

The importance of patent regime for the protection of the rights of traditional knowledge keepers in Sri Lanka

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At present, most of the people believe that the valuing and applying of traditional knowledge developed by indigenous people may give vital importance for moving towards the preservation of the global environment and the bio-diversity. Furthermore, it could bring a valuable insight for the development of multiple sectors including health and agriculture. However, discussion on the above topic could not be completed without recourse to the patent law regime, which significantly changed its direction after the evolution of the TRIPS agreement that aims to regulate all type of knowledge under the existing international intellectual property system. Sri Lanka enriches with various forms of indigenous knowledge relating to many areas including agriculture, indigenous medicinal and health care technology and the technology relating to eco-friendly architecture and construction methods. However, even the existing patent law governed under the intellectual property act protects the rights of the inventors as well as the investors, it does not provide an adequate protection for the indigenous people who improve and develop traditional knowledge from generation to generation. Therefore, it is necessary to introduce an appropriate legal framework under the existing Sri Lankan patent law regime to provide an adequate protection to the knowledge developed by Sri Lankan indigenous community in order to give protection to their intellectual property rights. Therefore, whether the existing patent law regime is adequate enough to protect the rights of the indigenous knowledge holders in Sri Lanka? Or, whether is it needed for *sui generis* legal framework to provide a necessary safeguard for this group of people? This is the main research problem. The research will be a combination of the quantitative and qualitative research methods and the qualitative part will be based on the use of the primary and secondary sources including legal instruments and text books and scholarly articles. Moreover, interviews with the indigenous knowledge holders and legal professionals will be conducted quantitatively to enhance the credibility of the research findings.

Keywords: Patent law, Traditional knowledge, Sri Lankan indigenous community