

# KYRGYZ REPUBLIC

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1. We are pleased to send the response on WIPO's request with regard to the matters related to genetic resources and associated traditional knowledge protection as well as interrelation with the Convention on Biological Diversity (CBD).

(a) We are realizing the importance of this matter which is, as it is known, has an interdisciplinary nature on technical, political, economical and social aspects.

2. Along with it, development of the processes does not allow at present time to give uniform answer to the first question. It is necessary to analyze this matter deeper.

3. However, from our point of view, matters related to access to genetic resources has no direct legal links to the protection of genetic resources and associated traditional knowledge.

4. The Convention on Biological Diversity (CBD) provides for the right of each member state to make independent decisions related to genetic resources on the national level.

5. With regard to the disclosure requirements or designation of the biological material used in the process of the subject matter creation on which protection is claimed, it has a purely technical nature and does not contrary to the CBD provisions and goals. We deem that disclosure requirements as to the biological materials, could allow developing, on the national level, provisions to regulate matters related to the access to genetic resources and equitable sharing arising from the use of genetic resources.

(b) With regard to the procedures on intellectual property rights subject matters in the light of disclosure requirements, we deem that this matter has to be considered on a step by step basis, namely:

1. It is necessary to develop relevant legal basis to regulate genetic resources and associated traditional knowledge protection on the national and international levels, and

2. Develop legislation with regard to the access to genetic resources;

(c) Options for incentive measures for applicants can be regulated according to common basis of such kind of practice in the field of IPR's;

(d) Disclosure requirement with regard to subject matters created with use of genetic resources, from our point of view, could not considerably impact various WIPO-administered treaties. However, taking into account the fact that genetic resources and

traditional knowledge protection matters are still on the stage of consideration, approach to these matters could vary depending on the circumstances;

(e) International certificate of origin/source/legal provenance could be used to monitor the use of certain genetic resources as well as during the process of creation of the terms and conditions on access to genetic resources and equitable sharing arising from the use of genetic resources. Matters related to the scope of IPR's on objects from flora and fauna, has to be considered on the national level, taking into account all advantageous and risks associated with implementation of these type of legal practices.