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Protecting Uganda's Indigenous Traditional Knowledge will support Economic Growth

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In Uganda, traditional knowledge, traditional cultural expressions and genetic resources in the context of intellectual property are not widely understood by a number of people. Majority of indigenous and grassroots population still rely on traditional knowledge for information and livelihood. Traditional knowledge informs scientific innovation and has been credited for growth of some major economies.

Traditional Knowledge (TK) refers to knowledge, know-how, skills and practices that are developed, sustained and passed on from generation to generation within a community, often forming part of its cultural or spiritual identity. Examples include, among others knowledge about traditional medicines, traditional hunting or fishing techniques, knowledge about animal migration patterns, and knowledge about water management. They form part of the traditional lifestyle of indigenous and local communities who act as their guardian or custodian.

Protecting local innovations

The United Nations Declaration on the Rights of Indigenous Peoples 2007 provides in Article 31 that Indigenous peoples "have the right to maintain, control, protect and develop their Intellectual Property over such cultural heritage, traditional knowledge and traditional cultural expressions." According to World Intellectual Property Organization (WIPO), many states and communities believe that Traditional knowledge (TK) and traditional cultural expression (TCEs) ought to be protected as a form of IP.

At national level, discussions are ongoing to establish an appropriate framework more aligned to the peculiar means necessary for effective protection, promotion, administration and exploitation of TK and TCEs to the benefit of indigenous peoples, local communities and societies. The existing IP law provides some form of protection of TK and TCEs.

Original works based on TCEs may be protected by Copyright and Related Rights, Trademarks, Geographical Indications, Industrial Designs, and unfair competition law which offer direct or indirect protection to TCEs. Innovations based on TK may benefit from patent protection. TK as such may be protected as a trade secret or as confidential information, and may also benefit from trademark, geographical indication and unfair competition protection.

National Intellectual Property policy support

Uganda recognizes and protects the rights of local communities to benefit from their traditional knowledge and to receive compensation for any use of such knowledge. The

National Intellectual Property Policy which was launched by H.E President Yoweri Kaguta Museveni in September 2020 was crafted to ensure all benefits from such knowledge is exploited for national growth. Holders of traditional knowledge have the right to ask for benefits from the knowledge and information provided with respect to a genetic resource that a person would like to access. They have the right to extend or refuse their approval for such access. As such, application of the principle of Prior Informed Consent (PIC) to the rights of local communities is mandatory.

With protection guaranteed, identifying, collecting and organizing TK and TCEs has become a widely discussed option to guarantee indigenous peoples' and local communities' social, cultural and economic interests. Documenting TK and TCEs has emerged as one of the tools which may play a role in impeding further loss of TK, maintaining TK over time, supporting benefit-sharing and, ultimately, protecting TK and TCEs from unwanted uses.

Technology versus traditional practices

Some forms of traditional knowledge increasingly get threats of extinction due to failure to be relevant in the contemporary life, failure to cope with effects of high-tech modern communication, emerging hostile beliefs and value systems and imported forms of entertainment. The existing gap in the protection of TK and TCEs is subjecting Uganda's indigenous and local communities to innumerable loss and misappropriation of their resource with little support from technology driven entities.

The Uganda Registration Services Bureau which is the National Intellectual Property Office continues to engage all stakeholders to ensure that all the important forms of traditional heritage being condemned by emerging beliefs and value systems and some forms of traditional knowledge being pirated from one society to another are recognized and protected. Recognizing traditional forms of creativity and innovation as protectable intellectual property is a historic and positive shift in policy direction, enabling indigenous and local communities to manage and exploit TK and TCE for their benefit towards facilitating national development.

The writer is the Registrar General of the Uganda Registration Services Bureau.