

The Estey

Journal of International Law and Trade Policy

Abstract

Is the Protection of Traditional Knowledge Feasible under Intellectual Property Law and Other International Regimes?

Alex Ansong

*Lecturer, Faculty of Law, Ghana Institute of Management and Public Administration
Accra, Ghana*

The concept of intellectual property and the protections granted under intellectual property law in today's globalised world have largely followed a Western view of intellectual property rights. Prior to colonisation or the introduction of Western legal systems in many parts of the world, indigenous communities engaged in intellectual creativity and devised their own mediums for protecting their intellectual creations under customary law. Concerns about the piracy of the intellectual creations of traditional communities the world over have projected the issue of protecting traditional knowledge into the international arena. This article explores the possibility of protecting the traditional knowledge of traditional communities under international regimes like the WTO's Agreement on Trade Related Aspects of Intellectual Property Rights and the Convention on Biological Diversity. The discussion also explores the use of domestic law to protect traditional knowledge from piracy.

Keywords: intellectual property protection, piracy, traditional knowledge