



MINISTRY OF SCIENCE, HIGHER EDUCATION AND INNOVATION OF THE
KYRGYZ REPUBLIC



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National Policy and Initiatives for the Protection of Traditional Knowledge in the Kyrgyz Republic

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Kyrgyzstan: a country of ancient traditions and unique biodiversity

- Located in the center of Eurasia, 90% of the territory is mountainous
- More than 2,000 years of nomadic history
- Unique genetic resources (medicinal plants, endemic livestock breeds)
- Rich intangible cultural heritage (the epic Manas, crafts, traditional medicine)

Traditional knowledge of the Kyrgyz people covers:

- Medicine (healing herbs, treatment methods)
- Crafts (felt-making, embroidery, jewelry)
- National cuisine (methods of food preparation and preservation)
- Agriculture (transhumant livestock breeding, pasture rotation)
- Genetic resources (knowledge about plants and animals)

How can we preserve ancestral knowledge and protect it from unfair use?

At the time of drafting the law (2004–2007), there were risks:

- Growing global interest in TK and biopiracy
- Loss of knowledge due to the passing of the older generation
- Lack of mechanisms to protect the rights of local communities
- Inability of knowledge holders to benefit from commercialization

TRADITIONAL KNOWLEDGE OF THE KYRGYZ PEOPLE

Knowledge accumulated by ancestors had special importance and was transmitted in an established manner, reflecting life experience, wisdom, and spiritual values of the people.

LEGAL PROTECTION:

- ✓ preservation of cultural heritage
- ✓ a tool for fair benefit-sharing
- ✓ a mechanism to prevent improper patenting



Creating a System for the Protection of Traditional Knowledge: Legislative Foundation



- **2007 – Law of the Kyrgyz Republic On the Protection of Traditional Knowledge**

- **2008–2009 – implementing regulations adopted:**

- Regulation on fees
- Rules for filing applications
- Procedure for maintaining the State Register
- Government Order No. 371-r (competent authorities)

- **1996 – accession to the Convention on Biological Diversity**

- **2015 – ratification of the Nagoya Protocol (access to genetic resources and benefit-sharing)**

- **2012 – Law on Intangible Cultural Heritage (complements TK protection)**

The law:

- establishes the legal regime for TK protection in Kyrgyzstan
- provides protection for an unlimited term
- does not apply to folklore (focus on practically applicable knowledge)
- provides for registration and issuance of a certificate
- establishes benefit-sharing mechanisms (mandatory contributions to the Local Community Development Fund — at least 20%)
- protection is not granted if the knowledge may harm life, health, or the environment

KEY CONCEPTS AND SUBJECTS:

- ✓ **Traditional knowledge** — knowledge, methods, and practices, including those involving the use of genetic resources, transmitted from generation to generation.
- ✓ **Holders of traditional knowledge** — local communities, as well as natural and legal persons who possess such knowledge.
- ✓ **Local community** is understood institutionally as citizens of the Kyrgyz Republic permanently residing within an administrative-territorial unit and addressing local issues through local self-government bodies.

A broad range of subjects is recognized, including foreign persons; however, equality of rights requires legal compliance and adherence to established procedures.



STATE REGULATION



The role of the State is not only to protect, but also to promote the use of traditional knowledge, including industrial production and commercialization of results.

Protection against improper patenting through:

- registration of traditional knowledge;
- maintenance of the register;
- creation of a database used in the examination of patentable subject matter.

Benefit-sharing in favor of local communities through:

- contractual arrangements;
- payment of remuneration;
- mandatory contributions to the Local Community Development Fund.



Institutional System: From Application to Registration

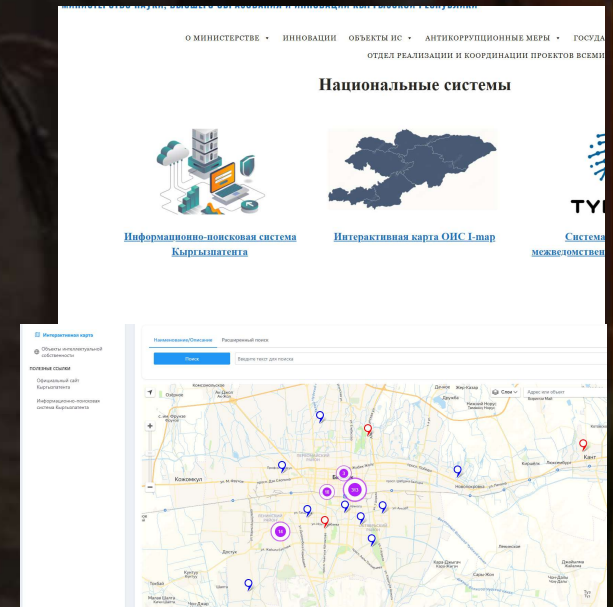


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Authorized Body in the Field of Traditional Knowledge Protection

- Receiving and examining applications for TK registration
- Maintaining the State Register of TK
- Establishing and maintaining the TK database
- Publishing information on registered TK
- Developing legal and regulatory acts
- Coordinating with partners (ministries, NGOs, communities)



PATENTING

Patenting of subject matter that constitutes traditional knowledge is not permitted.

Where an invention is based on traditional knowledge, the applicant must:

- disclose the origin of the traditional knowledge;
- indicate the source through which it became publicly available.

The holder of a certificate for traditional knowledge receives:

- protection against misappropriation;
- transparency of origin;
- an established benefit-sharing mechanism.





REGISTRATION AND DOCUMENTS

The application shall be filed in the state or official language and must include:

- a full description of the traditional knowledge;
- the place of origin (boundaries of the geographical area);
- where applicable, a description of the genetic resource;
- fields of application and positive results;
- information on publications.

Attachments:

- a document from the competent authority confirming practical applicability and positive results;
- an opinion from the competent authority confirming the applicant's affiliation with the local community/geographical area;
- for foreign applicants, a document confirming the right to the knowledge in the country of origin.

The certificate for the right of use is valid for 10 years and may be renewed every 10 years.

HOW DO BENEFITS WORK?

A person who is not the holder of traditional knowledge may obtain the right to use it only under an agreement with the holder.

Agreement:

- defines the scope of rights, term, territory, and payments;
- must be registered;
- must include mandatory contributions to the Fund (contributions to the relevant Local Community Development Fund of at least 20%).



CONTROL OF USE — “PROTECTIVE MECHANISMS”

Commercial use without an agreement with the holders is considered unlawful.

Exceptions:

- Educational and research purposes with indication of the source, as well as personal use.
- If registered traditional knowledge is not used for three years, an interested party may apply to the court for authorization to use it (a mechanism analogous in substance to compulsory authorization, adapted to the field of traditional knowledge).
- In cases of emergency circumstances or national security, the Cabinet of Ministers may authorize use with payment of compensation.



PRACTICAL EXAMPLE

A community (or an authorized organization) registers traditional knowledge and records its origin and positive effect.

A company develops a product based on this knowledge.

During patenting, the company must disclose the origin of the traditional knowledge and the source of its disclosure.

An agreement is concluded providing remuneration to the certificate holder and mandatory contributions to the Fund.

Result: the company obtains a legal basis for innovation, while the community receives recognition and economic benefits, supporting sustainable development at the local level.



PRACTICAL CONCLUSIONS

- Preventive protection through a database and registration is more effective than reacting after the fact.

- Inclusiveness is ensured by the system's explicit recognition of local communities as key participants and beneficiaries.

- Commercialization is allowed and encouraged, but through fair contractual conditions and an established benefit-sharing mechanism.

- The existence of a confidentiality regime helps balance openness with the protection of sensitive knowledge.

- Provisions on non-use and emergency circumstances create a balance between private and public interests.

What We Have Learned Over the Years: Challenges and Lessons

- Documenting oral knowledge — many forms of knowledge exist only in the memory of the older generation, which is gradually disappearing.
- Fragmented information — knowledge is scattered across different sources: archives, libraries, private collections, and oral traditions.
- Community awareness — knowledge holders often do not realize the value of their knowledge or the possibility of protecting it.
- Access to the database — how to ensure openness for search while protecting sensitive information.
- Commercialization — mechanisms exist, but there are still few real agreements; communities are not always ready for market relations.
- Preventive protection works better than reactive measures — databases and registration are more effective than court action after infringement.
- Inclusiveness is key to success — legislation should explicitly recognize communities as subjects and beneficiaries.
- Partnerships are essential — without NGOs, researchers, and libraries, it would not have been possible to collect even half of the knowledge.
- Balancing openness and protection — it is necessary to find a middle ground between public access and preserving the confidentiality of sacred knowledge.
- Education and awareness — it is important not only to collect knowledge but also to educate young people and introduce university courses.

Practical Results: Registration of Traditional Knowledge

- 451 traditional knowledge objects registered (as of 2023)
- More than 200 invention applications involving the use of genetic resources
- Patents for inventions based on traditional knowledge and genetic resources (for example, the “Arashan” balm and bio-products)

2009 — Game “Toguz Korgool”
(Republican Federation)



2011 — Soap “Shakar”
(Bugu-ene community,
Tasma village)

2013 — Horse limb fixation method (KNAU – Kyrgyz
National Agrarian University)



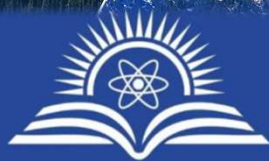
Documentation of Traditional Knowledge

Alay Expedition



PLANS

- **Development of commercialization:** support for agreements, engagement of business, and development of payment mechanisms.
- **Monitoring and analytics:** collection of data on registrations and payments.
- **Support for communities:** training, legal assistance, and facilitation of access to registration.
- **Integration of the database into examination:** mandatory checking of applications against the traditional knowledge database.
- Embedding traditional knowledge into the development of technological enterprises as a resource for innovation, while ensuring respect for community rights.



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THANK YOU FOR YOUR ATTENTION

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