



WIPO Treaty on Intellectual Property, Genetic Resources and Associated Traditional Knowledge (GRATK Treaty)

Frequently Asked Questions on Procedural and Legal Aspects Following the Adoption of the GRATK Treaty ¹

Who attended the Diplomatic Conference to conclude an International Legal Instrument Relating to Intellectual Property, Genetic Resources and Traditional Knowledge Associated with Genetic Resources (Diplomatic Conference)?

A total of 176 delegations representing Member States of WIPO, one special delegation, as well as 15 intergovernmental organizations and 72 non-governmental organizations participating as observers, attended the Diplomatic Conference.

How was the GRATK Treaty adopted?

Following the decision of the WIPO General Assembly, taken at its fifty-fifth session in July 2022, the Diplomatic Conference was convened by WIPO and held at its headquarters in Geneva from May 13 to 24, 2024.

After two-week negotiations, the Diplomatic Conference adopted, on May 24, 2024, the [GRATK Treaty](#) by consensus, in accordance with the [Rules of Procedure](#) of the Diplomatic Conference.

What is the final act? How many delegations signed the final act?

The [final act](#) is a document distinct from the GRATK Treaty that contains summary information about the Diplomatic Conference such as, *inter alia*, the dates and venue of that Conference, the name of the GRATK Treaty, its date of adoption, as well as the names of the signatories of the final act. Signature of the final act does not create legal obligations for the signatory or bind the signatory to sign or ratify the GRATK Treaty.

The final act was signed by 141 delegations on May 24, 2024.

How many countries signed the GRATK Treaty?

The GRATK Treaty was opened for signature on May 24, 2024, the date of its adoption. The list of countries that have signed the Treaty is available [here](#).

¹ The information contained herein is for information purposes only and does not constitute legal advice.



How long will the GRATK Treaty remain open for signature?

In accordance with Article 16 of the GRATK Treaty, it shall remain open for signature at the headquarters of WIPO for one year after its adoption, that is, until May 24, 2025.

Does signing the GRATK treaty mean that the signatory is legally bound by it?

Signature of the GRATK Treaty, alone, does not establish the necessary consent to be bound by the Treaty. To be bound by the GRATK Treaty, an eligible party must become a party thereto by depositing an instrument of ratification or accession (see next Question on “How to become a party to the GRATK Treaty?”).

Pursuant to Article 18(a) of the Vienna Convention on the Law of Treaties, the signature of a treaty creates an obligation to refrain from acts that would defeat the object and purpose of that treaty.

How to become a party to the GRATK Treaty?

To become a party to the GRATK Treaty, an eligible party, as defined in Article 12 of the Treaty, must deposit an instrument of ratification if it has signed the GRATK Treaty, or an instrument of accession if it has not signed the GRATK Treaty (see Article 13 of the GRATK Treaty).

As mentioned above, an instrument of ratification may be deposited only where the eligible party concerned has first signed the GRATK Treaty.

The instrument of ratification or accession must be deposited with the Director General of WIPO (or the Office of the Legal Counsel). Where the eligible party is a State, the instrument of ratification or accession must be signed by the Head of State, Head of Government, or Minister for Foreign Affairs. The person depositing the instrument is not required to produce full powers authorizing them to do so.

./. For illustrative purposes, examples of an instrument of ratification and an instrument of accession are attached as Annex A and Annex B, respectively.

When will the GRATK Treaty enter into force?

Under Article 17 of the GRATK Treaty, it shall enter into force three months after 15 eligible parties, as defined in Article 12 of the Treaty, have deposited their instruments of ratification or accession.

The entry into force of a treaty, as such, is to be distinguished from its entry into force in respect of a particular party. The GRATK Treaty shall bind the above-mentioned 15 eligible parties from the date on which it enters into force (see Article 18(a) of the GRATK Treaty). With regard to any other eligible party that deposits its instrument of ratification or accession following the initial 15 parties, the GRATK Treaty shall be binding in respect of that party after the expiration of three months from the date of deposit of its instrument of ratification or accession (see Article 18(b) of the GRATK Treaty).



Can reservations be made to the GRATK Treaty?

Under Article 20 of the GRATK Treaty, no reservations to the GRATK Treaty are permitted.

Contact

For further information, please contact the Office of the Legal Counsel at legalcounsel@wipo.int and/or the Traditional Knowledge Division at grtkf@wipo.int



ANNEX A

INSTRUMENT OF RATIFICATION OF THE WIPO TREATY ON INTELLECTUAL PROPERTY, GENETIC RESOURCES AND ASSOCIATED TRADITIONAL KNOWLEDGE

[To be deposited with the Director General of WIPO at Geneva]

The Government of [name of State], hereby declares that [name of State] ratifies the WIPO Treaty on Intellectual Property, Genetic Resources and Associated Traditional Knowledge adopted at Geneva, on May 24, 2024.

Done at [place], on [date].

[Full Name]

[Signature][*]

[Title]

* [The Instrument must be signed by the Head of State, the Head of Government, or the Minister for Foreign Affairs.]



ANNEX B

INSTRUMENT OF ACCESSION TO THE WIPO TREATY ON INTELLECTUAL PROPERTY, GENETIC RESOURCES AND ASSOCIATED TRADITIONAL KNOWLEDGE

[To be deposited with the Director General of WIPO at Geneva]

The Government of [name of State], hereby declares that [name of State] accedes to the WIPO Treaty on Intellectual Property, Genetic Resources and Associated Traditional Knowledge, adopted at Geneva, on May 24, 2024.

Done at [place], on [date].

[Full Name]

[Signature][*]

[Title]

* [The Instrument must be signed by the Head of State, the Head of Government, or the Minister for Foreign Affairs.]