

India's Soft Power through Traditional Knowledge: Finetuning the Intellectual Property Rights Regime for Equity, Innovation and Global Influence

Dr. Madhusudhan B ¹

¹ Associate Professor, Department of Political Science, NSS Law College, Kollam, Kerala, India
email: madhunsscollege@gmail.com

Abstract: India has one of the world's richest and most diverse storehouses of traditional knowledge, covering Ayurveda, Yoga, Siddha, Unani, Sowa-Rigpa, indigenous ecological practices, agricultural knowledge, crafts, food traditions and community-based approaches to health and sustainability. These resources have increasingly become devices of Indian soft power by creating attraction, trust and normative influence rather than coercion. Using a doctrinal and policy-oriented qualitative methodology, the article analyses the Patents Act, the Biological Diversity Act and its recent amendments, the Protection of Plant Varieties and Farmers' Rights Act, the Geographical Indications framework, the Traditional Knowledge Digital Library, international access-and-benefit-sharing norms and the 2024 WIPO Treaty on Intellectual Property, Genetic Resources and Associated Traditional Knowledge. The article discusses that India has developed a globally influential model of defensive protection, particularly through prior-art documentation, but positive protection and community-focused benefit-sharing remain fragmented. It argues a rights-based, evidence-led and digitally accountable architecture blending community protocols, disclosure of origin, traceable consent, tiered-access knowledge repositories, geographical indications, collective marks, research partnerships and transparent benefit-sharing. Such reform would make it possible for India to project traditional knowledge not as a static civilizational value, but as a living, plural and ethically governed contribution to global public goods.

Keywords: Traditional Knowledge, Soft Power, Intellectual Property Rights, TKDL, Biopiracy, Ayurveda, Geographical Indications, Access and Benefit-Sharing, Indigenous and Local Communities, India

Introduction

Soft power explains the capacity of a state to obtain preferred outcomes through attraction, legitimacy and persuasion rather than coercion or payment (Nye, 2004). In India's domain, civilisational values, plural cultural traditions, democratic experience, diaspora networks, cinema, cuisine, spiritual practices and knowledge systems offers a profound reservoir of such attraction. Traditional knowledge therefore functions simultaneously as culture, know-how, economic resource, health practice and diplomatic language.

The international acceptance of the International Day of Yoga, the establishment of the World Health Organization's Global Centre for Traditional Medicine in India, and the WHO Traditional Medicine Global Summit held in Gandhinagar manifests how knowledge traditions can create platforms for global agenda-setting. Attraction is weak when claims are overstated, evidence standards are ambiguous, communities are excluded, or cultural aspects are presented as the property of a single institution or political identity.

The intellectual property rights (IPR) dimension is therefore crucial. This mismatch generates two opposite problems. First, long-known practices may be treated as unrecorded hence considered as "novel" by patent offices, enabling outsiders to obtain rights over derivatives or repackaged knowledge. Second, as the underlying knowledge is old and collectively held, communities may be incapable to claim conventional patents or copyright and may receive no recognition or benefit from commercial purpose. WIPO accordingly differentiate defensive protection, which prevents illegitimate rights over traditional knowledge, from positive protection, which enables communities to control use and derive benefits (World Intellectual Property Organization [WIPO], 2023).

India's policy posture is remarkably significant. The Traditional Knowledge Digital Library (TKDL) has become an international model for changing classical medicinal texts into searchable prior art. Patent law not inclusive of traditional knowledge and mere aggregation or duplication of known properties from patentability. Yet, these mechanisms evolved separately, are governed by different institutions, and do not yet constitute a unified community-rights framework.

This article poses three questions. What reforms are required to align cultural diplomacy, scientific credibility, community justice and sustainable commercialisation? The major claim is that India's strongest soft-power strategy lies not in asserting ownership over all uses of ancient knowledge, but in manifesting that traditional knowledge can be governed through an equitable, plural, evidence-based and internationally credible institutional model.

Conceptual Framework: From Cultural values to Knowledge Governance

Traditional knowledge is broadly conceived as knowledge, skills, innovations and practices developed, sustained and transmitted within communities, often forming part of their cultural or spiritual identity. It encompasses medicinal, agricultural, ecological, technical and artistic knowledge (WIPO, n. d. -a). It is significant to avoid treating this category as homogeneous. Codified systems such as Ayurveda has comprehensive textual traditions, professional institutions and state recognition. A defensible legal regime must therefore differentiate between publicly available prior art, community-regulated knowledge and secret or sensitive knowledge.

Soft power is not similar to cultural possession. A cultural practice generates soft power when foreign communities and institutions associate it with values, competence or credibility and voluntarily engage with

it. However, the diplomatic implications depend on accessible training, credible standards, pluralism and a willingness to allow transnational assimilation. Endeavour to regulate every cultural adaptation can reduce attraction, while complete apathy to misrepresentation can dilute provenance and harm practitioners.

Traditional knowledge also functions as “knowledge diplomacy”. The WHO’s recent traditional-medicine initiatives emphasise rigorous evidence, data, regulation, innovation, biodiversity and equitable benefit-sharing rather than symbolic recognition alone (World Health Organization [WHO], 2025a, 2025b). The state acquires reputational authority when it allows scientific evaluation without removing epistemic diversity; protects communities without freezing knowledge; and promotes innovation without enabling extractive appropriation.

An analytical distinction between visibility, legitimacy and distributive justice is beneficial. Visibility concerns international awareness of Indian traditions. Legitimacy issues whether claims, products and institutions are trusted. A policy may enhance visibility while reducing legitimacy—for example, by encouraging unverified therapeutic claims. Sustainable soft power needs all three dimensions.

The IPR regime influences each dimension. Patents can offer genuinely inventive derivatives, but they can also enable enclosure if prior art is invisible. Trade secrets and customary confidentiality can protect restricted knowledge. Databases can prevent defective patents, yet excessive disclosure can expose communities to easier appropriation. The pertinent policy task is therefore not a binary choice between “protection” and “openness,” but the design of differentiated governance for different knowledge categories and uses.

Methodology

This article uses a qualitative doctrinal and policy-analysis method. It evaluates the interaction between Indian statutes, administrative mechanisms and international instruments pertinent to traditional knowledge, genetic resources and cultural products. It also encompasses official material relating to the TKDL, WIPO’s traditional-knowledge framework, the Convention on Biological Diversity (CBD), the Nagoya Protocol and the WIPO Treaty on Intellectual Property, Genetic Resources and Associated Traditional Knowledge adopted in 2024.

The analysis is evaluative rather than completely descriptive. Soft-power theories is used to connect domestic governance with external influence. Selected examples include turmeric, neem, yoga, medicinal formulations, plant varieties, crafts and GIs—illustrate broader institutional dynamics rather than serve as complete case studies.

Traditional Knowledge as a value of Indian Soft Power

India’s traditional knowledge creates international attraction through at least five tracks. The first is embodied pragmatism. Yoga is accessible, adaptable and capable of being practiced without huge material infrastructure. Yet studies show that the political meaning of yoga diplomacy is not automatic: inclusive messaging can

communicate unity and well-being, whereas triumphalist or exclusionary narratives can generate resistance (Gautam & Droogan, 2018; Otto, 2025).

The second track is health and wellness. Ayurveda, Siddha, Unani and Sowa-Rigpa project India's image as a source of preventive, personalised and holistic approaches. The WHO Global Summit and the Gujarat Declaration call for evidence-informed integration, appropriate regulation and equitable knowledge exchange (WHO, 2025a). Scientific evaluation should not be treated as a rejection of tradition; rather, it can protect patients, practitioners and India's reputation.

The third pathway is ecological knowledge. Community practices pertaining to water, soils, forests, seeds, livestock, seasonal indicators and biodiversity can inculcate climate adaptation and sustainable development. By supporting community-led conservation and cross-border knowledge partnerships, India can project itself as a contributor to planetary well-being, particularly in South–South cooperation.

The fourth track is cultural production. Handlooms, handicrafts, metalwork, pottery, food products and agricultural goods embody skills transmitted across generations. Registration alone, however, does not bring higher incomes; weak enforcement, counterfeiting and unequal value chains can leave artisan communities marginalised.

The fifth pathway is institutional innovation. WIPO has described the TKDL as a pioneering defensive-protection mechanism that bridges linguistic and classification gaps (WIPO, 2011a, 2011b). This institutional achievement itself promotes soft power: India is not only the source of knowledge but also a rule-shaper giving a model to other countries.

The Patent Regime and Defensive Protection

Patent law is the major arena in which the inconsistency between conventional IPR and traditional knowledge became internationally visible. Patent systems reward inventions that are novel, involve an inventive step and are commercially applicable. An examiner who cannot gain access this prior art may grant a patent for a use already known within a community.

India's remarkable challenges involving turmeric and neem illustrated the cost of correcting defective grants after the event. In both instances, evidence of prior knowledge helped defeat or limit patent claims, but opposition was expensive and time-consuming. These experiences prompted the TKDL, initiated in 2001 through collaboration between the Council of Scientific and Industrial Research and the then Department of AYUSH. Access arrangements with major patent office's enable examiners to identify relevant prior art before granting rights (WIPO, 2011a, 2011b).

The TKDL's importance lies in translation, classification and procedural timing. By connecting traditional formulations to patent classification, the TKDL converts epistemic existence into legally searchable evidence.

Defensive protection is economically logical because preventing an erroneous patent is less costly than litigating revocation in multiple jurisdictions.

Indian patent law also includes profound safeguards. Section 3(p) of the Patents Act excludes an invention that is, in effect, traditional knowledge or an aggregation or duplication of known properties of traditionally known components. The Patent Office's guidelines for processing applications relating to traditional knowledge and biological material seek to improve examination consistency (Office of the Controller General of Patents, Designs and Trade Marks, 2012).

Despite its achievements, defensive protection has constraints. First, it prevents others from patenting known knowledge but does not generate an affirmative right for communities to authorise use or receive benefits. Second, documentation may convert knowledge into an accessible research map. Fourth, an examiner may reject a patent over a known practice while a company remains free to commercialise the unpatented product without sharing benefits, subject to biodiversity and other regulations.

Fifth, innovation at the border between traditional knowledge and modern science is difficult to evaluate. Conversely, minimal formulation changes, extraction techniques or dosage modifications should not be permitted to create monopolies over the core knowledge. Examination must identify what is actually inventive, need adequate disclosure and avoid claims that cover traditional uses.

India should continue to internationalise defensive protection by way of interoperable classification, examiner training and cooperation under WIPO. Defensive documentation must be connected to positive rights and benefit-sharing rather than functioning as a stand-alone shield.

Biodiversity Law, Consent and Benefit-Sharing

The Biological Diversity Act, 2002 was enacted to support conservation, sustainable use and fair and equitable sharing of benefits emanating from biological resources and associated knowledge. In principle, this framework focuses on the relational character of traditional knowledge more directly than patent law because it regulates access and benefit-sharing even where no patent is granted.

The 2023 amendment, came into force from 1 April 2024, and subsequent rules and access-and-benefit-sharing regulations seek to streamline compliance, clarify categories and encourage research and the AYUSH sector. The reform has created a debate. The major issue is not simply whether procedures are easier, but whether the system can exhibit conservation outcomes, informed participation and benefits reaching legitimate custodians. Access-and-benefit-sharing should encompass both monetary and non-monetary benefits. Agreements should be tailored rather than confined to a uniform fee. Benefits must also be distributed fairly within communities, including to women and marginalised knowledge holders whose contributions may be unnoticed by formal leadership structures.

The legal dimension of prior informed consent is difficult in collective settings. Who is authorised to consent when knowledge is shared across villages, tribes, healers or regions? How should consent function for digital sequence information or machine-learning systems trained on traditional medical texts? Biodiversity Management Committees can play a role, but they require legal literacy, funding, technical assistance and safeguards against elite capture.

People's Biodiversity Registers offer the same documentation paradox as other databases. They can preserve knowledge, support local planning and establish evidence of provenance. Sensitive entries should be held through trusted custodians, and access should create logs, obligations and, where appropriate, benefit-sharing triggers.

An added problem is institutional fragmentation. Information about source, consent and benefits is not seamlessly shared. A secure national compliance interface could link patent disclosure, biodiversity permissions and benefit-sharing obligations without creating a public database of sensitive knowledge. Such coordination would increase legal certainty for ethical innovators and strengthen enforcement against misappropriation.

Farmers' Rights, Seeds and Agricultural Knowledge

Agricultural traditional knowledge is expressed in landraces, seed selection, cultivation practices, storage methods, pest management and community exchange networks. It also protects farmers' ability, subject to statutory conditions, to save, use, sow, resow, exchange, share or sell farm produce which includes seed, while restricting the sale of branded seed of a protected variety.

The Act establishes that innovation need not be conceptualised as a one-directional transfer from formal laboratories to passive farmers. Crop improvement is cumulative and distributed. Official data show substantial registration activity under the system, though registration numbers alone do not reveal how accessible the regime is to small farmers or how benefits are distributed (Protection of Plant Varieties and Farmers' Rights Authority, 2026).

From a soft-power perspective, the farmers' rights model provides India a distinctive normative contribution to debates under the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights. It demonstrates an attempt to reconcile innovation incentives, food security and community stewardship.

However, Registration embraces technical descriptors and procedures that may be difficult for communities without institutional support. Farmers' varieties can be appropriated by intermediaries who possess enhanced legal or scientific capacity. Policy should support community seed banks, participatory breeding, legal aid and publicly assisted characterization of farmers' varieties, while ensuring that documentation does not extinguish customary exchange.

India can enhance agricultural knowledge diplomacy through partnerships on climate-resilient crops, millets, agroecology and seed conservation. This would transform “heritage” from a branding label into a sustainable innovation partnership.

Geographical Indications, Traditional Cultural Production and Market Power

Geographical indications are especially tailor-made to traditional products whose reputation, qualities or characteristics are linked to a region. It is a collective value rather than an individual monopoly. India's GI framework has therefore become a crucial mechanism for protecting teas, agricultural products, foods, textiles, crafts and manufactured goods associated with regional traditions.

GIs can contribute to soft power by linking a product to a story of place, skill and community. In export markets, these signs can differentiate authentic goods from imitations and support premium positioning.

However, a GI certificate is only the beginning. Producers need effective associations, authorized-user registration, inspection structures, common quality standards, packaging, traceability, enforcement and marketing. Strict specifications can preserve authenticity but can also freeze innovation or exclude producers whose practices change within the region.

Traditional cultural expressions also surpass the scope of GIs. Collective marks, certification marks, design law, passing off, contracts and cultural protocols can bring partial remedies, but India lacks a comprehensive sui generis system for community-controlled traditional cultural expressions. A future framework should prevent derogatory or misleading uses of sacred expressions, require attribution for specified industrial uses, and facilitate negotiated licensing without preventing legitimate education, scholarship or intercultural creativity.

The 2024 WIPO Treaty and India's International Rule-Shaping Role

The adoption of the WIPO Treaty on Intellectual Property, Genetic Resources and Associated Traditional Knowledge on 24 May 2024 considers a major change in international patent governance. The treaty demands contracting parties to establish a patent disclosure requirement when claimed inventions are based on genetic resources or associated traditional knowledge. The treaty also addresses information systems, sanctions and remedies, while generally allowing rectification absent fraudulent conduct (WIPO, 2024a, 2024b).

For India, the treaty confirms positions long advanced by biodiversity-rich countries: the patent system should not remain detached from provenance and traditional knowledge.

However, the treaty is a minimum framework, not a complete justice mechanism. Disclosure does not itself prove prior informed consent, mutually agreed terms or benefit-sharing. Its benefit will depend on ratification, national implementation and coordination among patent and biodiversity authorities.

India can carry out soft power by supporting practical implementation assistance for developing countries. At the same time, India should recognize and share lessons from its own implementation gaps. Leadership based on transparent learning is more credible than presenting a flawless model.

Domestic implementation should be limited a formal disclosure box. Patent applicants should impart standardized identifiers for permits, source institutions and community agreements where applicable. Research institutions and companies should be given proper training to conduct provenance due diligence before filing patents, not treat disclosure as an afterthought.

Persistent Gaps in India's Contemporary Regime

India's framework is potent on preventing certain patents than on enabling communities to govern downstream use. The first gap is the absence of a consolidated positive right in traditional knowledge. A sui generis statute has long been discussed internationally; however, its design is difficult because communities and knowledge categories differ substantially.

The second gap is uneven representation. This generates a risk that "India's traditional knowledge" becomes synonymous with a limited set of nationally branded systems. A plural soft-power strategy must acknowledge Adivasi, Dalit, pastoral, coastal, northeastern and other regional traditions without absorbing them into a homogenised narrative.

The third gap pertains to evidence and regulation. International legitimacy requires reliable standards for products, practitioners and health claims. Regulation must differentiate between historical use, plausible wellness benefit and clinically demonstrated therapeutic effectiveness. This is not merely a health issue; reputational failures directly reduce soft power.

The fourth gap constitutes a benefit-sharing transparency. Independent audits and outcome dashboards are required, with privacy safeguards. Communities should be able to conceive the valuation method, payment schedule and grievance mechanism.

The fifth gap is considered to be enforcement. State-supported legal and technical assistance is crucial. Indian diplomatic missions and trade offices could enable identify misuse abroad, while customs and e-commerce platforms should improve GI and counterfeit enforcement.

The sixth gap is the documentation dilemma. Community consent must precede documentation of non-public knowledge domain. Metadata should be capable of recording restrictions, custodianship and permitted uses. Some knowledge should not be digitised at all.

The seventh gap pertains to ownership of research outputs. Consent forms often focus on immediate collection and do not explain future digital uses. Agreements should take into consideration data governance, derivative inventions, model training, publication, attribution and benefit-sharing over time.

Finally, policy coordination remains vulnerable. Without a central coordinating mechanism grounded in community rights, ministries may pursue inconsistent objectives—for example, maximizing exports while regulating access, or promoting open research while failing to protect sensitive knowledge.

A credible reform agenda should start with a National Traditional Knowledge and Community Rights Policy developed through wider consultation with knowledge holders. It should define minimum rights to attribution, culturally suitable consultation, protection against false or derogatory representation, and equitable benefit-sharing from specified commercial uses.

India should develop a tiered knowledge-governance architecture. Publicly documented classical knowledge utilized for patent examination may remain in controlled prior-art systems. The existence of an entry must never be interpreted as permission for commercial exploitation.

Community protocols require to become operational legal instruments. As communities are internally diverse, protocols should require inclusive participation and periodic review. Women, youth, migrant members and specialised practitioners should not be marginalized by default.

India should integrate disclosure, consent and benefit-sharing through secure digital compliance. Patent applications based on biological resources or associated traditional knowledge should reference appropriate approvals or declarations. The platform should reduce duplication for ethical researchers while making non-compliance harder.

Positive protection needs to use a flexible toolbox rather than a single right. Model licenses should provide options for attribution-only, non-commercial research, commercial research, product licensing and sacred-material prohibition.

Scientific credibility must be attached to soft-power strategy. Product and practitioner regulation should be strengthened, and diplomatic messaging should avert universal therapeutic claims unsupported by evidence. Intellectual humility increases rather than diminishes civilisational confidence.

GI policy should go beyond registration to value-chain development. Producer organizations requires grants for testing, branding, legal enforcement, sustainable sourcing and digital traceability. GI specifications should allow community-approved innovation.

India should establish a Traditional Knowledge Ombudsperson or specialized tribunal function in order to provide accessible solutions. Mediation should be available, but communities must preserve access to enforceable orders.

Traditional-knowledge diplomacy should act as a structured component of development cooperation. Joint programmes should be reciprocal in nature and avoid reproducing extractive relationships with partner countries. India's influence will enhance when it is perceived as enabling other knowledge-rich societies to protect and develop their own heritage.

Finally, measurable indicators are to be evaluated. Success should not be assessed only through the number of yoga events, patents defeated, GIs registered or memoranda signed. Soft power is an outcome of credible governance, not an advertising metric.

Digital Technologies, Artificial Intelligence and the Next Generation of Mishandling

Digital transformation enhances both the reach and vulnerability of traditional knowledge. Artificial intelligence can foster translation, prior-art search, pattern recognition and personalised educational tools. However, the same technologies permit large-scale extraction without physical access or meaningful engagement with custodians.

Generative AI systems may ingest traditional stories, designs, medical texts and languages, then generate outputs that imitate cultural styles without attribution or benefit. Contemporary access-and-benefit-sharing rules, which were designed around physical collection and bilateral agreements, may not capture these uses.

India demands a traditional-knowledge data governance framework aligned with data protection, copyright, biodiversity and AI policy. Publicly available information should not automatically be considered as ethically unrestricted for commercial training, especially where publication occurred under unequal historical conditions.

Technical responses may encompass machine-readable traditional-knowledge labels, provenance metadata, restricted licences and automated monitoring of patent and marketplace databases. India should propose internationally for provenance and benefit-sharing standards in AI and digital biology, connecting its experience in TKDL with emerging data-governance debates.

Discussion: Balancing Openness, Protection and Innovation

Deliberations on traditional knowledge are often polarised. Another focuses historical extraction, insisting that openness without power-sharing reproduces colonial appropriation. Both concerns are appropriate. The appropriate balance depends on the type of knowledge, the nature of use and the possible harm.

Publicly known breathing practices, recipes or craft motifs cannot be governed in the same way as a secret medicinal formulation, sacred symbol or rare-species location. Open educational use may require attribution; commercial use may need a license or contribution; restricted sacred knowledge may be non-licensable.

Innovation should be understood comprehensively. Communities innovate when they acclimate practices to environmental and social change. Scientists innovate when they validate, refine or create novel applications. Patent claims should be confined to demonstrably inventive elements, while access agreements allocate benefits and preserve freedom to continue customary use.

This balanced approach fortifies soft power because it communicates confidence without domination. India can be proactive global engagement with yoga, Ayurveda, crafts and ecological knowledge while insisting on

safety, provenance and fairness. Such refinement is more convincing internationally than absolute ownership claims.

The legitimacy of India's position will also rely on domestic practice. External soft power and internal justice are inseparable. Community rights, environmental protection, scientific integrity and pluralism are not hindrance on cultural diplomacy; they are its institutional foundation.

Conclusion

Traditional knowledge is one of India's most far-reaching soft-power resources because it blends cultural meaning with practical relevance to health, sustainability, agriculture, creativity and well-being. The 2024 WIPO Treaty further ensures the international shift towards patent disclosure of origin and associated traditional knowledge.

However, the current framework remains lopsided. Cultural visibility has grown rapidly than institutional coordination. The next phase must hence move from showcasing tradition to governing knowledge ethically.

A reformed approach should differentiate public, restricted, confidential and sacred knowledge; operationalise community protocols and inclusive consent; link patent disclosure with biodiversity compliance; strengthen GIs and collective enterprise; regulate evidence and quality; and govern AI and digital sequence uses. Benefits should be measurable and should reach knowledge holders through transparent, long-term partnerships.

Soft power eventually rests on credibility. An equitable IPR regime can thus transform traditional knowledge from a vulnerable heritage into a platform for community dignity, responsible innovation and global cooperation.

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