

RUSSIAN FEDERATION

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1. The Russian Federation takes a close interest in the work of the World Intellectual Property Organization (WIPO) linked to matters of protection of traditional knowledge.
2. On behalf of the Russian Federation, the Federal Service for Intellectual Property, Patents and Trademarks (Rospatent) takes an active part in the work of the WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore, and expresses its opinion on issues examined by the Committee.
3. As has been pointed out in the statements made by the Delegation of the Russian Federation, we support the cooperation between WIPO and the Convention on Biological Diversity (CBD) on the scheme proposed at the seventh session of the Conference of Parties:

“...to examine, and where appropriate address, taking into account the need to ensure that this work is supportive of and does not run counter to the objectives of the CBD, issues regarding the interrelation of access to genetic resources and disclosure requirements in intellectual property rights applications, including, inter alia:

- (a) Options for model provisions on proposed disclosure requirements;
- (b) Practical options for intellectual property rights application procedures with regard to the triggers of disclosure requirements;
- (c) Options for incentive measures for applicants;
- (d) Identification of the implications for the functioning of disclosure requirements in various WIPO-administered treaties;
- (e) Intellectual property-related issues raised by a proposed international certificate of origin/source/legal provenance;

4. We consider that the matters listed above require a careful detailed discussion which has not yet been conducted by the Committee.

5. The documents prepared by the Committee may be taken as a basis for discussion:

– on the subject in subparagraph (a) – document WIPO/GRTKF/IC/7/9, comments on which will be submitted, in accordance with paragraph 41 of document 7/9, by February 28, 2005;

– on the subject in subparagraph (b) – the proposals by Switzerland contained in documents WIPO/GRTKF/IC/7/INF/5 (and also in PCT/R/WG/6/11) and relating to this subject;

– on the subject in subparagraph (c) – proposals on this subject for subsequent discussion may be requested from participants in the Committee sessions;

– on the subject in subparagraph (d) – discussion of the subject may be commenced once any conclusions from the discussion of the first three subjects have been drawn; in addition, there is a need for further analysis of current regional and national legal documents and systems linked to access to genetic resources, and joint use of benefits and experience accumulated during their production, including gaps occurring and the relevant consequences;

– on the subject in subparagraph (e) – additional information, relating directly to the actual international certificate, is required for discussion of the question of an international certificate of origin/source/legal provenance.

6. In addition, as we have observed we agree with the statements made by certain delegations at the seventh Committee session regarding the fact that the draft guidelines examined in document WIPO/GRTKF/IC/7/9 do not constitute an international agreement. We consider, however, that this is a very effective instrument of protection which is required, including during examination of the matter relating to disclosure in patent application documents of sources of genetic resources and related traditional knowledge, as well as when obtaining prior informed consent for the use of such genetic resources. The requirements in question (requirements of disclosure of source in application documents) have already been introduced into the patent legislation of certain countries.

7. The draft agreement examined in document 7/9 is precisely the kind of mechanism which allows prior informed consent to be obtained.

8. In addition, we consider that detailed guidelines on access and equitable benefit sharing may be used when obtaining prior informed consent for the use of traditional knowledge connected not only with genetic resources but also in other traditional knowledge fields.