

**Russian Federation**  
**Comments on the document “The Protection of Traditional Knowledge:  
Revised Objectives and Principles”**  
**(WIPO/GRTKF/IC/9/5)**

At the Ninth session of the Intergovernmental Committee on Genetic Resources, Traditional Knowledge and Folklore, the Committee (IGC) supported the proposal of the Chairman concerning the submission to the Secretariat of the written comments on the document WIPO/GRTKF/IC/9/5 “The Protection of Traditional Knowledge: Revised Objectives and Principles” for their further summary.

Russian Federation supports the development by the Secretariat of the draft provisions on the protection of Traditional Knowledge (TK), political objectives and general guiding principles of protection.

Russian Federation supposes that the development of the draft political objectives and general guiding principles provides for a solid basis for further constructive discussion of important issues of protection of TK within the Committee.

In general, the document WIPO/GRTKF/IC/9/5 containing main text and Annex is built on the model and the basis of the document WIPO/GRTKF/IC/8/5. The main text of the document WIPO/GRTKF/IC/9/5 contains brief statement of the activities of the Committee on the issue of protection of traditional knowledge. We consider to be important the provision mentioned in Section III (p. 14) of the main text of the document WIPO/GRTKF/IC/9/5 stating that the results of the work of the Committee are not determined in advance by the mandate of the Committee neither in their form, nor in the status. Para 14 also contains possible

approaches, many of which may be acceptable in the preparation of the results of the work of the Committee. Thus, the possibilities of the Committee in respect of the issues related to the protection of the traditional knowledge are broadened.

The Annex to the main text of the document WIPO/GRTKF/IC/9/5 - Revised Provisions for the Protection of Traditional Knowledge: Policy Objectives and Core Principles is divided into three sections: objectives of the protection, principles for the provisions of the granted protection, and also substantive provisions.

We suppose that the protection of the traditional knowledge must be, among others, aimed at:

- recognition the holistic nature of TK and its social, spiritual, economic, intellectual, educational and cultural value,

- promotion respect for traditional knowledge systems for the dignity, cultural integrity and intellectual and spiritual values of the traditional knowledge holders,

  - meet the actual needs of holders of traditional knowledge,

  - promote conservation and preservation of traditional knowledge,

  - support traditional knowledge systems,

  - repress unfair and inequitable uses

  - respect for and cooperation with relevant international agreements and

  - processes promote equitable benefit-sharing

- curtail the grant or exercise of improper intellectual property rights over traditional knowledge and associated genetic resources,

- enhance certainty, transparency, mutual respect and understanding in relations between traditional knowledge holders on the one hand, and academic, commercial, educational, governmental and other users of traditional knowledge on the other, including by promoting adherence to ethical codes of conduct and the principles of free and prior informed consent;

Peoples of the Russian Federation have the right to preservation and development of their cultural identity, protection, restoration and preservation of original cultural and historic habitat. At the same time the policy in the field of preservation, creation and distribution of cultural values of indigenous peoples must not be detrimental to the cultures of other peoples of the country.

Special attention in the Russian Federation legislation is paid to minority peoples. Russian Federation guaranties its patronage in respect to preservation and restoration of cultural and national identity of minority ethnic communities of the Russian Federation by means of protection and stimulation, provided for in the federal governmental programs.

We also consider important the general guiding principles stated in Section 2 of the Annex to the document WIPO/GRTKF/IC/9/5, such as: the principle of responsiveness to aspirations and expectations of relevant communities (peoples), the principle of balance, the principle of Respect for and consistency with international and regional agreements and instruments, the principle of Flexibility and comprehensiveness, the principle of Recognition of the specific nature and characteristics of cultural expression, the principle of Complementarity with protection of traditional knowledge, the principle of Respect for rights of and obligations towards indigenous peoples and other traditional communities, the principle of Respect for customary use and transmission of TK, the principle of Effectiveness and accessibility of measures for protection.

We also consider important the general guiding principles stated in Section 2 of the Annex to the document WIPO/GRTKF/IC/9/5, such as the principle of

responsiveness to the needs and expectations of traditional knowledge holders, principle of effectiveness and accessibility of protection, principle of respect for and cooperation with other international and regional instruments and processes, principle of flexibility and comprehensiveness, principle of recognition of the specific characteristics of traditional knowledge, principle of providing assistance to address the needs of traditional knowledge holders.

Given the abovementioned, we consider the provisions concerning the objectives and the general guiding principles, in general acceptable.

Traditionally the protection granted to intellectual property items is always limited in time, however, the provisions of Section 3 of the Annex to document WIPO/GRTKF/IC/9/5 state that the protection granted, which in its essence is close to the protection of intellectual property objects, may turn out to be unlimited in time, which makes it reasonable to study more thoroughly the possible consequences of such protection, taking into account, that as it was already mentioned at the sessions of the Committee the rights of the TK holders must not have advantages over the already existing intellectual property rights.

We consider worthy further study the proposal of Norway concerning the use of the provisions of Article 10-bis [Unfair competition] of the Paris Convention on the Protection of Industrial Property as a model in respect to the protection of TK.

Clear determination of subjects of the granted protection, the scope of the rights given and the term of protection is important for the grant of protection to the intellectual property objects. In this connection, the provisions stated in the

section 3 of the Annex to the document WIPO/GRTKF/IC/9/5 require a more detailed study and clarification.