PRIOR INFORMED CONSENT FORM

Traditional Knowledge

National Innovation Foundation-India

Honey Bee Network

Dear Traditional Knowledge holder(s),

The National Innovation Foundation - India (NIF), established in 2000, is a grant-in-aid institute of the Department of Science and Technology, Government of India, and aims to recognize and promote unaided grassroots innovations and outstanding traditional knowledge (tk) of individuals/communities. This initiative shall help in reducing the erosion of knowledge, increase the social esteem of the grassroots innovators and knowledge providers and help India become an innovative society. NIF strives to obtain the written consent and authorization from all the innovators/knowledge providers to disclose and/or add value to the innovation/ traditional knowledge submitted for inclusion in the National Register of Green Grassroots Technological Innovations and Traditional Knowledge. An explanatory note, describing the implications of various options given in the form, is enclosed along with this form to assist you to fill up the form. NIF assures full compliance with the conditions specified by you and any modification in these conditions will be taken up only after obtaining your written consent.

_____
(Signature)
Stamp of NIF

Reference No.: _____

Name of the Knowledge holder(s) : _____

Title of Traditional Knowledge/herbal practice :_____

_____

Please tick the appropriate boxes

How did you come to know about the knowledge/practice :

a) elders ☐ b) by self ☐ c) family tradition ☐ d) community ☐

If you have ticked box a, b or c, pl fill section A and if box d then please fill section B.

SECTION- A

		Yes	No
A.	Can NIF share your contact details with those interested in your tk/practice?	☐	☐
B.	Can NIF display/publish your traditional knowledge on the Internet/in *Honey Bee* magazine or any other media?	☐	☐

C. If Yes, to what extent can NIF share your traditional knowledge ?

(a) Partial disclosure/summary ☐

OR

(b) Full disclosure ☐

D. Would you like NIF to pursue further research on your Traditional Knowledge (if applicable), if yes, pl specify _____ ☐ ☐

_____

_____

SECTION - B

A Name of the community's authorised leader (i) elected _____
(ii) traditional _____

B Can NIF share the address of the community with those interested? **Yes** ☐ **No** ☐

C Can NIF display/publish the traditional knowledge on the Internet/in *Honey Bee* magazine or any other media? **Yes** ☐ **No** ☐

D If Yes, to what extent can NIF share the traditional knowledge ?

(a) Partial disclosure/summary ☐

OR

(b) Full disclosure ☐

E Whether the consent of local community has been taken while submitting the community traditional knowledge to NIF? **Yes** ☐ **No** ☐

F To what extent specific traditional knowledge/community knowledge is known and / or practiced within or among the concerned communities ?

a) Known to few ☐ Known to many ☐ Known widely ☐

b) Practiced by few ☐ Practiced by many ☐ Practiced widely ☐

G Has any improvement been done in the knowledge/practices of the community. Yes/No

If YES, pl specify by whom? Self ☐ Others ☐ Not aware ☐

H Has the concerned community been informed of the improvements made in the TK belonging to them ? **Yes** ☐ **No** ☐

Declaration : I/We have read this Prior Informed Consent Form carefully and have understood the implications of various choices described in the explanatory note. I/We have voluntarily decided to select the option/ options which I/we have ticked above for questions from A to D or A to H. I/We understand that if the traditional knowledge practice shared with you is already well known and is in public domain, then neither the restrictions on its diffusion or application will apply nor the conditions of this form. I/We further assure NIF that all the information given here is true to the best of my/our knowledge, understanding and belief.

Name and Address of the Community/Traditional Knowledge Holder. _____ Signature

_____

_____

_____

Name and Address of the Community/Traditional Knowledge Holder. _____ Signature

_____

_____

_____

Name and Address of Witness/Collaborator/Scout/NIF Representative: _____

Signature

_____

_____

_____

Date:_____

National Innovation Foundation-India

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Explanatory Note for Prior Informed Consent for Traditional Knowledge

National Innovation Foundation- India, Ahmedabad

NIF is extremely happy that you have shared your Traditional Knowledge/practice developed by you, based on your own and independent effort or drawn from community knowledge. We need your informed consent before we decide to share this with any third party, or on the web or in any publication, or with any prospective entrepreneur or potential investor, or other individuals or communities requiring that knowledge for their own livelihood needs, with or without any restriction as per your instructions.

The objective is to balance the twin goals, partly in conflict, of dissemination and protection of your traditional knowledge. Dissemination will benefit communities and individuals directly without any cost where as the protection and potential commercialization of the same through contractual arrangements may also help them but at some cost. If we had an intellectual property rights system in our country that granted the rights quickly, we could have got you the protection for new and non-obvious localized traditional knowledge with industrial applications. We could have then shared the traditional knowledge with others without causing any trade off. It is because of the absence of such a system that we need your PIC so that we do what you think proper under the circumstances. PIC is also needed to fulfill ethical responsibility that NIF has towards knowledge providers (individuals or communities) and grassroots innovators.

NIF is duty bound to follow your instruction and keep complete confidentiality if that is advised by you. The purpose is to make you aware of your rights as a knowledge provider and as a contestant in the National Competition for green grassroots innovations and traditional knowledge. It is not required as yet by law but NIF has decided to take your PIC so as to follow an ethical practice. This will help generate an environment of trust among various stakeholders who may provide innovation or add value to it or may have interest in commercial or non-commercial diffusion of the same. ***However, if the knowledge, or practice provided by you is already well-known and is in public domain, then the restrictions on its diffusion or application will not apply.***

Definition:
Traditional Knowledge is any knowledge, innovation or practice produced by individual knowledge experts, healers, crafts persons etc., alone or in groups or community a long time ago or several generations ago.

There are three implications of "Informed Consent" (1) That the knowledge providers have been fully informed of all information relevant to the activity for which the consent is sought, in the native language or other mode of communication; (2) The traditional knowledge holders understand and agree in writing to the carrying out of the activity for which the consent is sought, and the consent describes that activity and lists the records or traditional knowledge that will be released to third party; and (3) The traditional knowledge holders understand that the consent is voluntary and may be revoked by them.

It is true however, that even after you sign the form, you are free to change your mind and decide not to participate in the value chain or technology transfer process. But such a change may not be binding on the agreements already entered into by then by NIF or

anybody assigned with the responsibility. NIF is duty bound to keep you informed of the progress in the development, if any, of your idea or innovation. You can change your views at that stage also.

SECTION-A

Implications for each of the conditions:

A Sharing of address with a third party:

Quite often people interested in traditional knowledge are keen to find out more about the same, just for curiosity's sake, or for adding value or doing further research or for exploring commercial opportunities of using the same.

Advantages of providing your address:

- The third party may directly contact you and thus his/ her transaction cost of seeking information will be reduced
- You may be able to assess the terms of possible agreement directly without any influence or suggestion by NIF
- Dissemination of your ideas may take place directly through you without any chance of distortion or loss of information

Disadvantages of giving your address:

While dealing with a third party, you may or may not be able to

- Ascertain the genuineness of the information seeker,
- Negotiate a favourable deal
- Draw up a proper agreement safeguarding your interests

In case you do not provide your full address, we offer to mediate and help in the process of negotiation and try to protect you from unscrupulous parties. However, even if you wish to deal directly with the third party and at some stage seek our help in negotiation, you are always welcome to contact NIF.

B Sharing of the traditional knowledge on the web site or through publication in *Honey Bee* or other media like films, with full or partial disclosure

C Nature of disclosure:

(a) Partial Disclosure or Disclosure in Summary Form only:

Advantages:

- Potential entrepreneurs, investors, or other collaborators including researchers in private or public sector may show interest in joining hands in improving the TK or disseminating it on commercial or non-commercial basis in society. The summary statement for a herbal technology may mean, for instance, "a herbal solution to treat diabetes developed based on local available raw materials".
- Appreciation may follow from others with in and outside one's community when others with similar problems read or hear about your traditional knowledge. This recognition may prove to be more valuable for some people than any monetary reward.
- The media (press, radio, television etc,) may approach you for wider sharing of your traditional knowledge if they find the summary of your information interesting

Disadvantages:

- Potential investors, entrepreneurs, or scientists may not contact you for development/ commercialisation of product, if adequate information about the uniqueness of the product is not available

(b) Full disclosure:

Advantages:

- Any third party can contact you directly regarding your traditional knowledge with their queries
- Your traditional knowledge may gain recognition, publicity and respect among the readers/ viewers/ listeners
- Horizontal dissemination among peers or other members of local or wider community may encourage experimentation and possible utilization of the disclosed knowledge, thus increasing opportunities for self employment, poverty alleviation, environmental conservation and improvement in productivity.
- Disclosure may, by itself, generate demand for the products among consumers or potential partners in value chain. In some cases, the method of practicing the traditional knowledge is complicated or the process of using the knowledge is complicated or all the materials are not available locally, such that users can not practice it or develop it on their own. In such a case they may like to buy it from the traditional knowledge holders and thus demand may get generated.
- Potential investors, entrepreneurs, scientists may contact you for further development/ commercialization of the knowledge.

Disadvantages:

- The information will be in the public domain, anybody will be able to use the disclosed information
- Potential investors, entrepreneurs, or scientists may not contact you for the development/ commercialisation of the product if they can make it with the help of disclosed information on their own
- Other people may benefit from it without giving you any credit for the same

D: Specification of Research on your Traditional Knowledge:

If this option is selected, the innovation can be shared only after it is made more effective or efficient by pursuing further research by the innovator herself/ himself or by another research organization, as specified by you. The innovation will not be shared with any third party without further research on it, if this condition is ticked. Value Addition would refer to analysis by experts, prototype development, testing, etc.

The disadvantage is that if NIF or the innovator is unable for some time to take it up for research, because of lack of priority or lack of resources, the innovation will remain undisclosed with the rest of the society. Further, in the absence of disclosure, some independent researchers may also not be able to come forward to join hands for further research and value addition.

SECTION-B

B. Sharing of the community address with a third party:

Quite often people interested in traditional knowledge are keen to find out more about the same, just for curiosity's sake, or for adding value or doing further research or for exploring commercial opportunities of using the same.

Advantages of providing your address:

- The third party may directly contact the community representatives and thus his/ her transaction cost of seeking information will be reduced
- The community may be able to assess the terms of possible agreement directly without any influence or suggestion by NIF
- Dissemination of the community ideas may take place directly without any chance of distortion or loss of information

Disadvantages of giving your address:

- While dealing with a third party, the community may or may not be able to
  - a) Ascertain the genuineness of the information seeker,
  - b) Negotiate a favourable deal
  - c) Draw up a proper agreement safeguarding interests of the community.

In case your community does not wish to share the address of their representatives we offer to mediate and help in the process of negotiation and try to protect the community from unscrupulous parties. However, even if your community wishes to deal directly with the third party and at some stage seek our help in negotiation, you are always welcome to contact NIF.

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D. Nature of disclosure:

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- The media (press, radio, television etc,) may approach your community for wider sharing of your traditional knowledge if they find the summary of your information interesting

Disadvantages:

- Potential investors, entrepreneurs, or scientists may not contact you for development/commercialisation of product, if adequate information about the uniqueness of the product is not available

(b) Full disclosure:

Advantages

- Any third party can contact your community directly regarding your traditional knowledge with their queries
- Your traditional knowledge may gain recognition, publicity and respect among the readers/ viewers/ listeners
- Horizontal dissemination among peers or other members of local or wider community may encourage experimentation and possible utilization of the disclosed knowledge, thus increasing opportunities for self employment, poverty alleviation, environmental conservation and improvement in productivity.
- Disclosure may, by itself, generate demand for the products among consumers or potential partners in value chain. In some cases, the method of practicing the traditional knowledge is complicated or the process of using the knowledge is complicated or all the materials are not available locally, such that users can not practice it or develop it on their own. In such a case they may like to buy it from the traditional knowledge holders and thus demand may get generated.
- Potential investors, entrepreneurs, scientists may contact you for further development/ commercialization of the knowledge.

Disadvantages:

- The information will be in the public domain, anybody will be able to use the disclosed information
- Potential investors, entrepreneurs, or scientists may not contact you for the development/ commercialisation of the product if they can make it with the help of disclosed information on their own
- Other people may benefit from it without giving you any credit for the same

E. Consent of community for sharing traditional knowledge with NIF:

Community knowledge and practices may some times be communicated by individuals who may or may not have improved it significantly. In general, we will appreciate if any communicator of community traditional knowledge would ensure the following conditions:

a) Knowledge of a community, as it exists, is shared with NIF preferably after obtaining the informed consent of the concerned community leaders, with the understanding that individual improvements in the same can indeed be communicated after *informing* the community.
b) The degree to which a given traditional knowledge is known and/or practiced with in or among communities may be disclosed in the submission.
c) In the case of community traditional knowledge, any individual may share the same with NIF as stated above, but the right if any (that is if the traditional knowledge is not in public domain already) would belong to the community represented by its leaders or customary institutions except in the cases where (i) improvements are brought about by individuals or (ii) only an individual practices or specializes in that knowledge. In the latter two cases, the benefits if any would be shared between the individual and the community.

F. Extent of Awareness and Implementation about the Practice

A practice or traditional knowledge can be said to be known or practiced by **few**, if it is practiced or known by at least ten to fifteen of hundred traditional knowledge holders.

A practice or traditional knowledge can be said to be known or practiced by **many**, if it is practiced or known by at least fifteen to fifty of hundred traditional knowledge holders. A practice or traditional knowledge can be said to be known or practiced **widely**, if it is practiced or known by more than fifty of hundred traditional knowledge holders.

G. Improvements made in the Traditional Knowledge/ Information to the community

In cases where improvements are brought about by individuals or only an individual practices or specializes in that knowledge, the benefits if any would be shared between the individual and the community. If the improvement has not been made by the individual, but by someone else, NIF can take the initiative of contacting the concerned person to also obtain details about the improvement and also make him/her a part of benefit sharing.

It is obvious that each individual communicator or community representative submitting entry to NIF will have to ensure compliance with these conditions. NIF will act in good faith and without negligence and hope that this will eventually become a general practice in the country. NIF will have no machinery of its own to ensure that this has indeed been the case in each entry. What we hope is that as the awareness increases in society about ethical ways of accessing people' s knowledge, more and more people will comply with these conditions.

The process of seeking consent by NIF provides the Traditional Knowledge Holder/s with complete information on the basis of which to make an informed decision. In case of incomplete information provided by you, we will be bound only by the columns ticked or instructions provided. Wherever possible, if your innovation or traditional knowledge has been scouted by some third party, he/ she will also try to explain to you the implications of PIC.