



Instituto Ecuatoriano  
de la **Propiedad**  
**Intelectual**



# **NEW APPROACH TO TRADITIONAL KNOWLEDGE MANAGEMENT IN ECUADOR**



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# SOCIAL ECONOMY OF KNOWLEDGE

## NEW PRODUCTIVE MATRIX

- Ecomic transition from finite to infinite resources; development of knowledge
- Social under-usage of the knowledge good – Democratization of knowledge.
- Regulations.



## Cognitive Capitalism

- Knowledge/Private good
- Exchange value
- Profit maximization from knowledge by a private agent.
- Prevalence of competitive production of knowledge.
- Exclusively private intellectual property.
- Concentrated distribution of IP rights.

## Social Economy of Knowledge

- Knowledge/Public good.
- Value use.
- Maximization of positive externalities derived from society's knowledge.
- Prevalence of collaborative production of knowledge.
- Private, public, collective intellectual property.
- Social distribution of benefits.

# NEW POLICIES FOR CULTURAL DIVERSITY



# ECUADOR: PLURI-NATIONAL AND INTERCULTURAL

## Ecuador:

- 14 nationalities y 19 indigenous peoples
- 14 ancestral languages.

## Regulations for Traditional Knowledge:

Constitution of the Republic of Ecuador (2008)

“To maintain, to protect, and to develop collective knowledge; its sciences, technologies and ancestral knowledges; the genetic resources that contain the biologic diversity and agrarian biodiversity; its medicine and traditional medicine’s practices, with inclusion of the right to recover, to promote, and to protect the ritual and sacred places, as well as plants, animals, minerals and ecosystems within its territories; and the knowledge of the resources and properties of fauna and flora”.

Código Orgánico de Economía Social del Conocimiento, Innovación Creatividad y Saberes Ancestrales (2015)

Nationality	Native ethnic group
Achwar, Andoa, Cofán, Secoya, Siona, Shiwari, Shuar, Waorani, Zápara	
Awa, Chachi, Epera, Tsáchila	
Kichwa	Chibuleo, Kañari, Karanqui, Kayambi, Kisapincha, Kitu Kara, Natabuela, Otavalo, Pasto, Purhuá, Salasaka, Saraguro, Tomabela, Waranka Kichwa y Kijos Amazónicos.
	Afro-ecuadorian
	Montuvio

# TRADITIONAL KNOWLEDGE IN THE COESC

## Principles

- Free and prior informed consent
- Nationalities, native ethnic groups, and communities' free determination.
- The collective, unattachable, and unprescribable nature of traditional knowledge is acknowledged.

## Milestones

- The traditional knowledge are defined and acknowledged within the Knowledge System.
- Acknowledgement to nationalities, native ethnic groups, and communities as legitimate owners of traditional knowledge.
- Incentives for research.
- Regulations for the fulfillment of collective rights.
- Regulations for access, control, and sanctioning.

## Instruments

- Contract based on free and prior informed consent/equitable distribution of benefits.
- Traditional knowledge deposit.
- Consultive Council.

# DEFINITION: TRADITIONAL KNOWLEDGE

Traditional Knowledge:

“It is every collective knowledge, such as practices, methods, experiences, capacities, signs, and symbols that pertain to native ethnic groups, nationalities and communities which are a part of the cultural heritage and have been developed, updated, and passed on from generation to generation.

It is traditional knowledge, among others, ancestral and local knowledge, the intangible component associated with genetic resources and traditional cultural expressions”.





# CATEGORIES

Sacred



Restricted diffusion



Secrets

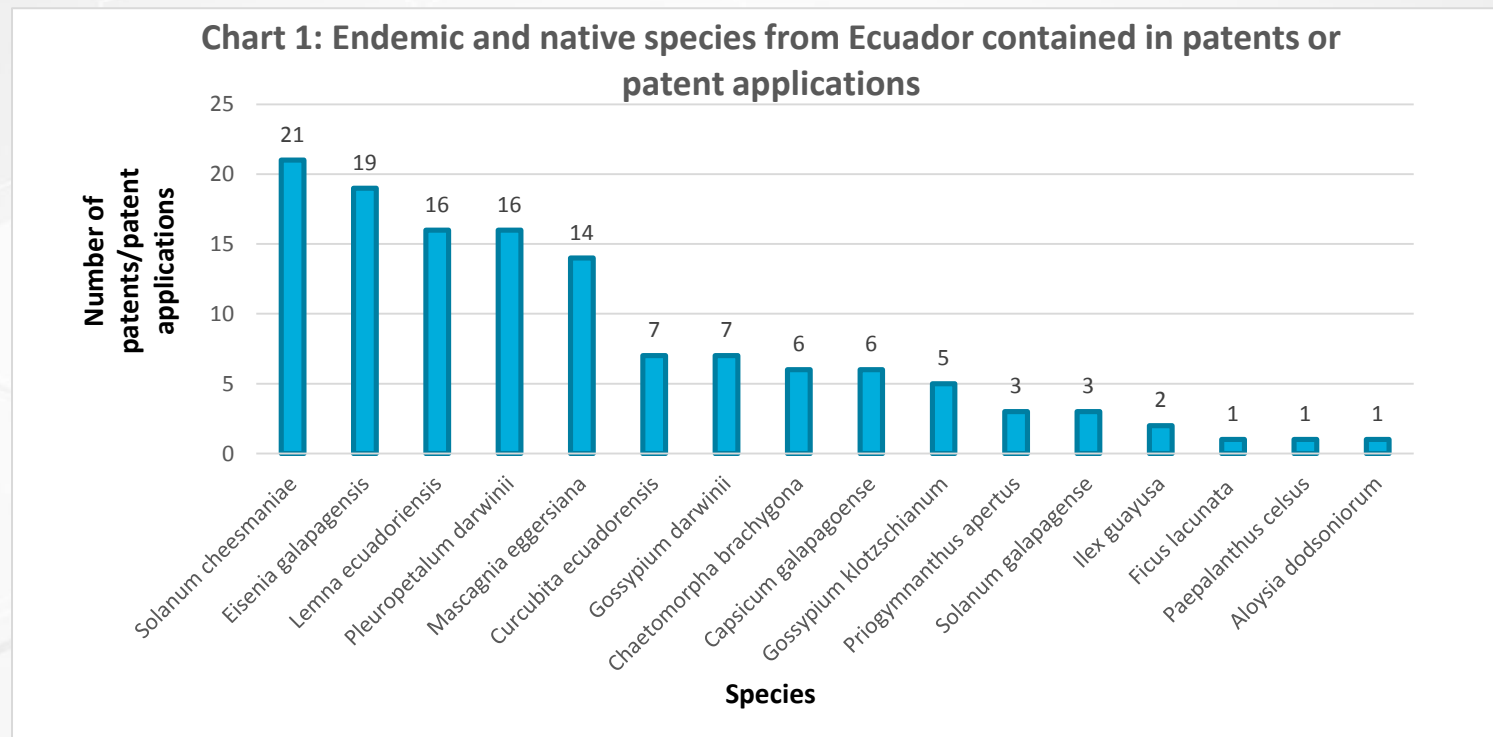


Wide diffusion



# ILLEGITIMATE ACCESS TO TRADITIONAL KNOWLEDGE AND BIOLOGICAL RESOURCES

- Main species and endemic genetic resources usage, from which inventions protected with patents and patent applications have been developed:



This chart illustrates the number of species from which protected inventions have been developed per every 100 patents or patent applications. In total, 78% of 128 patents is based in endemic or native Ecuadorian species.

# PROTECTION MEASURES

## CONTRACT

- Training and mediation of a third party.
- Acknowledgment of native language.
- Equitable distribution of benefits: short, mid, and long term.

## TRADITIONAL KNOWLEDGE DEPOSIT

- The decision to whether or not to file for the registration is up to the communities.
- Local deposits
- No-release principle.



**THANKS**