

ABSTRACT

Traditional medicinal knowledge describes the practices and knowledge gained by native indigenous population. This self inhabited knowledge is passed on from generation to generation in the world. The lack of means of proper legal protection for this source of knowledge is a growing global issue. TRIPS AGREEMENT after DOHA Declaration *inter alia* has made an effort to meet the challenges faced by traditional medicinal knowledge holders especially in the developing countries. Sri Lanka also has an intellectual property regime which focuses on many rights of many products and services, but has not yet able to address with regard to Sri Lankan traditional medicinal knowledge holders' rights. One of the main restrictions is that, though Sri Lanka is a party to International Convention on Bio Diversity, it has not yet introduced an Act of Parliament to protect its own bio diversity. Due to this, medicinal plants are greatly affected by bio-piracy and misappropriation from outsiders. Traditional medicinal knowledge holders have repercussions in the international forums. International community getting Patent rights over Sri Lankan inhabited medicinal plants. Despite knowledge of traditional medicine differs Country to country, Sri Lanka has its exclusive traditional medicinal knowledge which has to be protected by its own IP regime. The restriction provided by sec. 62 (3) of local IP Act has become a bar for traditional medicinal knowledge holders to obtain Patent rights over their traditional medicinal knowledge. The author has identified the lapses and recommends suitable amendments to present legal scenario in IP regime in protecting traditional medicinal knowledge of Sri Lanka.