

[www.cropwatch.org](http://www.cropwatch.org)



THE FIRST TRULY INDEPENDENT WATCHDOG FOR THOSE  
WORKING WITH NATURAL AROMATIC MATERIALS

E: [info@cropwatch.org](mailto:info@cropwatch.org) T: ++44 (0)7771 872 521

## **Bio-Piracy, Bio-Prospecting, Local Treatments & Ayurvedic Medicine.**

As first published on *Aromaconnection*, March 01. 2009.

Copyright © Tony Burfield March 2009

Cropwatch has previously featured articles concerned with the fact that intellectual property relating to traditional treatments & medicines, and other exploitable properties of useful plants, has been looted or otherwise misappropriated. These acts have been carried out by multinational companies, and in some instances by unscrupulous individuals or teams within universities. The pharmaceutical industry, of course, has a long history of bio-piracy - you have only to think of well-known long-standing drugs such as reserpine & vincristine where no recompense was paid to the communities where the drug was found. Some examples of misappropriation for nine Indian medicinal plants were given in a discussion-only document by UNCTAD India Team (2005), which was reproduced in Cropwatch's *Updated list of threatened aromatic plants used in the aroma & cosmetic industries v.10 Jan 2009*.

<b>Plant name</b>	<b>Patents Revealed (use similar to Traditional Knowledge).</b>
<i>Acorus calamus</i> L. (Vacha)	3 granted, 7 applied
<i>Adhatoda vasica</i> Nees (Vaska),	1 granted
<i>Andrographis pinacualta</i> Nees (Kalmegh)	3 granted
<i>Commiphora mukul</i> Engl. (Guggul)	11 granted
<i>Curcuma longa</i> L. (Haldi)	20 granted
<i>Phyllanthus amarus</i> L.	4 granted
<i>Rauvolfia serpentina</i> Benth. (Sarpagandha)	19 granted
<i>Swertia chirata</i> Buch. – Ham. Ex Wall (Chirata).	None directly mentioned, but 3 applications need study.
<i>Terrminila chebula</i> Retz (Harar)	3 granted
<i>Withania somnifera</i> Dunal (Aswaganha)	1 granted, 1 applied

**Table 1. Medicinal plants with patent claims possibly similar to Indian Traditional Knowledge (adapted from UNCTAD 2005 discussion document).**

Quoting from the Cropwatch article: “The authors of this document (UNCTAD) point out, that for most USA patents relating to native Indian plants, the inventors are often Indian people of Indian origin, patenting uses of plants already used for the same purpose in Ayurvedic medicine. This surely must raise questions on whether these particular patenting authorities are “fit for purpose” by ‘mis-granting’ patents based on traditional knowledge, & in so-doing, failing to establish whether acts of misappropriation have occurred. A spokesperson for the US Govt. defended the performance of the US patenting authorities on this issue in 2001, stated: “The fault lies not with the patent system, however, but with the inaccessibility of the knowledge involved beyond the indigenous community” (Anon 2001). This feeble excuse for not spotting bio-piracy when it stares US officials in the face is simply not an acceptable position for a competent authority to maintain, but it certainly illustrates the need for recruitment of the appropriate expertise in this area.”

In a new departure, the Indian Government has effectively licensed 200,000 local treatments as “public property” which is intended to limit their use as a brand. This move was taken after Delhi scientists identified 5,000 bio-prospecting patents taken out by companies outside India. Dr Vinod Kumar Gupta, who heads the Traditional Knowledge Digital Library, was reported in the *Guardian* newspaper (Ramesh 2009) as saying more than 2,000 of these treatments belong to the seven Indian systems of medicine, and he wonders why so many millions of dollars are being spent by multi-nationals, when so many lobbies deny they work at all. Gupta’s remarks on these doubters brought a particular smile to the face of the author, as Cropwatch is currently gathering evidence of media & academic put-downs of those Complementary Alternative Medicines (CAM’s) which utilise aromatic plant treatments. This comes in a week when in an *Education Guardian* article, Lipsett (2009) discussed whether Alternative Medicine should be taught as a scientific subject at all, and mentions the cyber-bullying from anti-CAM lobbyists and their influential blogs, determined to shut down CAM courses at UK universities such as Salford, Uclan, Westminster, Middlesex, Thames Valley, West of England etc., and their attempts to totally discredit the practice of homeopathy.

Returning to the Ramesh-penned article, Gupta further mentions the granting of 285 patents in Brussels, which involve the properties of traditional Indian medicinal plants, and he would like these patents lifted. It will be very interesting to see the outcome, given the activities of the estimated 16,000 corporate lobbyists with very large cheque books, known to lurk in Brussels. Readers may remember however that Indian officials have previously been to court to successfully nullify patents taken out on the neem tree (which took them ten years), and on turmeric derivatives (which only took one).

You don't have to look hard to find evidence of Ayurveda as the current buzz-word in cosmetics trade magazines. For example, an article on "Ayurvedic Beauty – here's how to formulate beauty products based on the ancient Indian discipline" by Shyam Gupta of Bioderm Research (Gupta 2009) takes us through the principles of the Ayurvedic beliefs and describes topical treatments, Ayurvedic anti-aging ingredients, Ayurvedic skin-whitening ingredients, Ayurvedic arthritis, muscle & joint-pain relief ingredients & treatments, and a list of Ayurvedic herbs for further development together with their potential for 'inside treatments', as cosmaceutical agents, and for 'outside treatments'. I am not a lawyer, I just believe in a fair world and treating people properly. I therefore have serious doubts about the operational ethics, & ultimately the legality of marketing certain products from companies such as Bioderm and Sabinsa (the latter company previously featured in Cropwatch articles). If the Indian Government start using their large financial resources to defend traditional plant uses and to stop their unlicensed exploitation by foreign companies, we could see a big shake-down in the cosmetics sector.

## References.

Anon (2001): *US General Declaration to the First Meeting of the WIPO Committee* 1st May 2001, through Balasubramaniam K. (2003) "*Intellectual Property Rights & Herbal Medicine*" *Sri Lanka Association for the Advancement of Science Annual Scientific Sessions, December 2003. Theme Seminar "Herbal Medicines for the People"* Sri Lanka Foundation Institute 10th December 2003.

Gupta S. (2008) "Ayurvedic beauty" *Beauty Vol 3* (Fall 2008), 36-42.

Lippett A. (2009) "The opposite of science." *Education Guardian* 24.02.09 p8

Ramesh R. (2009) "India acts to stop foreign drug companies seeking patents on traditional remedies." *Guardian* 23.02.09 p22.