

TURKEY

The following comments were received through a communication from the Intellectual Property Office of Turkey

Relating to the document WIPO/GRTKF/IC/7/5 which contains an overview of policy objectives and core principles, Turkey is supporting an international *suigeneris* model for the legal protection of Traditional Knowledge, Genetic Resources and Folklore, taking into account the collective nature of the mentioned subject matter.

International minimum standards should be determined for the legal protection of Traditional Knowledge, Genetic Resources and Folklore, considering the differences in national circumstances and legal context and allowing sufficient flexibility at the national level. The protection of Genetic Resources and Traditional Knowledge would not be effective unless an international binding system is implemented.

For Principle A.5: equitable benefit sharing should be provided taking into account the CBD. Prior informed consent should be required before the grant of a patent. Turkey also supports paragraph 2 of Principle A.6, and believes that Traditional Knowledge should be taken into account as a community right and the sovereignty of the countries over their Genetic Resources and Traditional Knowledge should be acknowledged.

Where a patent application is based on Genetic Resources a binding disclosure requirement of the geographical origin and evidence of prior informed consent is necessary for benefit sharing and in order to achieve such a binding requirement, the Patent Law Treaty (PLT), the Patent Cooperation Treaty (PCT), the European Patent Convention (EPC) and TRIPS should be amended. The disclosure requirements should apply to all international, regional and national patent applications and should be at the earliest stage. Revision of the IPC should also be considered.