

Featured Book

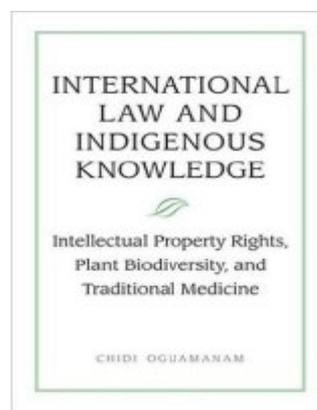
INTERNATIONAL LAW AND INDIGENOUS KNOWLEDGE: INTELLECTUAL PROPERTY, PLANT BIODIVERSITY AND TRADITIONAL MEDICINE

Chidi Oguamanam

The suitability of mainstream forms of intellectual property rights to indigenous knowledge has recently been the subject of some debate. Efforts to reconcile the Western concept of intellectual property with indigenous knowledge have generally not taken into account the underlying epistemic schism between indigenous knowledge and Western scientific forms. The latter constitutes the main focus of intellectual property, especially the patent system, but as knowledge assumes increasing importance in indigenous quest for self-determination, cultural survival and economic empowerment, the gulf between indigenous and Western scientific knowledge assumes a new meaning. In this book, Chidi Oguamanam argues that the crisis of legitimacy that indigenous knowledge poses for the intellectual property system call for a rethinking of the intellectual property jurisprudence and its conceptual framework in a cross-cultural direction.

Dr. Oguamanam's study draws from interdisciplinary research in the social and medical sciences. It uses as its framework of analysis the legal doctrinal methodology, focusing on international legal and policy developments regarding the protection of indigenous knowledge, with emphasis on plant biodiversity as the mainstay or indigenous or traditional medical knowledge. He argues that despite the diverse historical experiences among indigenous peoples in the developed world and their counterparts in the Third World, the subject of knowledge protection constitutes a rallying point for their quest for self-determination and economic empowerment. Since every culture has knowledge protection mechanisms, modalities for protection of indigenous knowledge do not necessarily have to mirror those of conventional intellectual property.

One of the most in-depth studies in the area of indigenous knowledge and property rights to date, this work provides a thorough examination of the role of law and public policy in addressing the rift between Western



and non-Western knowledge systems and the crisis of legitimacy in the conventional intellectual property system.

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