

# Folk and tribal foods: Possibilities of marketing and patent issues

**Dr. Basappa Y. Bangari**

Associate Professor, Head - Department of Indian and Foreign Languages,  
Garden city University, Bengaluru, Karnataka, India  
Email - bangari163@gmail.com

**Abstract:** This paper focus and discusses on patent issues and marketing of folk and tribal foods. Folk and tribal food items are unique and tasty. Everyone likes to taste such foods. Due to expansion of tourism activities across the globe and cultural exchange programmes folk and tribal foods attracted people and gained much demand. Village and tribal folks attracted by urbanites with their food items. Food preparation and rituals performed by the folk and tribal are interesting and worthy to study. Food items prepared in Indian restaurants and home stays became popular. Regarding copyright and patent issues discussed in this paper. Discussed on the possibilities of marketing of such food items across the globe.

**Key words:** Folk, Tribal, Food items, Patent, Marketing, Tourism, Home stay.

## 1. INRODUCTION:

Evolution of creatures on the world is equally linked with foods and every creatures living for a stipulated period only after having foods. There are some exceptional cases few creatures/animals can live without food for some period. As birds, animals and other living beings on the world, human being also does not live without foods. We are having foods to live here in one or the other ways and it is inevitable us to survive on earth. Folks of the world who are living in whether in forest or rural and urban sectors do love to taste food items throughout their life. Man is the only animal on this world is using his brain to prepare variety of foods out of same raw materials and enjoying foods. Tradition of the food preparation goes long back before civilisation starts on different places like Indus valley, Egypt, Nile etc.

## 2. METHOD OF THE STUDY:

This paper tries to explore possibilities of marketing folk and tribal foods and patent issues. India is also well-known for its civilisation and food habits where a lot of food varieties are still existing and practicing at different regions and adopted descriptive and analytical method for the study.

## 3. FINDING AND ANALYSES OF THE TOPIC:

Apart from rural and urban population many tribal spread all over the country and they have their own food habits. Both rural and urban landscape of India is known for its traditional and cultural diversities as well as food habits. North Indian, South Indian, Punjabi, Bengali, Andhra style, Maharshtrian, Konkan, Goa, Kashmiri, Moghalai, Hyderabad, Kolhapuri, Coastal etc. are few reputed foods in India. All of these have their own method of preparation and unique taste. Village folks and tribal groups like Kunabi, Irulas, Soligas, santals are still practicing their own method of food preparation. Most of the people like to taste folk and tribal food items. Rural landscape, hill stations with beautiful streams, flora and fauna, wild animals, wild fruits, wild animals and wild safari etc. are the fashion and passion for urban folks. People of urban area like to spend their week end at one or the other places mentioned above in order to rejuvenate their energy and skills. Rural and village tourism, home stay concepts are really attracting folks from every sector and these are considered as profitable ventures in India.

Locally available resource and raw materials are genuine things of India from which we are preparing tasty food items which are world famous today. Eg. Hyderabad chicken, Nagapuri chicken, Moghalai chicken, Paneer kofta, Rajma masala, Channa masala, Veg Kolhapuri etc. Seasonal fruits like mango, guava, grape, custard apple, ram phal, seeta phal, cashew etc. are tasted by all and there is high demand for them. People enjoy variety of foods and experience folk culture and folk arts of the region like Karnataka, Rajasthan, Orissa, Kerala, Himachal Pradesh, Kashmir etc. Cultural heritage of the region like Mysuru Dasara attracting people from different lands where they enjoy traditional foods. Most of the folk fairs, festivals and rituals are inter liked with their foods. These food items are prepared only during this period. Village folk and tribal of our land are following this as a strict rule and mandatory issue to be followed without fail. Vegetable as well as Non-vegetarian foods of a tribal group made them to show their identity. Eg. Soliga and Irulas who eat wild animals and wild rats. Many of the tribal folk eat deer flesh which is banned long back. In the same line peacock, wild pig, beef, wild hen etc. These food items are used by tribal folk India but it is illegal. But most of the folk want to taste these food items and having them by hook or crook. Every one is willing to taste new food item whether it is vegetarian or non-vegetarian.

Folk of Kodagu(Coorg) in Karnataka preparing beef food and homemade wines like ginger, guava, grape, passion fruit, cashew, citrus wines etc. Most of the travellers who visit Kodagu do taste the native foods and beverages. Kodagu folk have their own traditional and indigenous knowledge of food preparation. They are practicing it and transferring the same to the next generation with their culture and retained identity of the land. In jungle lodges, village resorts and home stays foods is being supplied to the tourist guests has been preparation by the local folks and chefs. The chefs who prepare such food items have learnt from local folks who have been carrying such indigenous knowledge from generation to generation. Hotels and resorts are advertising as such foods are their special dishes and marketing them.

Before using such indigenous knowledge of food preparation nobody bothers and claims it is related to their tribe or cultural groups. UNESCO and WIPO have given directions to claim indigenous knowledge but awareness is very poor among the tribal groups. Therefore their knowledge has been exploiting till today.

“A patent is an exclusive right granted for an invention. Generally speaking, a patent provides the patent owner with the right to decide how - or whether - the invention can be used by others. In exchange for this right, the patent owner makes technical information about the invention publicly available in the published patent document. The heritage of indigenous peoples is comprised of all objects, sites and knowledge the nature or use of which has been transmitted from generation to generation, and which is regarded as pertaining to a particular people or its territory. The heritage of the indigenous peoples also includes objects, knowledge and literary or artistic works which may be created in the future based upon its heritage.

It includes all moveable cultural property as defined by the relevant conventions of UNESCO, all kinds of literary and artistic works such as music, dance, song, ceremonies, symbols and designs, narratives and poetry; all kinds of scientific, agricultural, technical and ecological knowledge, including cultigens, medicines and the rational use of flora and fauna; human remains; immovable cultural property such as sacred sites, sites of historical significance, and burials; and documentation of indigenous peoples' heritage on film, photographs, videotape, or audio tape.”(Daes, Erica-Irene)

“Indigenous appreciation of folkloric works is not simply based on their aesthetic qualities, but more fundamentally on the ability of the individual author to reflect the culture and livelihood of the community in the folklore: art is considered to be precious, not as an object, but for its life-sustaining qualities. The language it uses - the signs, symbols and codes may all be information necessary for survival.” (Tim Johns)

“UNESCO and WIPO have also fostered some major developments in the protection of folklore, the most notable being the 1976 Tunis Model Law on Copyright for Developing Countries and the 1985 Model Provisions for National Laws on the Protection of Expressions of Folklore Against Illicit Exploitation and Other Prejudicial Actions. Both instruments eventuated from a concern expressed by developing nations about the appropriation and exploitation of their national cultural heritage by the institutions and governments of the industrialised nations.

They recognise the inadequacies of conventional copyright laws vis-à-vis the protection of folklore. The Tunis Model Law, however, attempts to resolve the deficiencies by widening the ambit of copyright law to accommodate the special features of folklore. Specifically, it provides for three main forms of protection not available under standard copyright systems.” (Canberra: AGPS, 1994),

“The latest initiative from UNESCO and WIPO was the World Forum on the Protection of Folklore which was attended by 180 participants from 50 countries. The participants noted the lack of an international standard for the protection of folklore and also the inadequacy of the copyright regime to confer such protection. Of crucial importance was the need to strike a balance between the interests of the communities owning the folklore and the users of the expressions of folklore. In particular the following actions were recommended in the Forum's Plan of Action” (Industrial Property and Copyright)

“The establishment of a Committee of Experts in cooperation with UNESCO to look into the conservation and protection of folklore; the holding of regional consultative fora; the drafting of a new international agreement on the sui generis protection of folklore by the Committee of Experts by the second quarter of 1998. Indigenous peoples regard all products of the human mind and heart as inter-related, and as flowing from the same source: the relationships between the people and their land, their kinship with the other living creatures that share the land, and with the spirit world. Since the ultimate source of knowledge and creativity is the land itself, all of the art and science of a specific people are manifestations of the same underlying relationships, and can be considered as manifestations of the people as a whole.” (Daes, Erica-Irene)

#### **4. COPYRIGHT ISSUES:**

“An international legal instrument would define what is meant by traditional knowledge and traditional cultural expressions, who the rights holders would be, how competing claims by communities would be resolved, and what rights and exceptions ought to apply. Working out the details is complex and there are divergent views on the best ways forward, including whether intellectual property-type rights are appropriate for protecting traditional forms of innovation and creativity. To take just one example, communities may wish to control all uses of their traditional cultural expressions, including works inspired by them, even if they are not direct copies. Copyright law, on the other

hand, permits building on the work of others, provided there is sufficient originality. The text of the legal instrument will have to define where the line is to be drawn between legitimate borrowing and unauthorized appropriation.(WIPO)

#### **5. PATENT ISSUES:**

After having had all these aspects, it is quite difficult to get a copyright for our indigenous/traditional knowledge to market them in the modern world. It is also possible to prove as it is one's property of knowledge. It also applies to the folk and tribal food items. Most of the time folks and tribal don't know how to get a patent from a competent authority. Further they also not aware of procedure to avail the certificate. Most of the food items are same but only the thing is difference in taste. How to decide the better taste and who is decision maker. If one tribal food item gets a copyright another tribal group might claim same thing for the same food. Folk foods are result of traditional knowledge of the community or cultural group of a society where there is no one's property.

#### **6. CONCLUSION:**

Folk and tribal food falls under traditional knowledge systems and the person or a group of a folk/tribal community has to claim IPR and patent under the rules of UNESCO and WIPO. Learned intellectual community has to guide them to avail patent for their foods and enlighten to them in this regard. Before or after tasting a food item of a folk or tribal community we have to learn to thank their ancestors who taught them to prepare the same. Hotels and resorts have to take consent of the folk, tribal and the cultural groups of the land/region. Before hiring the local folks as a chef management of the hotel and resorts should keep record of the chefs who prepare food items with his/her indigenous and traditional knowledge. Hotels and resorts should provide due respect and acknowledge them by guiding to avail patents. But is it possible? Do the hotel management support to the issues?

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#### **AUTHOR BIOGRAPHY:**

Dr. Basappa Y. Bangari has 15 years teaching experience both in UG and Post Graduate level. He is in educational sector since 1996. Presently serving as an Associate Professor and Head School of Indian and Foreign languages at Garden city University, Bengaluru. He also served as Private Secretary to the Hon'ble Vice Chancellor of Karnataka Janapada University, Gotagodi for seven years. Served as Teacher Educator. Serving as a casual News Reader at All India Radio, Dharwad. Served as a Special Correspondent for 'Samajveer' Kannada Daily for 25 years. Conducting research in Folklore of Karnataka and social sciences along with English language, literature and translation. Apart from participation and presented papers on various topics in National, International seminar and conferences published 14 books and 24 research papers in refereed journals related to language, folklore, culture, communication and translation.