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# 한국전통지식포탈을 통한 전통지식의 보호 및 활용

## Protection and Utilization of Traditional Knowledge Resources through Korean Traditional Knowledge Portal(KTKP)

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### 요약

최근 들어 다국적 기업들에 의한 전통지식과 유전자원에 대한 해적행위가 증가하고 있다. 이에 세계지식 재산권기구의 국제조사기관 회의에서는 전통지식을 보호하기 위해서 전통지식문헌이 Patent Cooperation Treaty 비특허문헌에 포함되어야 한다는 것에 동의하였다. 대한민국에서는 특허청과 농촌진흥청이 전통지식보호를 위한 활동에 선도적인 역할을 수행해 오고 있다. 특허청은 Korean Journal of Traditional Knowledge을 2007년 말부터 한국전통지식포탈을 통해 서비스하고 있으며, 이는 2008년에 PCT 최소문헌으로 선정되었다. 농촌진흥청은 1997년부터 현재까지 전통 농업 지식과 향토음식에 대한 정보를 발굴하여 책자로 발간해 오고 있다. 또한 농촌진흥청이 발굴한 전통지식은 2010년부터 한국전통지식포탈에서 검색 가능하다. 본 논문에서는 전통지식을 보호 및 활용하기 위한 전반적인 활동을 소개한다.

■ 중심어 : | 전통지식 | 보호 | 활용 |

### Abstract

In recent years, multinational companies' pirate cases for traditional knowledge and genetic resources are growing. Meeting of International Authorities(MIA) agreed that traditional knowledge documentation should be included in the non-patent literature part of the Patent Cooperation Treaty(PCT) minimum documentation as a means of protection. In Korea, Korean Intellectual Property Office(KIPO) and Rural Development Administration(RDA) have played a leading role in traditional knowledge-related protection activities. KIPO's Korean Journal of Traditional Knowledge(KJTK) was selected as a PCT minimum documentation in 2008, and has been serviced through Korean Traditional Knowledge Portal(KTKP) since 2007. RDA has published several books which contain traditional agricultural knowledge and Korean local food information compiled from 1997 to now. Traditional knowledge of RDA is searchable in KTKP from 2010.

In this paper, we introduce overview of activities for protection and utilization of traditional knowledge.

■ keyword : | Traditional Knowledge | Protection|Utilization |

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## I. Introduction

Traditional Knowledge(TK) is defined as various ways in accordance with the subject matter. In a board sense, TK is defined as "a generic term of knowledge which is held by indigenous and local community". According to the Article 8 (j) of Convention on Biological Diversity(CBD), TK refers to "the knowledge, innovations and practices of indigenous and local communities around the world[1]". Korean Intellectual Property Office (KIPO). KIPO defines TK as "a generic term of products derived from intellectual activities based on the tradition and prescribes it as a large range concept to include not only knowledge for traditional medicine, traditional treatment act, food, agriculture, environment, etc. but traditional literature, music, fine art, etc".

In discussing international issues related to TK, we have to consider that it has not only the side of preservation, but also the side of economical added value as a case of drug development from herbs and prescriptions of TK by means of scientific efficacy verification. Most of the TK used by human being are genetic resources such as animals, plants which can be easily accessible in our around and 2/3 of them are in developing countries. But the practical users of TK are multinational corporations of advanced countries having advanced science and technology. So it raise profit imbalance between possession and practical use.

In this study, we will review briefly internal and external issues concerned with protection policy of TK. In addition, typical cases, progressed in the intellectual property system of Korea for protection and practical use of TK, will be explained and we will raise further issues to be considered in depth, in the future.

## II. International Issues for Traditional Knowledge

While the issues concerning TK seem to be broad and diverse, they are divided into two themes: Defensive protection and Positive protection. The former, which WIPO has been mainly discussed, suggests use of TK as prior art and CBD mainly discussed about the latter by source disclosure of genetic resources.

Defensive protection of TK ensures that intellectual property(IP) rights over TK are not given to parties other than the customary TK holders. Some countries and communities are also developing TK databases that may be used as evidence of prior art to defeat a claim to a patent on such TK. Positive protection of TK empower TK holders to protect and promote their TK. In some countries, sui generis legislation has been developed specifically to address the positive protection of TK. Providers and users may also enter into contractual agreements[2].

WIPO's Intergovernmental Committee(IGC) on 'Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore' began to discuss in earnest about the issues related to TK from 2001. In the first meeting, 2001, IGC adopted four possible tasks. Among them Possible Task B.3 was "The Member States may wish to consider revising existing criteria and developing new criteria which would allow the effective integration of traditional knowledge documentation into searchable prior art" [WIPO/GRTKF/IC/1/3]. In 7th Meeting, IGC agreed that the criteria shown in the following list should be used in the selection of appropriate TK periodicals to be included in the Patent Cooperation Treaty(PCT) minimum documentation list [PCT/MIA/7].

(i) *sufficient description of technical content so as to qualify as prior art, including ability to*

*ascertain prior art date;*

*(ii) practicable access to periodicals, including their availability in electronic form;*

*(iii) availability of an English text of articles or, at least, of English-language abstracts*

*(iv) the range of fields of technology covered by periodicals;*

*(v) geographical context of periodicals; and*

*(vi) access conditions applicable to periodicals, including cost and text searchability*

After this agreement, every country endeavor to protect defensively their own TK within the current Intellectual Property System but on the other hand they have been making use of plants from foreign countries to develop new drug in silence.

### III. Protection Activity for Traditional Knowledge in Korea

In Korea, KIPO and Rural Development Administration(RDA) are progressing various activities for protection of TK as leaders. From 9th to 11th Meeting of International Authorities(MIA), considering our situation that TK are not rich relatively and possibility to promote industry related to TK and genetic resources, KIPO clarified its support the protection policy to keep current intellectual property system[3]. KIPO established information strategic planning for TK database building on 2004 and for next 3 years from 2005 to 2007, built TK database with priority given to traditional medicine. Since December 2007, the search service about TK database has provided through Korean Traditional Knowledge Portal(KTKP, [www.koreantk.com](http://www.koreantk.com)). Especially, Korean Journal of Traditional Knowledge(KJTK) ; The articles were selected from 47 Korean academic journals from

various fields such as Oriental medicine, pharmacology, sitology and biology, which has serviced through this portal was selected as PCT Minimum Documentation in 15th meeting, 2008. When examining patents, each nation has to use it as prior art document since January 1, 2009[4].



Figure 1. The main screen of KTKP

RDA has examined TK about agriculture and food, traditional production technology, living technology and local food, etc, and has published them as books since 1997. In 2009, they were provided to KIPO and are searchable form at KTKP. From the end of 2009, in cooperation with KIPO, RDA and Korea Institute of Science and Technology Information(KISTI), various Korean TK, traditional medicine, local food, traditional production technology and living technology, are serviced through KTKP in public. So Korea laid groundwork for defensive protection of TK. From 2010, English translation and classification according to International Patent Classification(IPC) about TK which were published by RDA will progress in order to access easily to KTKP by foreigner. Since TK database were processed and serviced aimed at protection of Korean TK in intellectual property system, so they met the criteria agreed at 7th MIA meeting. That is, we did classify according to IPC for

sufficient description of technical content so as to qualify as prior art, processed as electronic form for ascertain prior art date, translated into English bibliographic information and abstracts for availability of an English text of articles or at least of English-language abstracts. In addition all data can be searchable at KTKP as electronic form and offered free.

realistically for many parts of TK not to describe technical content in current intellectual property system despite they can be use in research and authoring activity as ideas. Therefore, as a further study, the study for protection and utilization of this kinds of TK have to be carried out continuously.

Table 1. Total Amount of TK in KTKP

Main DB	Content	No. of Records
Articles	Excerpts of articles from journals in the fields of Oriental medicine, biology, etc.	23,711
Herbs	Medicinal herbs recorded in old documents of traditional Korean medicine.	5,500
Prescription	Prescriptions recorded in old documents of traditional Korean medicine.	7,103
Disease	Diseases recorded in old documents of traditional Korean medicine	12,500
Local Food	Traditional staple foods, side dishes and rice cake, etc	3,252
Production and Living Tech.	Agriculture, forestry, livestock, apiculture, fishery, dietary life, clothing life, resident life, etc.	8,399

#### IV. Conclusion

In the issues about TK, preservation and succession knowledge in itself are not only important but how well practical use, which can make added value. For this reason, it causes distribution problem between developing countries to hold TK resources and advanced countries to practical use them. We who have to consider protection and industrial practice take a position for defensive protection and KIPO and RDA are collecting, arranging, publishing and releasing TK through interagency cooperation.

By the way, it is impossible to be protected

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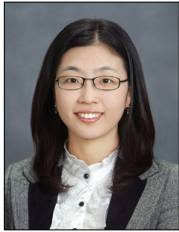


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