

## Protection of Traditional Medical Knowledge under Intellectual Property Law

Alexandra Alexandrou<sup>1</sup>, Alkinoos Athanasiou<sup>2</sup>, Panagiotis D. Bamidis<sup>2</sup>

<sup>1</sup> School of Humanities, International Hellenic University (IHU),  
57001, Thessaloniki, Greece

<sup>2</sup> Lab of Medical Physics, School of Medicine, Faculty of Health Sciences,  
Aristotle University of Thessaloniki (AUTH), 54124, Thessaloniki, Greece

Intellectual Property (IP) Law constitutes the legal framework that ensures the protection of original creations of the mind against their illicit use and misappropriation. Providing the original creator with his rights constitutes a problem in cases such as traditional knowledge and cultural expressions since the rights over a practice cannot be traced back to specific individuals. Traditional Medical Knowledge (TMK) describes the practices and knowledge gained by native indigenous populations which is passed on from generation to generation and which is conducive towards the development of medicinal research. These forms of medical know-how are multidimensional and are often closely linked to the cultural practices and the national identity of many indigenous populations. The lack of a means of legal protection for this source of knowledge is an issue that touches both upon economic and moral grounds. The industrial exploitation of TMK native to a country may not only undermine that country's economy and facilitate misappropriation; it may also have a negative impact on matters of national identity. This is an issue of ongoing importance, which has not yet been adequately met. Patents (a significant IP protection in the medical field) have little application to TMK. Trade secrets and geographical indications are other such solutions of limited usefulness in the protection of TMK but have been used in some countries alongside with sui generis systems and customary laws or practices. A possible solution example can be examined at initiatives such as the Traditional Knowledge Digital Library, which aims at documenting traditional medical literature on ancient Indian therapeutic practices. It is necessary that based upon current IP resolution methods a new means of protection is provided for that will enable all nationalities to safeguard their cultural diversity whilst respecting medical knowledge dissemination within the framework of a digital era.

Corresponding author: Alexandra Alexandrou, School of Humanities, International Hellenic University (IHU), 57001, Thessaloniki, Greece

Contact email: alexandraalexandrou@gmail.com