

ISLAMIC REPUBLIC OF IRAN

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1. In response to the decision of the General Assembly of Member States of WIPO in its thirty-third (19th extraordinary) session which took place from 27th September to 5th October 2004, the comments of the Islamic Republic of Iran responding to the invitation of the Conference of Parties (COP) of CBD on its decision VII/19, regarding the interrelationship of access to genetic resources and disclosure requirements in intellectual property rights applications are as follows:

2. Lack of clarity

- There are some ambiguities in the invitation of the Conference of Parties (COP) of CBD on its decision VII/19 as reflected in paragraph 6 of the document WO/GA/31/8.
- It is not clear whether intellectual property rights' applications means the existing applications or the applications to be discussed later on.
- Regarding document WO/GA/31/8 paragraph 6(d), it is not clear which body or bodies have the main responsibility for the identification of the implications for the functioning of disclosure requirements in various WIPO-administered treaties.
- In essence, there is no specific body in WIPO to address the subjects mentioned in paragraph 6 (a. b. c) of the document WO/GA31/8.

Furthermore, the existing applications are not sufficient to meet the expectation of the CBD in its request.

3. Points that should be considered

- While taking into account the ambiguities mentioned in "A" above, the Islamic Republic of Iran welcomes the positive answer to CBD and recognizes the previous works of CBD as an international UN initiator body. In this regard, the work of WIPO on Access to Genetic Resources and disclosure of requirements should complement and be supportive of the objectives of the CBD.
- Furthermore, on the relationship between access to genetic resources and disclosure of requirements, due to the lack of clarity on the requested issues, we believe WIPO, at the present stage, preferably limit its work on the comments made by delegations in various bodies rather than going to details before the decision of WIPO General Assembly in 2005.
- Any response to the CBD's questions should be regarded as technical input to facilitate policy discussion and it should not be considered as a formal paper expressing a policy position on the part of WIPO, its Secretariat or its Member States.
- Since at this stage, it is not clear which body with which quality or with which mechanism should work on the interrelationship of Access to Genetic Resources and disclosure requirements in WIPO regarding the CBD's request, it is more suitable that

the preliminary response be general and limited to the existing discussions in different bodies of WIPO in the context of CBD objectives.

- The method of identifying the implications in different WIPO-administered treaties should be decided upon by the Member States.
- The work and provision of reports on the above-mentioned issues to CBD should be concurrent and compatible with the speed and trend of all of the work of the related committees.