

A lot of paper, no Masala for Dosa

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This piece is provoked by a couple of recent newspaper reports on “copyright” for *dosa* etc., and “patent” for Mysore silk. In the first case, apparently, the Parliament had posed a query to the government about the possibility of ‘copyrighting’ *dosa*, *vada*, *upma*, *dhokla* and *golgappa*. In the second case, the report was that Mysore silk had been “patented” and saris weaved in any part of the world other than Karnataka could not be called Mysore silk. As if that was not enough, a prominent FM radio channel in New Delhi, in its prime time programme, was interviewing its listeners on the propriety of patenting dosas!

Looks like the intellectual property fundaes are all getting mixed up. Intellectual property (IP) rights are significant assets of a developing country. A clearer understanding of IP concepts is beneficial for all whether they are eating *dosa* or McDosa.

Those who wanted to ‘copyright’ *dosas* may wish to know that copyright protects originally expressed ideas in literary, dramatic, musical and artistic works as well as cinematograph films, sound recordings and broadcasts. One cannot copyright an idea *per se*, but the literary, dramatic, musical or artistic expression of that idea. Copyright, therefore, protects works such as novels, poems, paintings, sculptures, music, movies, plays etc. At the risk of disappointing the Parliament, it is, therefore, not possible to copyright *dosa*, *vada*, *upma*, *dhokla* and *golgappa* or even the manner of their preparation. Having said that the Parliament may have to find other effective means to guard *dosas*.

As for the alleged ‘patent’ for Mysore silk, patent rights are granted to an inventor for a novel and industrially useful invention for a limited period after which the right to copy the invention passes into the public domain. Manufacturing Mysore silk is obviously not a novel invention and that makes it impossible for ‘patenting’ the same. This brings back to mind the US patent for turmeric which the Indian Government managed to get revoked and which was the centre of numerous media debates. The turmeric patent was revoked because the wound healing properties of turmeric were nothing novel and were already known and used in India for centuries. Much same way, *dosa* as an eatable or its process of preparation has been in the public domain for long and would not qualify for a patent unless some novel and industrially useful recipe or method which was never employed so far for making *dosa* is invented! In fact, there are a few existing patents for *dosa* preparations.

‘Mysore silk’, is a geographical indication and that is why identical saris woven anywhere else in the world other than Mysore cannot be called ‘Mysore silks’. A geographical indication is a name that designates certain goods to possess a particular quality, characteristics or reputation which owe their origin to the

geographical area concerned. They are inextricably linked to a country's culture and traditions. Some examples are Basmati rice, Darjeeling tea, Malabar pepper, Kashmir shawls, Feni etc. Geographical Indication of Goods (Registration & Protection) Act, 1999 now enables registration of these names.

Geographical indications are often confused with trademarks and expressions like 'Basmati trademark' are often heard and seen. Trademark is a word, device, sign or symbol capable of graphic representation, used in the course of trade to identify the source of a particular good. Essentially, it distinguishes goods of one proprietor from those of another. For e.g., in the cola market, PEPSI and COKE are two different trademarks, indicating two different sources of origin for colas.

Hence, while trademark is a private right, geographical indication is a collective right. A name like 'Darjeeling' for a special tea grown in Darjeeling cannot, therefore, be registered as a trademark, but as a geographical indication.

While unabashed and indiscriminate invasions by the west on traditional and cultural heritage of a community are unacceptable, one needs to gracefully accept the inevitable effects of liberalization a la McDosa. McDosa is no usurpation of *dosas* or Indian culture. Such uproar arises mainly from ignorance of IP concepts.

In a country like India which has a rich cultural diversity, there are much larger issues that ought to get discussed such as documentation of our vast traditional knowledge in medicines, food and agriculture, registration of our numerous geographical indications, creating awareness and educating public on copyright protection in the digital and internet context etc. In doing so, apart from becoming an intellectually alive nation moving with times, we are also plugging all loopholes for the west from attacking our age old traditions etc.

But before all, to start with, we should get our IP fundaes straight so that we do not waste time finding out the possibility of "patenting" and "copyrighting" *dosas*!

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