

# Indigenous Medicinal Knowledge and Intellectual Property Law: Compatibility or Conflict?

Prof. Dr. Pradip Kumar Das<sup>1</sup>, Mr. Akhilesh Kumar Upadhayay<sup>2</sup>

<sup>1</sup>Professor, Law and Governance, Central University of South Bihar, Gaya

<sup>2</sup>Research Scholar, Law and Governance, Central University of South Bihar, Gaya

## Abstract

Indigenous Medicinal Knowledge (IMK) represents a long-standing system of health practices developed and preserved by indigenous and local communities through close interaction with nature. This knowledge plays a crucial role in primary healthcare, biodiversity conservation and sustainable development. However, the increasing commercial interest in traditional medicine and natural resources has exposed indigenous knowledge systems to misuse, misappropriation and biopiracy. Existing intellectual property (IP) laws, particularly patent regimes, are largely designed around individual ownership, novelty and commercial exploitation, which often conflict with the collective, oral and inter-generational nature of indigenous medicinal knowledge.

This study critically examines the relationship between indigenous medicinal knowledge and intellectual property law, focusing on whether the two can coexist within the current legal framework. It analyses key areas of conflict such as the requirement of novelty, individual-centric ownership models, documentation-based protection and time-limited IP rights.

**Keywords:** Indigenous Medicinal Knowledge, Intellectual Property Law, Biopiracy, Traditional Knowledge Protection, Benefit Sharing

## Introduction

Indigenous Medicinal Knowledge (IMK) refers to the traditional understanding and practices related to health and healing that have been developed by indigenous and local communities over generations. This knowledge is deeply rooted in close interaction with nature and is based on the use of plants, minerals and natural resources for preventive and curative purposes. Unlike modern medical science, indigenous medicinal knowledge is largely transmitted orally through community elders, healers and practitioners and is often guided by cultural beliefs, customs and spiritual values. For many indigenous communities, such knowledge is not merely a system of medicine but an integral part of their identity, way of life and relationship with the environment. The significance of indigenous medicinal knowledge lies in its contribution to healthcare, biodiversity conservation and sustainable development. In many rural and tribal regions, traditional medicine remains the primary or sometimes the only accessible form of healthcare. Indigenous healing practices have also contributed substantially to modern medicine, as several contemporary drugs are derived from medicinal plants that were originally identified through traditional

use. Moreover, this knowledge promotes sustainable use of natural resources, as indigenous communities often follow conservation-oriented practices that ensure ecological balance.<sup>1</sup>

In recent decades, there has been a growing commercial interest in traditional medicine and indigenous medicinal knowledge. The global pharmaceutical and biotechnology industries increasingly rely on natural compounds for drug discovery and development. The rising demand for herbal medicines, wellness products and alternative therapies has further intensified the commercial value of traditional medicinal knowledge. As a result, corporations and researchers frequently seek access to indigenous knowledge systems to identify bio-active substances with market potential. However, this growing commercialisation has also raised serious legal and ethical concerns. Indigenous communities often do not receive recognition or economic benefits for the use of their knowledge, leading to instances of misappropriation and biopiracy. The increasing interaction between indigenous medicinal knowledge and intellectual property regimes has therefore brought attention to the limitations of existing legal frameworks in protecting community-based, collectively owned and ancient knowledge systems. This tension forms the basis of the present study, which examines whether intellectual property law can coexist with indigenous medicinal knowledge or whether the two remain fundamentally incompatible.<sup>2</sup>

### Research Methodology

This research is based on a doctrinal and qualitative methodology and relies entirely on secondary sources of information. The study involves a detailed analysis of existing legal frameworks, judicial decisions, international conventions and policy documents related to indigenous medicinal knowledge and intellectual property law.

### Understanding Indigenous Medicinal Knowledge

IMK represents a body of traditional knowledge developed by indigenous and local communities through long-term interaction with their natural surroundings. It includes practices, beliefs and skills related to the identification, preparation and use of natural substances such as plants, herbs, roots, minerals and animal products for healing purposes. This knowledge is not created through formal scientific experimentation but through observation, experience and practical application over centuries. It is closely linked to local ecosystems and varies from one community to another depending on geography, climate and cultural practices. One of the most important characteristics of indigenous medicinal knowledge is its collective nature. Unlike modern intellectual property systems that focus on individual ownership, IMK belongs to the community as a whole. No single person claims exclusive rights over the knowledge; instead, it is shared and preserved collectively. The transmission of this knowledge takes place across generations, usually from elders, healers or traditional practitioners to younger members of the community. This transfer is mostly oral and experiential, involving storytelling, demonstrations, rituals and daily practice rather than written records. As a result, much of this knowledge remains undocumented and vulnerable to loss or misappropriation.<sup>3</sup>

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<sup>1</sup> Sanchita S. & Srinithi V., *Traditional Medicinal Knowledge and Intellectual Property Rights*, 2 Current Issue 16, 20 (Dec. 2023), <https://www.doi-ds.org/doi/10.21831953/TRADITIONAL%20MEDICINAL%20KNOWLEDGE%20AND%20INTELLECTUAL%20P>

<sup>2</sup> *Ibid*

<sup>3</sup> Esther Ugo Alum, *The Role of Indigenous Knowledge in Advancing the Therapeutic Use of Medicinal Plants: Challenges and Opportunities*, 19 PLANT SIGNALING & BEHAV. 2439255 (2024), <https://doi.org/10.1080/15592324.2024.2439255>.

Indigenous medicinal knowledge is also deeply connected to cultural and spiritual beliefs. Healing practices often go beyond physical treatment and address mental, emotional and spiritual well-being. Many indigenous communities believe that health is a state of balance between human beings, nature and spiritual forces. Traditional healers may use rituals, prayers and symbolic practices alongside medicinal remedies. These cultural and spiritual dimensions make indigenous medicine fundamentally different from modern biomedical approaches, which tend to focus solely on physical symptoms and clinical treatment. The sources of indigenous medicinal knowledge are diverse and include forests, rivers, mountains and other natural environments that indigenous communities have traditionally inhabited. Over time, communities have developed an intimate understanding of the medicinal properties of local flora and fauna. This close relationship with nature has also encouraged conservation-oriented practices, as the survival of medicinal knowledge depends on the protection of biodiversity. Indigenous medicinal knowledge plays a significant role in public health, especially in developing countries where access to modern healthcare may be limited. Traditional medicine often serves as the first line of treatment for a large section of the population. It is usually affordable, locally available and culturally accepted. In addition, IMK has contributed to modern pharmaceutical research, as many important drugs are based on compounds originally identified through traditional use.<sup>4</sup>

### Overview of Intellectual Property Law Framework

Intellectual property law is intended to protect human-created works by guaranteeing inventors and innovators exclusive rights. The basic goal of this legal framework is to encourage innovation by paying individuals or companies for their intellectual contributions. However, most intellectual property regimes are based on individual ownership, originality and commercial exploitation, which often causes friction when applied to indigenous medicinal knowledge, which is collaborative, ancient and culturally rooted.

- **Patent Law**

In terms of medical knowledge and pharmaceutical breakthroughs, patent law is the most significant intellectual property system. For a brief period of time, usually twenty years, a patent grants an inventor the only right to use their creation in exchange for disclosing it to the public. An innovation must satisfy three requirements in order to be eligible for patent protection: novelty, inventive step and industrial utility. The requirement of novelty means that the invention must be new and not previously known to the public anywhere in the world. Indigenous medicinal knowledge, however, is often ancient and has been practiced by communities for generations. Even though such knowledge may not be formally documented, it is considered part of prior art, thereby failing the novelty requirement. As a result, traditional medicinal formulations and practices rarely qualify for patent protection under conventional patent laws. The invention must not be apparent to an expert in the relevant field in order to meet the second condition, the inventive step. Instead of emerging suddenly, indigenous medical knowledge typically evolves through shared experience and steady progress. Because of this, it is challenging to show an inventive step in the way that patent authorities need. The invention must be able to be produced or utilized in an industry in order to meet the third condition, industrial applicability. Many traditional cures are useful and beneficial, but unless they are altered or marketed by outside parties, they frequently do not fit easily into industrial production processes.<sup>5</sup>

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<sup>4</sup> Ranajit Sardar & Nabanita Giri, *Indigenous Knowledge of Tribal Traditional Medicinal Plants: An Experimental Research*, 19 BIOSCIENCES BIOTECHNOLOGY RES. ASIA 451 (2022), <https://doi.org/10.13005/bbra/2999>.

<sup>5</sup> VISHNU S. WARRIER, *UNDERSTANDING PATENT LAW* (1st ed. 2016).

- ***Other Intellectual Property Regimes***

Apart from patents, other intellectual property regimes may have limited relevance in protecting indigenous medicinal knowledge.

Copyright law protects original literary, artistic and scientific works that are expressed in a tangible form. Since indigenous medicinal knowledge is largely oral and based on practical application rather than creative expression, copyright law offers minimal protection. At best, copyright may protect written documentation or compilations of traditional knowledge, but it does not safeguard the knowledge itself or prevent its commercial exploitation by third parties.<sup>6</sup>

A more promising, but still constrained, type of protection is provided by geographical indications (GIs). A GI designates products as coming from a particular geographic area where a certain attribute or reputation is associated with that area. GIs may provide protection for some traditional medical medicines related to particular areas. However, this protection does not cover the underlying medical knowledge or formulae; it simply covers the product's name or reputation.

Trade secrets and confidential information provide protection to knowledge that is kept secret and derives commercial value from its secrecy. In theory, indigenous communities could protect certain medicinal practices as trade secrets. However, this approach is difficult in practice because traditional knowledge is often widely shared within the community and is not maintained as confidential in a legal sense. Moreover, enforcing trade secret protection requires formal legal structures that indigenous communities may not have access to.<sup>7</sup>

### **International Intellectual Property Regime**

At the international level, the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) sets minimum standards for intellectual property protection among member states of the World Trade Organization. TRIPS places strong emphasis on patent protection, particularly in the pharmaceutical sector. While it allows certain flexibilities, it does not provide specific safeguards for indigenous medicinal knowledge, thereby enabling the patenting of innovations derived from traditional knowledge without adequate benefit-sharing. International IP harmonization is greatly aided by the World Intellectual Property Organization (WIPO). WIPO has been trying to provide legal tools to safeguard traditional knowledge through its Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore. But there hasn't been much development and there isn't currently a legally binding international framework.<sup>8</sup>

Overall, the intellectual property law framework, both at the national and international levels, remains largely ill-suited to address the unique nature of indigenous medicinal knowledge. This mismatch forms the foundation of the ongoing debate on whether intellectual property law can be adapted to accommodate traditional knowledge or whether alternative legal mechanisms are required.

### **Conflict Between Indigenous Medicinal Knowledge and Intellectual Property Law**

The relationship between Indigenous Medicinal Knowledge (IMK) and modern intellectual property (IP) law is marked by deep structural conflict. Intellectual property regimes were developed to protect

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<sup>6</sup> TRILOCHAN VERMA, *INTELLECTUAL PROPERTY PROTECTION HANDBOOK* (1st ed. 2015).

<sup>7</sup> *Ibid*

<sup>8</sup> CARLOS MARÍA CORREA, *TRADE-RELATED ASPECTS OF INTELLECTUAL PROPERTY RIGHTS: A COMMENTARY ON THE TRIPS AGREEMENT* (2d ed. 2020).

individual innovation within market-based economies, whereas indigenous medicinal knowledge is collective, ancient and closely tied to culture and tradition. This fundamental difference creates several points of incompatibility that make it difficult for IP law to adequately protect indigenous knowledge systems.

One of the most significant conflicts arises from the requirement of novelty in patent law. For an invention to be patentable, it must be new and not previously known to the public. Indigenous medicinal knowledge, however, is often centuries old and has been practiced and refined over generations. Even if such knowledge is not formally documented, it is widely known within indigenous communities and therefore fails to meet the novelty standard. This creates a paradox where traditional knowledge holders cannot patent their own medicinal practices, while external researchers may obtain patents by making minor modifications or by formally documenting what was already known. As a result, the legal system unintentionally disadvantages indigenous communities while favouring commercial actors. Another major conflict lies in the concept of ownership. Intellectual property law is largely based on individual or corporate ownership, granting exclusive rights to a single inventor or legal entity. Indigenous medicinal knowledge, by contrast, is collectively owned by the community. It is shared knowledge, maintained and preserved through communal effort rather than individual creativity. Assigning exclusive ownership to one person or organisation contradicts indigenous values and disrupts community-based knowledge systems. This mismatch makes it difficult for indigenous communities to claim legal ownership under existing IP frameworks.<sup>9</sup>

The form of knowledge transmission further highlights the incompatibility between IMK and IP law. Intellectual property systems rely heavily on written documentation to establish ownership, originality and prior art. Indigenous medicinal knowledge, however, is predominantly transmitted orally through storytelling, apprenticeships, rituals and practical demonstrations. This oral nature makes it difficult to prove prior existence in legal forums, particularly in patent disputes. When knowledge is not documented in officially recognised forms, it becomes vulnerable to misappropriation by those who record and commercialise it without the consent of the original knowledge holders. The duration of protection under intellectual property law also conflicts with the nature of indigenous medicinal knowledge. IP rights are granted for a fixed and limited period, after which the protected subject matter enters the public domain. This time-bound approach is suitable for encouraging innovation but is incompatible with indigenous knowledge, which is intended to be preserved indefinitely as part of cultural heritage. Indigenous communities do not view their medicinal knowledge as a temporary asset but as a living tradition that must be safeguarded for future generations. Limiting protection to a specific time frame undermines the long-term cultural and spiritual significance of such knowledge.<sup>10</sup>

Beyond legal incompatibilities, ethical concerns further deepen the conflict between IMK and IP law. The commercial exploitation of indigenous medicinal knowledge often occurs without the informed consent of the communities involved. This leads to cultural misappropriation, where sacred or culturally significant practices are removed from their original context and converted into commercial products. Such actions not only cause economic injustice but also erode cultural dignity and autonomy. Indigenous communities may lose control over how their knowledge is used, interpreted and represented. Additionally, the power imbalance between indigenous communities and multinational corporations exacerbates these ethical

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<sup>9</sup> Meeta Biswal & Debidutta Biswal, *Issues Relating to Traditional Knowledge Systems and Intellectual Property Rights (IPRs)*, FOOD & AGRIC. ORG. OF THE U.N., <http://fao.org/4/xii/0911-a3.htm> (last visited Dec. 13, 2025).

<sup>10</sup> *Ibid*

concerns. Indigenous groups often lack access to legal resources, technical expertise and financial capacity to protect their knowledge or challenge wrongful patents. This imbalance allows commercial actors to dominate the legal landscape and benefit disproportionately from traditional knowledge systems.<sup>11</sup>

The conflict between indigenous medicinal knowledge and intellectual property law is not merely technical but philosophical. IP law prioritises innovation, exclusivity and economic gain, while indigenous knowledge systems emphasise sharing, continuity and harmony with nature. Without meaningful legal reform and ethical safeguards, intellectual property law remains ill-equipped to protect indigenous medicinal knowledge in a fair and culturally respectful manner. This conflict underscores the urgent need for alternative legal frameworks that recognise the unique nature of traditional knowledge and uphold the rights and dignity of indigenous communities.<sup>12</sup>

### **Biopiracy and Misappropriation of Indigenous Medicinal Knowledge**

Biopiracy refers to the unauthorised use, commercial exploitation or patenting of biological resources and indigenous knowledge without the consent of the communities that have traditionally developed and preserved such knowledge. It usually occurs when corporations or researchers take advantage of traditional medicinal practices or biological materials, convert them into marketable products and claim exclusive intellectual property rights over them. In most cases, indigenous communities neither receive recognition nor share in the economic benefits derived from their knowledge. Biopiracy can take several forms. One typical method is to patent traditional medical formulations or plant-based medicines that indigenous populations have known and utilized for ages. Another method involves making slight changes to existing traditional knowledge and presenting it as a new invention to meet patent criteria. Biopiracy can also occur when biological resources are extracted from indigenous areas without permission and then commercialized as medicinal or agricultural goods. These methods present major legal and ethical considerations, especially around ownership, permission and benefit sharing.<sup>13</sup>

The problem of biopiracy and the shortcomings of the international intellectual property system have been brought to light by a number of significant cases. The turmeric patent case is among the most well-known examples. A patent for the use of turmeric in wound healing was issued in the United States in the middle of the 1990s. On the other hand, turmeric has been used for ages in India for both household and medicinal purposes. The patent was ultimately withdrawn on the grounds that the claimed invention lacked novelty after a court challenge backed by traditional literature and scientific proof. Because indigenous processes were not acknowledged as prior art, this case illustrated how traditional knowledge could be incorrectly copyrighted.<sup>14</sup>

Another significant example is the neem patent case. Neem has long been used in India for its medicinal, agricultural and antibacterial properties. A patent was granted in Europe for a neem-based pesticide formulation. Indian farmers and civil society groups challenged the patent, arguing that the use of neem was part of traditional knowledge. After prolonged legal proceedings, the patent was revoked, reaffirming

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<sup>11</sup> WORLD INTELLECTUAL PROP. ORG., *INTELLECTUAL PROPERTY AND TRADITIONAL MEDICAL KNOWLEDGE* (2023), <https://www.wipo.int/edocs/pubdocs/en/wipo-pub-rn2023-5-6-en-intellectual-property-and-traditional-medical-knowledge.pdf>

<sup>12</sup> *Ibid*

<sup>13</sup> Yoonus Imran, Nalaka Wijekoon, Lakmal Gonawala, Yu-Chung Chiang & K. Ranil D. De Silva, Biopiracy: Abolish Corporate Hijacking of Indigenous Medicinal Entities, 2021 *ScientificWorldJournal* 8898842, <https://doi.org/10.1155/2021/8898842>.

<sup>14</sup> Anusree Bhowmick, Smaranika Deb Roy & Mitu De, A Brief Review on the Turmeric Patent Case with Its Implications on the Documentation of Traditional Knowledge, 1 *NDC E-BIOS* 83 (2021), <https://www.ndcebios.in/v1n1/2021010110.pdf>.

that traditional knowledge cannot be monopolised through intellectual property rights when it lacks novelty.<sup>15</sup>

### **Legal and Policy Responses to the Conflict**

The growing conflict between IMK and modern intellectual property law has led to the development of various legal and policy responses at both national and international levels. These responses aim to prevent misappropriation, ensure fair benefit-sharing and recognise the rights of indigenous and local communities over their traditional knowledge. However, while significant progress has been made, several challenges remain in effectively protecting indigenous medicinal knowledge.

- **Indian Legal Framework**

Through legislative and policy initiatives, India has made significant progress in protecting indigenous medicinal knowledge. The Biological Diversity Act of 2002 is one of the most significant pieces of legislation in this area. The Act was passed in order to protect biological diversity, encourage the sustainable use of biological resources and guarantee the just and equal distribution of the advantages that result from their utilization. It aims to control access to biological resources by people, businesses and international organizations while acknowledging the importance of local and indigenous communities in their conservation. A legal barrier against unapproved exploitation is created by requiring prior consent from specified authorities for any commercial use of biological resources or related traditional knowledge.<sup>16</sup>

Another significant initiative is the Traditional Knowledge Digital Library (TKDL). The TKDL was developed to document India's traditional medicinal knowledge, particularly in systems such as Ayurveda, Unani, Siddha and Yoga. The primary objective of the TKDL is to prevent the grant of wrongful patents by making traditional knowledge accessible to patent examiners worldwide as prior art. By translating ancient texts into patent-friendly formats, the TKDL has successfully helped revoke or prevent several patents based on traditional knowledge. However, while it serves as an effective defensive mechanism, it does not grant positive ownership rights to indigenous communities.<sup>17</sup>

- **International Legal Framework**

At the international level, many legal tools have been devised to protect traditional knowledge and deter biopiracy. The Convention on Biological variety (CBD) is a major international convention that recognizes the role of indigenous and local populations in biological variety conservation. The CBD promotes respect for traditional knowledge and advocates for a fair and equitable distribution of benefits from the utilization of biological resources. However, the CBD does not establish enforceable rights for indigenous peoples and its provisions are heavily reliant on national implementation. The Nagoya Protocol, which supplements the CBD, provides a more detailed framework for access and benefit sharing. It establishes clearer rules for obtaining prior informed consent and mutually agreed terms before accessing biological resources or associated traditional knowledge. The Protocol aims to strengthen the position of indigenous communities by ensuring that they are involved in decision-making processes.

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<sup>15</sup> A Case of Bio Piracy: The Neem Patent Controversy, *Civil Law, Legal Publication, Patent Law* (July 12, 2024), <https://officeofpartapsingh.com/our-presence/f/a-case-of-bio-piracy-the-neem-patent-controversy>.

<sup>16</sup> Dr. Sushma Singh, Indian Traditional Medicinal Knowledge: A Critical Analysis, 1 *Vishwakarma Univ. L.J.* 11 (Nov. 2021), <https://vulj.vupune.ac.in/archives/2.pdf>.

<sup>17</sup> *Ibid*

Despite its potential, challenges such as uneven adoption by countries and lack of enforcement mechanisms limit its effectiveness.<sup>18</sup>

### Compatibility or Coexistence? Emerging Alternatives

The continuing conflict between Indigenous Medicinal Knowledge (IMK) and conventional intellectual property law has led scholars and policymakers to explore alternative legal approaches. Rather than forcing traditional knowledge into existing IP frameworks, these alternatives aim to recognise the unique nature of indigenous knowledge systems. The focus has gradually shifted from strict compatibility with IP law to the possibility of coexistence through tailored and community-centred mechanisms.

One of the most discussed alternatives is the development of *sui generis* protection systems for traditional knowledge. A *sui generis* system refers to a unique legal framework created specifically to protect traditional knowledge, separate from conventional intellectual property regimes. Such systems are designed to accommodate collective ownership oral transmission and the cultural significance of indigenous knowledge. Unlike patents or copyrights, *sui generis* laws can provide long-term or perpetual protection and recognise communities, rather than individuals, as rights holders. However, the absence of a uniform international model and the challenge of implementing such systems at the national level remain significant concerns. Another important distinction in the protection of indigenous medicinal knowledge is between defensive protection and positive protection. Defensive protection aims to prevent others from wrongfully claiming intellectual property rights over traditional knowledge. Tools such as traditional knowledge databases and prior art registries fall under this category. While defensive protection has been effective in preventing biopiracy, it does not grant ownership or control to indigenous communities. Positive protection, on the other hand, seeks to provide communities with legal rights to use, control and benefit from their knowledge. This approach empowers indigenous groups but requires complex legal structures and strong institutional support.<sup>19</sup>

Community rights and benefit-sharing models also play a crucial role in promoting coexistence between indigenous knowledge and modern legal systems. These models recognise communities as collective rights holders and ensure that benefits arising from the use of their medicinal knowledge are shared fairly. Benefit-sharing may include financial compensation, healthcare infrastructure, education or technology transfer. When properly implemented, such models promote equity and encourage respectful collaboration between indigenous communities and external researchers or commercial entities. The role of customary laws of indigenous communities is another important aspect of emerging alternatives. Customary laws govern how knowledge is created, shared and preserved within indigenous societies. These laws often emphasise stewardship, respect and responsibility rather than ownership and exclusivity. Recognising customary laws within national legal systems can strengthen the protection of indigenous medicinal knowledge by aligning legal norms with community values. However, integrating customary laws into formal legal frameworks requires careful balancing to avoid misinterpretation or dilution of indigenous traditions.<sup>20</sup>

<sup>18</sup> Dina Haryati Sukardi, International Legal Framework for Traditional Knowledge and Intellectual Property Rights, 11 *Int'l J. of Multicultural & Multireligious Understanding* 356 (Oct. 2024), <https://doi.org/10.18415/ijmmu.v11i10.5917>.

<sup>19</sup> Sanchita S. & Srinithi V., *Traditional Medicinal Knowledge and Intellectual Property Rights*, 2 *Current Issue* 16, 20 (Dec. 2023), <https://www.doi-ds.org/doi/10.2023-21831953/TRADITIONAL%20MEDICINAL%20KNOWLEDGE%20AND%20INTELLECTUAL%20P>

<sup>20</sup> *Ibid*

### **Critical Analysis**

The interests of indigenous people are not adequately protected by current IP rules, despite growing awareness of the need to protect IIMK. The majority of intellectual property laws were designed to encourage economic expansion and innovation in commercial and industrial settings. Because of this, they are unable to acknowledge that indigenous knowledge systems are collaborative, cultural and non-commercial. These rules mostly benefit companies and individual inventors rather than indigenous knowledge holders, even though they may stop some cases of biopiracy. One major limitation of the current legal approach is its heavy reliance on documentation-based protection. Mechanisms such as traditional knowledge databases aim to prevent wrongful patents by treating traditional knowledge as prior art. Although this defensive strategy has been effective in certain cases, it does not grant legal ownership or control to indigenous communities. Moreover, documenting traditional knowledge can expose it to further exploitation, especially when access and consent mechanisms are weak. Many indigenous groups also view documentation as a threat to secrecy and cultural integrity, particularly when knowledge has spiritual or sacred value. The power imbalance between indigenous communities and corporations further undermines the effectiveness of IP protection. Multinational companies possess financial resources, technical expertise and legal support that indigenous groups often lack. This imbalance makes it difficult for communities to negotiate fair benefit-sharing agreements or challenge wrongful patents. In many cases, indigenous people are unaware that their knowledge is being used commercially until after intellectual property rights have already been granted. Existing legal remedies are often slow, expensive and inaccessible to marginalised communities.

These challenges highlight the need to rethink intellectual property law beyond purely commercial incentives. Indigenous medicinal knowledge is not created for profit but for community well-being, cultural continuity and harmony with nature. Treating such knowledge as a market commodity undermines its social and ethical foundations. A more inclusive IP framework should prioritise community rights, cultural respect and long-term sustainability rather than short-term economic gain.

### **Conclusion**

The protection of Indigenous Medicinal Knowledge demands a fundamental shift in the way law understands knowledge, ownership and innovation. Treating indigenous knowledge through the narrow lens of commercial intellectual property fails to address the lived realities of indigenous communities and risks further marginalisation. Legal systems must move beyond symbolic recognition and adopt mechanisms that place indigenous communities at the centre of decision-making processes. Future legal reforms should prioritise community consent, control and long-term stewardship over indigenous medicinal knowledge. Sui generis protection systems, grounded in collective ownership and cultural continuity, offer a more appropriate alternative than conventional patent-based models. These systems should be flexible enough to respect oral traditions, spiritual values and customary laws, while also providing enforceable rights against misappropriation. Documentation initiatives must be accompanied by strong safeguards to ensure that recorded knowledge is not freely accessible for commercial exploitation without community approval.

At the international level, the absence of a binding framework on traditional knowledge remains a major gap. There is an urgent need for coordinated global standards that recognise indigenous communities as rights holders rather than mere contributors of raw material. Benefit-sharing must move beyond token compensation and translate into tangible social, economic and healthcare benefits for communities.

Ultimately, protecting indigenous medicinal knowledge is not only a legal obligation but a moral one. A just legal framework must balance innovation with equity, commercial interests with cultural dignity and development with sustainability. Only by reimagining intellectual property law through an inclusive and rights-based approach can indigenous knowledge be preserved with respect and fairness for future generations.