The world has undergone a great transformation in recent years. Knowledge has become one of the most important aspects of development and prosperity behind each country today. For various reasons Traditional Knowledge (TK) and Traditional Cultural Expressions (TCEs) have become critical issues during the early years of this century. Traditional and Indigenous peoples of the world constitute about 6% of the world population. They live across 72 countries of the world. But, due to several reasons their Intellectual Properties, Traditional Knowledge and Traditional Cultural Expressions have been exploited and misappropriated by various dishonest businessmen and corporations of the world. Though the Traditional and Indigenous people are the real owner of this knowledge, yet they do not get the opportunity to exploit their own knowledge. Notwithstanding the fact that they are real owner of this knowledge, they do not get the profit from the business of this knowledge. The protection of these new types of Intellectual Property Rights (IPRs) is a challenge faced by the countries world wide. The economic aspects of these IPR’s protection are far reaching to the developing countries like India. Recently a trend is being observed to protect the knowledge base embedded in the traditional communities for centuries by using Intellectual Property Rights (IPRs). This may be in the form of Traditional Knowledge about medicine and healing practices or in the form of expression of culture like Folk song, Folk dance, Handicraft, Handloom, Agricultural methods, Traditional foods etc. The communities who developed these knowledge bases are mostly side tracked in the process of protecting IPRs. Because, there is no separate and specific legislation to protect Traditional Knowledge (TK) and Traditional Cultural Expressions (TCEs) in India. India is a mega biodiversity country of the world. But, in the absence of effective legislations, some Multinational Corporations and other dishonest persons are exploiting these resources from India without paying any compensation to the actual owner of such resources. When the Indian traditional people and poor farmers are facing the music for their livelihood and collecting daily foods- the Multi National Corporations and other dishonest businessmen are earning huge profits by exploiting the resources of these poor people and farmers. In a
developing country like India the value of Traditional Knowledge is immeasurable from various angles. In the era of globalization and open economy the importance of legal protection of TK and TCEs have assumed greater significance.

It is in this perspective and social and economic spectacle, I, the researcher, have taken up this research work. This research makes a humble attempt to take a holistic view into this burning problem and also make a thorough study of different National and International laws, regulations, declarations, treaties and other international legal instruments to protect and to preserve the same. The researcher has also tried to highlight the recent developments in India in this regard.

However, the entire research work is divided into Six Chapters.

The First Chapter is the “introduction” chapter which contains importance of protecting the TK and TCEs, International recognition of TK and TCEs and the context and background behind legal protection of TK in India.

The Second Chapter defines the term “traditional knowledge” and “traditional cultural expressions”. This chapter also analyzes the nature and characteristics of “traditional knowledge” and “traditional cultural expressions” and the traditional knowledge system.

The Third Chapter critically examines various international treaties, conventions, declarations, and other legal instruments to recognize and to protect traditional knowledge and traditional cultural expressions.

The Fourth Chapter contains the detailed analysis of the relevant existing legal instruments in India and the relevant provisions of such laws to recognize and to protect Traditional Knowledge and Traditional Cultural Expressions.

The Fifth Chapter defines and examines the term “bio piracy”. This chapter analyzes various incidences and cases of bio piracy in India and the consequences of bio piracy in India.
The Sixth Chapter provides concluding remarks and observations. Conclusion has been drawn on the basis of discussions made in the previous chapters and various suggestions are made not only to the concerned International Authorities but also to the National Authorities to effectively protect the Traditional Knowledge and Traditional Cultural Expressions.

Some of the suggestions are:

- India should take initiatives along with all developing countries of the world which are biodiversity rich and facing the problem of misappropriation of traditional knowledge and traditional cultural expressions to either remove or change Article 27.3. b from TRIPS Agreement. Article 29 of TRIPS should be applied properly and effectively which requires disclosure in the case of Patent applications, to genetic resources and traditional knowledge used in inventions for which IPRs are claimed.

- There should not be any conflict between the CBD and the TRIPS Agreement. Governments of the developed countries should admit and proceed accordingly so that the WTO-TRIPS Agreement must be consistent with the provisions of the Convention on Biological Diversity (CBD) to conserve and sustainably use natural resources, ensure prior informed consent and benefit sharing arrangement.

- It is the need of the hour to enact a sui generis legislation by the Parliament of India to protect traditional knowledge and traditional cultural expressions in India. Special initiative should be taken to protect indigenous peoples, who are under immediate threat and face extinction of language, culture and traditional knowledge practices and including indigenous peoples living in voluntary isolation.

- Importance should be given upon both positive and defensive protection of TK and TCEs. No one system is sufficient to protect TK and TCEs properly. In Indian situation both positive and
Defensive protection mechanisms should be used to extend strong protection of TK & TCEs.

- At the time of enacting sui generis legislation to protect TK and Folklore we must keep in mind the international obligations, rules and guidelines specially the Model Provisions for National Laws on the Protection of Expressions of Folklore Against Illegal Exploitation and other Prejudicial Actions developed by UNESCO and WIPO in 1982 for the protection of Expressions of Folklore.

- A specialized institution or centre is to be created for the collection, classification, conservation, promotion, documentation and dissemination of Folklore in India.