusion. The book thus provides a comprehensive study on trademark dilution, and it stresses how important this is to the protection of valuable brands.		
2.	Website	World Intellectual Property Organization, "Intellectual Property and Traditional Medical Knowledge"	The WIPO publication provides an extensive examination of the relationship between intellectual property (IP) and traditional medical knowledge (TMK).	There is limited analysis of the perspectives of various stakeholders, including indigenous communities, policymakers, and pharmaceutical companies, regarding the effectiveness and fairness of existing IP frameworks.	Explore the long-term implications of IP protections on traditional medicine practices and biodiversity, assessing how these protections affect community dynamics, resource access, and the preservation of indigenous knowledge.
3.	Research Paper	Prof. Sachin Chaturvedi, "Ayush Sector in India: Prospects and Challenges"	The article analyses the regulatory framework governing AYUSH practices and highlights the importance of integrating traditional medicine into the broader healthcare	The article lacks detailed case studies that assess the socio-economic impacts of AYUSH practices on local communities, particularly in terms of access to healthcare and economic opportunities.	Conduct a comprehensive analysis of existing policies impacting the AYUSH sector, identifying strengths and weaknesses, and proposing actionable reforms to enhance regulatory support.



			system.		
4.	Research Paper	Karin Timmermans, "Intellectual Property Rights and Traditional Medicine", September 2003	The work discusses various forms of IPR, including patents, copyrights, and trade secrets, and evaluates their applicability to traditional medical practices. Timmermans highlights the challenges faced by indigenous communities in safeguarding their knowledge from appropriation and the need for legal mechanisms that recognize and respect traditional practices.	The article primarily offers theoretical discussions, lacking empirical case studies that illustrate the practical implications of IPR on traditional medicine in specific communities. The article does not thoroughly analyze the potential impact of IPR on innovation within traditional medicine, including how these rights may either encourage or stifle the development of new treatments.	Conduct qualitative research through case studies of specific indigenous communities to examine the practical effects of IPR on the preservation and commercialization of their traditional medical knowledge. Investigate how different nations regulate IPR concerning traditional medicine, analyzing their successes and failures to inform policy recommendations for a more equitable approach.
5.	Research Paper	Anand Chaudhary, "Intellectual property rights and patents in perspective of Ayurveda", March 2012	The work outlines the unique challenges faced by Ayurvedic practitioners in navigating the patent system, emphasizing the need for a balance between protecting traditional	The work lacks a thorough examination of the long-term impacts of patenting Ayurvedic knowledge on local communities, particularly concerning	Investigate the socio-economic effects of patenting Ayurvedic knowledge on local communities, examining issues related to access to traditional medicines, the benefits of



			knowledge and fostering innovation. Chaudhary discusses the legal frameworks that govern patents in India, particularly in the context of Ayurveda, and highlights specific case studies where Ayurvedic formulations have been patented.	access to traditional remedies and the commercialization of their cultural heritage. The article does not provide an in-depth exploration of the practical challenges faced by Ayurvedic practitioners when applying for patents, such as the bureaucratic processes and costs involved.	commercialization, and the preservation of cultural heritage. Conduct empirical research to analyze the patent application process for Ayurvedic formulations, identifying key obstacles faced by practitioners and potential solutions to streamline the process.
6.	Research Paper	Saiket Sen, "Traditional Knowledge Digital Library: A distinctive approach to protect and promote Indian Indigenous medicinal treasure", May 2014	The work discusses how the TKDL functions as a repository that documents traditional knowledge related to Ayurveda, Siddha, and other traditional systems of medicine, aiming to prevent bio-piracy and unauthorized patenting of indigenous knowledge. Sen analyzes the technological and legal frameworks that support the TKDL, emphasizing its role in bridging the gap between	The work lacks a comparative analysis of similar digital repositories in other countries, which could provide insights into best practices and potential improvements for the TKDL. There is limited exploration of the actual impact of the TKDL on preventing bio-piracy and enhancing the economic benefits for communities that hold traditional knowledge.	Investigate the tangible outcomes of the TKDL in terms of reducing instances of bio-piracy and improving economic opportunities for indigenous knowledge holders, utilizing case studies and statistical analyses. Examine digital repositories for traditional knowledge in other countries, analyzing their structures, successes, and challenges, and identifying lessons that could



			traditional knowledge and contemporary intellectual property rights (IPR).	enhance the TKDL's effectiveness.
--	--	--	--	-----------------------------------

RESEARCH METHODOLOGY: –

The work is based on doctrinal research, which analyses legal material like statutes, judicial rulings, etc. The approach is to interpret statutes through arguments, precedents, and rulings. Further, by reviewing many relevant articles, websites, and journals, the research paper has been noted. It focuses on Traditional medicine with challenges and opportunities in AYUSH.

TRADITIONAL KNOWLEDGE ABOUT INTELLECTUAL PROPERTY: –

Traditional knowledge or Indigenous knowledge is developed by well-developed local Indigenous communities whose long-standing customs and practices are followed from generation to generation. Studies into humanism's origins, behavior, and development in prehistoric and modern societies led to the recognition of traditional knowledge⁵³². The adoption of traditional knowledge by international organizations, like the UN, has resulted in its widespread appreciation and recognition⁵³³. TK is collectively held and passed down through generations, complicating its classification under existing IPR frameworks like patents and copyrights. The risk of bio-piracy is significant, as corporations may exploit traditional knowledge without proper acknowledgment or compensation to the originating communities⁵³⁴. For instance, companies may patent herbal remedies derived from indigenous knowledge, leading to

financial gain while depriving communities of their rights. Current IPR mechanisms such as geographical indications can offer some protection for specific products linked to their geographic origins, but they do not fully address the complexities of TK.

Traditional Knowledge Digital Library: –

The Traditional Knowledge Digital Library (TKDL) is a pioneering initiative of India, under the joint collaboration of the Council of Scientific and Industrial Research (CSIR) and Ministry of Ayurveda, Yoga & Naturopathy, Unani, Siddha, Sowa Rippa and Homoeopathy (AYUSH), to prevent exploitation and to protect Indian traditional knowledge at Patent Offices worldwide. Traditional Knowledge (TK) is a valuable yet vulnerable asset to indigenous and local communities who depend on TK for their livelihood. To elucidate, the healthcare needs of more than 70% population and livelihood of millions of people in India is dependent on traditional medicine. Globally too there has been renewed attention and interest in the use of traditional medicine increasing its vulnerability to exploitation⁵³⁵. The Traditional Knowledge Digital Library (TKDL) is an innovative initiative aimed at safeguarding traditional knowledge, particularly in the context of Indian medicinal systems like Ayurveda, Siddha, and Unani⁵³⁶. Established to prevent bio-piracy and unauthorized patenting, the TKDL serves as a

⁵³² "https://academic.oup.com/book/698/chapter-abstract/135374553?redirectedFrom=fulltext (last visited Nov 11, 2024)"

⁵³³ "Vajiraman and ravi, 'Traditional Knowledge', *Traditional Knowledge: Definition, Threats & India's Initiatives*"

⁵³⁴ "Rachel Wynberg, *Biopiracy: Crying wolf or a lever for equity and conservation?*, 52 Research Policy 104674 (2023), <https://www.sciencedirect.com/science/article/pii/S0048733322001950> (last visited Nov 11, 2024)"

⁵³⁵ "CSIR, 'Traditional Knowledge Digital Library Unit (TKDL)', <https://www.bing.com/ck/a?!&&p=7263629bed11a0c1905def43b7916863ec51b9efc1e542383f5e826f6ff0161ajmldHM9MTczMDY3ODQwMA&ptn=3&ver=2&hsh=4&fclid=1cb89cba-c1e5-6515-1f91-8ff3c0576493&psq=research+paper+on+traditional+knowledge+digital+library&u=a1aHR0cHM6Ly93d3cuY3Npci5yZXMuW4vZG9jdW1lbnRzL3RrZGw&ntb=1>"

⁵³⁶ "Traditional Knowledge Digital Library Unit (TKDL) | Council of Scientific & Industrial Research, <https://www.csir.res.in/documents/tkdl> (last visited Nov 11, 2024)"



comprehensive repository that documents indigenous knowledge and practices, making it accessible to researchers, policymakers, and patent examiners. One of the key features of the TKDL is its digital format, which allows for the systematic categorization of traditional knowledge into a structured database⁵³⁷. This enables the efficient retrieval of information related to medicinal formulations, practices, and other cultural knowledge. By providing evidence of prior art, the TKDL plays a critical role in patent examinations, helping to thwart claims that might otherwise exploit traditional knowledge without consent. From a legal perspective, the TKDL addresses significant gaps in existing intellectual property rights (IPR) frameworks by recognizing the collective nature of traditional knowledge. It also supports the development of sui generis laws tailored to protect the rights of indigenous communities. Ultimately, the TKDL represents a proactive approach to balancing the protection of traditional knowledge with the promotion of innovation, fostering respect for cultural heritage while enabling economic opportunities for Indigenous communities.

Traditional Knowledge Resource Classification: –

A comprehensive initiative was spearheaded by the Department of Indian Systems of Medicine and Homeopathy (ISMH). It set up an interdisciplinary task force, known as the TKDL task force, by drawing experts from the Central Council of Research of Ayurveda and Siddha, Banaras Hindu University, National Informatics Centre, Council of Scientific & Industrial Research and Controller General of Patents and Trade Marks. The Task Force evolved a scientific classification approach known as Traditional Knowledge Resource Classification (TKRC). This would enable the retrieval of information on Traditional Knowledge scientifically and rationally. The structure of TKRC would be similar to that commonly used for classifying

modern innovations, which enables an easy linkage with the International Patent Classification (IPC). All the patent examiners around the world use IPC during patent examination. WIPO set up a Traditional Knowledge Task Force consisting of the US, Japan, the European Union, China, and India. The Indian proposal for creating TKRC was presented to them. All members of the Task Force have already initiated its work⁵³⁸.

Relevance to Traditional Medicine: –

Traditional medicine has a long history. It is the sum of the knowledge, skills, and practices based on the theories, beliefs, and experiences Indigenous to different cultures, whether explicable or not, used in the maintenance of health and the prevention, diagnosis, improvement, or treatment of physical and mental illness⁵³⁹. From a legal perspective, the increasing recognition of traditional medicine underscores the importance of protecting traditional knowledge and intellectual property rights⁵⁴⁰. As global interest in alternative medicine rises, there is a risk of bio-piracy, where companies may exploit traditional remedies without appropriate acknowledgment or compensation to the originating communities. This highlights the need for robust legal frameworks that safeguard indigenous practices while fostering innovation and ethical research. Moreover, traditional medicine can play a crucial role in promoting sustainable healthcare. Many traditional practices utilize

⁵³⁸ Research Gate, 'Indian Traditional Medicine and its Protection: A Global Perspective', (March 2023), (PDF) <https://www.researchgate.net/publication/36840366001c345f8e0526d99232fbed636d14994ec7d7831de5JmldtHM9MTczMDY3ODQwMA&ptn=3&ver=2&hsh=4&fclid=1cb89cba-c1e5-6515-1f91-8ff3c0576493&psq=traditional+medicine+in+context+of+traditional+knowledge&u=a1aHR0cHM6Ly93d3cud2hvlmludC9uZXdzLXJvb20vcXVlc3Rp b25zLWFuZC1hbnN3ZXJzL2l0ZW0vdHJhZGloaW9uYyWwtbWVkaWNpb mUjOn46dGV4dD1UcmFkaXRpb25hbCUyMG1lZGljaW5lJTlwaGFzJTlwa YSUyMGxvbmclMjBoaXN0b3J5LiUyMEl0JTlwaXMsaW1wcm92ZW1lbnQ lMjBvcUyMHRyZWV0bWVudCUyMG9mJTlwcGh5c2ljYWw1MjBhbmQl MjBtZW50YWw1MjBpbGxuZXNzLg&ntb=1>

⁵³⁹ "World Health Organization, 'Traditional Medicine', <https://www.bing.com/ck/a?!&&p=99e2b74459cf78440366001c345f8e0526d99232fbed636d14994ec7d7831de5JmldtHM9MTczMDY3ODQwMA&ptn=3&ver=2&hsh=4&fclid=1cb89cba-c1e5-6515-1f91-8ff3c0576493&psq=traditional+medicine+in+context+of+traditional+knowledge&u=a1aHR0cHM6Ly93d3cud2hvlmludC9uZXdzLXJvb20vcXVlc3Rp b25zLWFuZC1hbnN3ZXJzL2l0ZW0vdHJhZGloaW9uYyWwtbWVkaWNpb mUjOn46dGV4dD1UcmFkaXRpb25hbCUyMG1lZGljaW5lJTlwaGFzJTlwa YSUyMGxvbmclMjBoaXN0b3J5LiUyMEl0JTlwaXMsaW1wcm92ZW1lbnQ lMjBvcUyMHRyZWV0bWVudCUyMG9mJTlwcGh5c2ljYWw1MjBhbmQl MjBtZW50YWw1MjBpbGxuZXNzLg&ntb=1>

⁵⁴⁰ "Intellectual Property Rights and Protection of Traditional Knowledge: A General Indian Perspective SCC Times, <https://www.scconline.com/blog/post/2020/06/22/intellectual-property-rights-and-protection-of-traditional-knowledge-a-general-indian-perspective/> (last visited Nov 11, 2024)"

⁵³⁷ "Martin Fredriksson, *India's Traditional Knowledge Digital Library and the Politics of Patent Classifications*, 34 *Law and Critique* 1–19 (2023), <https://doi.org/10.1007/s10978-021-09299-7> (last visited Nov 11, 2024)"



local resources, contributing to biodiversity conservation and sustainable development⁵⁴¹.

AN OVERVIEW OF THE TERM AYUSH IN CONTEXT OF TRADITIONAL KNOWLEDGE: –

AYUSH systems, particularly Ayurveda, Siddha, and Yoga being indigenous to India, are regarded as the oldest healthcare systems in the world. These systems constitute both products and services⁵⁴². AYUSH is an acronym that represents a collective of traditional systems of medicine in India, encompassing Ayurveda, Yoga & Naturopathy, Unani, Siddha, and Homeopathy. Each of these disciplines has its unique principles, practices, and historical contexts, but they share a common foundation in the holistic understanding of health and wellness. AYUSH emphasizes preventive care, natural remedies, and the integration of body, mind, and spirit, reflecting the rich cultural heritage and knowledge systems that have evolved over thousands of years. The relevance of AYUSH in the context of traditional knowledge is profound, particularly regarding the protection and promotion of indigenous practices. Traditional knowledge encompasses the wisdom, skills, and practices that communities have developed over generations, often in harmony with their local environment. The AYUSH systems are deeply rooted in this traditional knowledge, drawing from indigenous practices that prioritize natural resources and sustainable health solutions. As global interest in alternative medicine grows, there is a critical need to safeguard this knowledge from appropriation and exploitation. Moreover, the integration of AYUSH into national health policies can enhance healthcare accessibility, improve public health outcomes, and promote the sustainable use of biological resources.

CHALLENGES FACED WHILE PROTECTING TRADITIONAL MEDICINE: –

In attempting to protect traditional medicine, traditional knowledge holders are confronted by a confusing and diverse group of national and international policies, regulatory systems designed primarily to accommodate pharmaceutical medicines, safety and efficacy concerns, and challenges to ownership⁵⁴³.

1. Intellectual Property Issues

Traditional medicine (TM) often lacks formal documentation and clear ownership, which creates difficulties in applying conventional intellectual property (IP) protections like patents, copyrights, or trademarks. TM knowledge is typically passed down orally within indigenous communities, and as such, it may not meet the criteria for patentability or other IP rights. This leaves traditional knowledge vulnerable to exploitation by corporations or researchers who use it to develop commercial products without compensating the original knowledge holders. The issue of “biopiracy” arises when traditional knowledge is taken without consent, leading to calls for stronger legal frameworks that protect indigenous intellectual property.

2. Cultural and Ethical Challenges

Traditional medicine is deeply embedded in the cultural and spiritual practices of indigenous peoples. Legal systems often fail to recognize the holistic and community-centered nature of TM, which is more than just a set of medicinal practices⁵⁴⁴. While IP laws are typically designed to protect individual or corporate interests, they often do not account for the collective and intergenerational nature of TM.

3. Regulatory Gaps

There is a lack of standardized regulations for the use and protection of traditional medicine across countries⁵⁴⁵. While some nations, like

⁵⁴¹ “Kamrul Hossain & Rosa Maria Ballardini, *Protecting Indigenous Traditional Knowledge Through a Holistic Principle-Based Approach*, 39 *Nordic Journal of Human Rights* 51–72 (2021), <https://www.tandfonline.com/doi/full/10.1080/18918131.2021.1947449> (last visited Nov 11, 2024)”

⁵⁴² “RIS org, ‘Ayush Sector in India: Prospects and Challenges’, https://www.ris.org.in/sites/default/files/Publication/Ayush%20Study-Public%20Policy%20and%20Economic-FINAL%20REPORT%2028%20OCT_0.pdf”

⁵⁴³ “SSRN, ‘Documenting Traditional Medical Knowledge’, (10 March 2014), <https://ssrn.com/abstract=2459086>”

⁵⁴⁴ “Rachel Sieder, *The Challenge of Indigenous Legal Systems: Beyond Paradigms of Recognition*, 18 *The Brown Journal of World Affairs* 103–114 (2012), <https://www.jstor.org/stable/24590866> (last visited Nov 11, 2024)”

⁵⁴⁵ “Traditional medicine, <https://www.who.int/news-room/questions-and-answers/item/traditional-medicine> (last visited Nov 11, 2024)”



India and China, have legal frameworks that protect and promote TM, others have no regulatory mechanisms in place.

4. Access and Benefit-Sharing

International agreements like the Convention on Biological Diversity (CBD) and the Nagoya Protocol seek to ensure fair access and benefit-sharing (ABS) when traditional knowledge leads to the discovery of new medicines⁵⁴⁶. However, enforcing ABS mechanisms is challenging. Indigenous communities often lack the legal resources and bargaining power to negotiate fair compensation for their knowledge, leaving them vulnerable to exploitation by multinational companies and researchers.

SOLUTIONS AND OPPORTUNITIES IN AYUSH SYSTEM: -

Existing Intellectual Property Rights (IPR) frameworks have significant implications for the documentation and commercialization of traditional medicinal knowledge within the AYUSH system. While IPR aims to protect innovations and incentivize creativity, it often overlooks the communal nature of indigenous knowledge. To balance the protection of indigenous knowledge with the interests of innovation and public health, reforms are necessary⁵⁴⁷. These could include Sui Generis Systems a legal framework specifically designed to protect traditional knowledge, recognizing its communal nature and preventing unauthorized exploitation. Benefit-sharing Agreements ensure that communities benefit from any commercial use of their

knowledge or biological resources, which could be formalized through contracts or collective rights. Documentation and Transparency Governments and academic institutions can assist in documenting traditional knowledge in a way that establishes a clear, verifiable record of ownership.

Integrating traditional medicine practices from the AYUSH system into international patent systems has both potential benefits and challenges for the preservation of cultural heritage and biodiversity. On the one hand, patenting traditional medicines could incentivize research, development, and commercialization, providing financial returns for local communities and promoting access to alternative healthcare solutions globally. Overall, while integrating AYUSH practices into the international patent system may drive innovation and improve global health, it must be done with safeguards to protect cultural heritage, ensure sustainable use of biodiversity, and guarantee that local communities are fairly compensated. Effective regulatory frameworks and international cooperation are essential to achieving these goals.

The opportunities that are increased due to Ayush are Increasing public awareness of natural healthcare is driving demand for AYUSH products, fostering a dynamic market ripe for innovative businesses in the sector. Government initiatives promoting AYUSH education and training aim to foster a skilled workforce, meeting industry demands. The number of MSMEs (Micro, Small, and Medium Enterprises) in the AYUSH industry has seen a significant rise. From just 38,216 in August 2021, the number has grown to 53,023 by January 2023. This represents a jump of nearly 40% in just over a year, indicating the increasing interest and potential within the AYUSH sector⁵⁴⁸.

⁵⁴⁶ “International agreements like the Convention on Biological Diversity (CBD) and the Nagoya Protocol seek to ensure fair access and benefit-sharing (ABS) when traditional knowledge leads to the discovery of new medicines Bing, [https://www.bing.com:9943/search?q=International+agreements+like+the+Convention+on+Biological+Diversity+\(CBD\)+and+the+Nagoya+Protocol+seek+to+ensure+fair+access+and+benefit-sharing+\(ABS\)+when+traditional+knowledge+leads+to+the+discovery+of+new+medicines&q&form=QBRE&sp=-1&lq=1&pq=international+agreements+like+the+convention+on+biological+diversity+\(cbd\)+and+the+nagoya+protocol+seek+to+ensure+fair+access+and+benefit-sharing+\(abs\)+when+traditional+knowledge+leads+to+the+discovery+of+new+medicines&sc=1-218&sk=&cvid=7800B8B444614142B2001392666C93D1&ghsh=0&ghacc=0&ghpl=](https://www.bing.com:9943/search?q=International+agreements+like+the+Convention+on+Biological+Diversity+(CBD)+and+the+Nagoya+Protocol+seek+to+ensure+fair+access+and+benefit-sharing+(ABS)+when+traditional+knowledge+leads+to+the+discovery+of+new+medicines&q&form=QBRE&sp=-1&lq=1&pq=international+agreements+like+the+convention+on+biological+diversity+(cbd)+and+the+nagoya+protocol+seek+to+ensure+fair+access+and+benefit-sharing+(abs)+when+traditional+knowledge+leads+to+the+discovery+of+new+medicines&sc=1-218&sk=&cvid=7800B8B444614142B2001392666C93D1&ghsh=0&ghacc=0&ghpl=) (last visited Nov 11, 2024)”

⁵⁴⁷ “Martin Fredriksson, *Balancing community rights and national interests in international protection of traditional knowledge: a study of India's Traditional Knowledge Digital Library*, 43 Third World Quarterly 352–370 (2022), <https://www.tandfonline.com/doi/full/10.1080/01436597.2021.2019009> (last visited Nov 11, 2024)”

⁵⁴⁸ “IBEF, ‘Opportunities in Ayush System’, *India's Ayush Industry & National AYUSH Mission* | IBEF”



CONCLUSION: –

In conclusion, the intersection of Intellectual Property Rights (IPR) and traditional medicine under the AYUSH system presents both significant challenges and promising opportunities⁵⁴⁹. While existing IPR frameworks often fail to adequately protect the communal and evolving nature of traditional knowledge, reforms such as sui generis protection and benefit-sharing agreements can help safeguard indigenous wisdom.

REFERENCES: –

- <https://fitm.ris.org.in/sites/fitm.ris.org.in/files/Publication/FITM%20Discussion%20Paper%20No-1.pdf>
- <https://www.wipo.int/edocs/pubdocs/en/wipo-pub-rn2023-5-6-en-intellectual-property-and-traditional-medical-knowledge.pdf>
- https://www.ris.org.in/sites/default/files/Publication/Ayush%20Study-Public%20Policy%20and%20Economic-FINAL%20REPORT%2028%20OCT_0.pdf
- https://www.researchgate.net/publication/10695796_Intellectual_Property_Rights_and_Traditional_Medicine
- Anand Chaudhary, *Intellectual property rights and patents in perspective of Ayurveda*, https://www.researchgate.net/publication/232226289_Intellectual_property_rights_and_patents_in_perspective_of_Ayurveda
- Saikat San, *Traditional Knowledge Digital Library: A distinctive approach to protect and promote Indian Indigenous medicinal treasure*, https://www.researchgate.net/publication/272483847_Traditional_Knowledge_Digital_Library_A_distinctive_approach_to_protect_and_promote_Indian_indigenous_medicinal_treasure

BIBLIOGRAPHY: –

- T. C. James, *Traditional Medicine and Intellectual Property Rights Law and Policy Perspectives*, (2022), <https://fitm.ris.org.in/sites/fitm.ris.org.in/files/Publication/FITM%20Discussion%20Paper%20No-1.pdf>

⁵⁴⁹ “Karin Timmermans, *Intellectual property rights and traditional medicine: policy dilemmas at the interface*, 57 *Social Science & Medicine* 745–756 (2003), <https://www.sciencedirect.com/science/article/pii/S0277953602004252> (last visited Nov 11, 2024)”