



# INTELLECTUAL PROPERTY SPOTLIGHT

## IS TRADITIONAL KNOWLEDGE PATENTABLE?

The Madras High Court's landmark judgment on July 05, 2024, provides critical insights into the interpretation of Section 3(p) of the Indian Patents Act, 1970 regarding Traditional Knowledge.

### Case Background

The case involved a patent application for an eco-friendly lamp using Panchagavya composition and herbal leaves. The Petitioner argued that combining traditional components in a novel lamp design constitutes an invention. Also, the petitioner claimed that the Invention emits light and had zero carbon emission. The Court disagreed with the Petitioner's submissions.

### Key Legal Interpretation

The Court emphasized several crucial points:

- Definition of Traditional Knowledge:** Drawing from WIPO's definition, the Court characterized Traditional Knowledge as knowledge passed through generations, forming a community's cultural and spiritual identity.
- Purpose of Section 3(p):** The provision aims to prevent monopolization of Traditional Knowledge by excluding inventions that are "in effect" traditional knowledge.
- Patentability Criteria:** An invention incorporating traditional components must demonstrate a significant transformation beyond mere aggregation of known properties.

## INTRODUCTION

We are pleased to present the latest edition of our Intellectual Property Spotlight, sharing important updates, key developments, and practical insights on Intellectual Property, all tailored to help you stay updated in the field of Indian Patent Law.

This edition covers important updates on defining Traditional Knowledge and its Patentability under the Indian Patents Act.

Curated by our IPR Law Practice Group, the page is to keep you updated about the latest developments in this dynamic field.

### Court's Reasoning

- The Panchagavya components are deeply rooted in ancient Ayurvedic practices
- Combining traditional ingredients does not automatically create a patentable invention
- The law protects community-developed knowledge from Intellectual Property appropriation

### Outcome

The Court dismissed the Patent Application, reinforcing India's commitment to protecting its Traditional Knowledge systems.

Read more about the judgement here:  
<https://indiankanoon.org/doc/147461851/>

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