



# Research Week Presentation

## IP and Indigenous Knowledge International Law: Introduction

**Date:** Thursday September 29th 2022

**Broome AWST Time:** 15:00 – 16:00

**Sydney AEST Time:** 17:00 – 18:00

**London BST Time:** 08:00 – 09:00

**Mumbai, India IST Time:** 12:30 – 13:30

### Presenters:



Dr Ana Penteadó



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## Abstract

Intellectual Property (IP) is in high demand for Property Law, Climate Change and Management involving in-demand intangibles, on which Indigenous Knowledge (IK) is based. Contemporary legislations unravel inadequate legal definitions shared with Indigenous Peoples, tribal peoples, and local communities. Consequently, mistrust and confusion about laws and regulations protecting indigenous intellectual property and environmental management occurs.

Indigenous Knowledge involves native plants, traditional use, and prophylaxis, which until recently were devoid of significant scientific value. In the wake of innovation and competition to monopolise knowledge, non-Indigenous Peoples developed contractual strategies to overlook surrounding legal complexities on flora protection and ancestral practices. Then rightful creators of innovative by-products remain unassisted or marginalised from legal protection.

Disruptive education to misconstrue intellectual property principles must adapt to embrace Indigenous Knowledge as an intangible asset to be protected from environmental misappropriation. Our legal framework must include the lawful owners of useful Indigenous Knowledge.

Universities offered tailored formal education on Property Law and environmental policies. It is important to adapt courses that may promote capacity building for tribal and Indigenous Peoples and, in the process, strengthen social awareness for assimilated concepts of property flowing from Western education and colonisation values.

There is an urgent need to tackle old public policies that enhance trade and commerce, aiming for monopolist results in the market.

We propose embracing the interdisciplinary aspects involving innovation and practical solutions connected to Indigenous Knowledge as a holistic right that applies to climate change mitigation and respect for endemic flora and fauna. The method concentrates on non-traditional visual and interactive modules to be fully inclusive in our jurisdictions.

This novel approach would consider the minutiae of legal interpretation and administrative procedures that affect intangible property protection. Consequently, a comprehensive course on intellectual property from the Indigenous Knowledge's perspective will avoid offering a fallacious connection between international trade and local prosperity for all.

## Biographies

**Dr Ana Penteadó**, Honorary Adjunct Associate Professor at the University of Notre Dame, School of Law holds a PhD from Macquarie University, an LLM from University of California at Berkeley, Berkeley Law School and an LLB from Mackenzie University, School of Law. Dr Penteadó combines a hybrid academic experience and a professional legal career spanning four jurisdictions with a concentration on international law, transnational intellectual property law and public policy applied to Indigenous Knowledge. She has published mainly on aspects of patentability involving native flora and associated cultural assets in journals, provided submissions to the Australian government on intellectual property issues, and teaches primarily on intellectual property theory as well as Business law. She has also focused her studies on multidisciplinary research involving environmental issues connected with Indigenous, tribal and local communities in international law and has concentrated on climate change as a topic of basic research to advance solutions for the first custodians of flora and fauna in the South East Asia region and support sustainable policies to maintain Indigenous Knowledge systems. She is editor of the forthcoming book *Indigenous Knowledge and Climate Change: An Environment Impact on Landscape and Communities* with Dr Shambhu Chakrabarty and Owais Hassan Shaikh to be published by Springer Nature and sponsored by The Martuwarra Fitzroy River Council.

**Dr Shambhu Prasad Chakrabarty** received his LL.B. & LL.M. from Calcutta University and Ph.D. from University of North Bengal. He has taught for over 15 years at Calcutta University, KIIT, Amity Law School Kolkata and WBNUJS. He has worked extensively in the area of Indigenous and Tribal Rights, Climate Change, Intellectual Property Rights and Technology Law. He has authored 7 books and over 40 articles and book chapters including in *Liverpool Law Review*, *Environmental Management* and is currently co-editing two more books to be published from Thomson Reuters and Springer Nature in 2022. He is the Chief Editor of *NUJS Journal of Regulatory Studies*.

He has presented research papers in more than 50 national and international conferences and webinars. He has been invited as a resource person in more than 60 national and international events and has been a WIPO Academy Fellow to Malaysia in 2019. He was awarded with Gold Medal for winning Youth Parliament Competition organised by the Government of West Bengal. He topped his school at plus two level and college in his LLB Degree. Dr Chakrabarty is currently a member of the prestigious Law and Society Association, USA and the Commonwealth Lawyers Association, UK.

"He is currently a Professor at the Department of Law in the University of Engineering and Management, Kolkata, India".