

Documentation Elements for the Establishment of a Record of Knowledge for the Purpose of Preserving Community Knowledge for Heritable Innovation Trusts

Heritable Knowledge is ubiquitous in communities and cultures throughout the world. Unfortunately, enclosure and property based treatment of knowledge has been reckless in the presumption that “discoveries” (the process of removing a prior held ignorance) entitles external parties to patent information derived from Heritable Knowledge. This behavior, while illegal, has been fueled by ethnobotanists and natural resource speculators and has enjoyed the tacit approval of the industrialized countries. Thousands of pieces of knowledge about the uses of plants/fungi, soil, animals, and water have been expropriated – most of the time without the knowledge of, or benefit sharing with – the people who held the knowledge that prior ignorance “discovered”.

Part of the Heritable Innovation Trust movement is to afford stewards of Heritable Knowledge a means by which information can be recorded and preserved. Specifically, the goal is to place information inside of a perpetual license agreement which sets forth the terms under which the information may be used and defines the nature of benefit sharing for the community. By placing the information within a contract vehicle (a perpetual executory contract and Trust), the community has a mechanism to avoid the current World Trade Organization TRIPS presumption of copyright on written material. This presumption is that any written expression will become public domain in between 50 and 70 years. Promoters of the WTO’s “Traditional Knowledge” documentation effort – albeit, frequently operating with ideal intentions – actually are insuring that, within one generation, everything that is documented will become public domain thereby permanently removing any right of stewardship by the source communities and opening the door for wholesale exploitation.

The following elements are a partial list of what is important to document within the framework of a license to preempt subsequent enclosure efforts. By documenting the same, the document itself is capable of being used as prior art to invalidate illicit patent filings made by knowledge conquistadors.

Plant/Fungi:

1. A physical description of plants in Heritable use. Specific attention should be paid to the attributes of each component (leaves, shoots, wood, bark, roots, sap, etc.) including a detailed description on how each component is harvested or used.
2. A complete description of each component of the plant’s known uses. These are documented not only in terms of medicinal or nutritional uses but include items such as:
3. Context in which the element is used (e.g. Festivals, Custom, seasons, periods of nomadic movement, periods of insect or pest infestation such as malaria mosquito presence, psychological state alteration, story-telling, etc).

4. Community or individual use of each element in terms which include preparations, rituals or rites associated with preparation, the nature of dissemination (served in wood, leaf, stone, utensils or by hand or common item). This information is invaluable as frequently, plant beneficial use includes subtle interactions with the environment in which preparations or distribution is facilitated.
5. Specific characteristics of knowledge surround times of use and conditions in which use is appropriate.
6. Dosimetry – it is vital to establish information about the quantity of material consumed and the nature of its consumption as this information can evidence high levels of awareness about bioactivity and bioavailability – tools frequently used by industrial parties to “synthesize or improve” the Heritable Knowledge expropriated and shrouded in scientific jargon.
7. External uses and “extracorporeal” uses – this will include uses as dyes, lubricants, fragrances, skin preparations, herbicides, pesticides, repellents, preservers, etc.
8. Knowledge of husbandry and harvest – descriptions of land and soil, hydrology and solar exposure which can all be used to evidence knowledge of synthesis.

Soil:

1. Physical description of soil and soil elements with attention paid to a physical description (terrain, hydrology, solar exposure, etc)
2. Knowledge of the use and stewardship of the soil (e.g. Agriculture, habitation, sacred ritual, taboo or custom, authorized or restricted use for walking, sitting, building, etc)
3. Presence or absence of enclosures such as walls or fences and the nature of either
4. Manipulation of the soil – that nature of tillage, surface use, and nature of tools used
5. Known extracts including rocks and minerals
6. Known use of extracts – decoration, ore, etc and the nature of its use. This is vital to establish prior knowledge on subsequent “claims” of ore “discovery” made by outside parties
7. Consumption or use for food, shelter, building materials, etc.
8. Nature of human or biological interactions with soil – use of human (or other animal) or plant fertilizers or biomass additives; nature of humus preservation or replenishment methods and substances, etc.

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Animals:

1. Physical description of animals and all modes of interactions therewith. This should include the degree to which the animals are enclosed, domesticated, etc. Further it should include all knowledge about movement patterns of animals as this can be a great indicator of community knowledge of plant and predator or prey dispersion.
2. Heritable Knowledge of the consumption, spiritual, or oracular use of animals. Special attention should be paid to the “animation” of animals as certain communities have awareness that the arrival or departure of certain animals portend alterations in environmental or geological activity.
3. Attention should be paid to human interactions with animals including modes of tracking, capturing, conveying, etc.
4. Use of all aspects of the animal including excrement, skin, bone, etc and the nature of disposal of any waste associated therewith.
5. Manipulated cross-species interactions including the degree to which human-to-animal or animal-to-animal living conditions are maintained. This information can assist in awareness about health or disease management.

Water:

1. Location and nature of water (e.g. spring, stream, river, catchment, pond/lake, estuary, bay, sea).
2. Human interactions with water – drinking, cooking, cleaning, hygiene, food supply and irrigation, mineral supply, etc.
3. Water use – this should include any custom or taboo about the manner in which water is stewarded by the community.
4. Known use of water for power, terra-forming, transportation, etc.
5. Awareness of alluvial and sedimentation properties – minerals, agricultural use of water control, etc.
6. Known interactions between plant and animals and water including locations for drinking, fording, etc.
7. Spiritual or oracular use of water – knowledge derived from things like wind and wave patterns, exist of life forms in the water and the information they portend, custom or taboo surrounding use of water environments such as reefs or marine life habitats.

While the elements above are not exhaustive, they provide a framework to begin documentation of Heritable Knowledge within the Heritable Innovation Trust framework. It is imperative to note that each record must be labeled as belonging to a contract or trust to remove it from extinguishment under current copyright law.

For additional information, make sure you consult the Heritable Innovation Trust framework document and observe the model document found at www.heritableinnovationtrust.org.