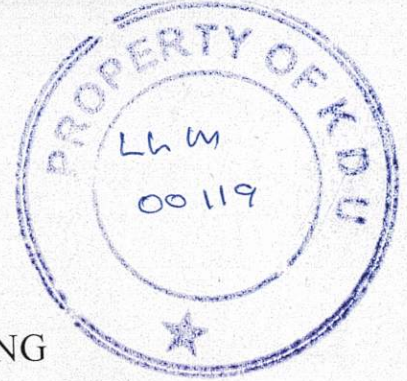


PERMANENT REFERENCE



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PROTECTION OF TRADITIONAL MEDICINE USING  
INTELLECTUAL PROPERTY TOOLS: A CRITICAL ANALYSIS  
OF SRI LANKAN LAW

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## ABSTRACT

Sri Lanka is a small island rich with traditional medicine. Due to many reasons traditional medicine is highly applied in Sri Lanka. However due to the lack of proper protection, abusing or the misuse of traditional medicine is frequent. Therefore protection over traditional medicine must be given an adequate consideration. Conventional intellectual property law protects things with "inventive character". Whereas traditional medicine does not contain such an "inventive character". Due to this inherent character of lack of "novelty" and "inventive character" it cannot be patented with the formal way of doing so. Due to this inherent characters protecting traditional medicine under conventional IP tools has become a challenge. This has been identified under this thesis.

In compliance with the TRIPS agreement Sri Lanka too enacted IP Act No. 36 of 2003 which mainly covers conventional IP rights. But as a country where traditional medicine plays a great role Sri Lankan IP Act does not have a direct bearing on bio diversity which has direct impact on plants and related medicine. And Intellectual Property Act as the only source where traditional knowledge is protected is limited only expression of folklore.

In conclusion it is observed that to protect traditional medicine from misappropriation, new sui generis system, as well a safe data bases system is recommended. As well trust concept and continental approach too could be utilized. Apart from all the 2009 proposed Bill should be adopted with necessary amendments.

Key words- Traditional medicine, Traditional knowledge, intellectual property