



PCT/WG/19/10
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Patent Cooperation Treaty (PCT) Working Group

**Nineteenth Session
Geneva, February 2 to 6, 2026**

**PROPOSAL REGARDING THE WIPO TREATY ON INTELLECTUAL PROPERTY,
GENETIC RESOURCES AND ASSOCIATED TRADITIONAL KNOWLEDGE**

Submitted by Brazil

In a communication to the Secretariat received on February 2, 2026, Brazil submitted the proposal in the Annex to this document.

[Annex follows]

WIPO TREATY ON INTELLECTUAL PROPERTY, GENETIC RESOURCES AND ASSOCIATED TRADITIONAL KNOWLEDGE

Reference is made to document PCT/WG/18/16, prepared by the Secretariat to the Eighteenth Session of the PCT-WG.

BACKGROUND

1. In May 2024, WIPO Member States adopted by consensus the WIPO Treaty on Intellectual Property, Genetic Resources and Associated Traditional Knowledge ("GRATK Treaty"). Upon entry into force, three months after there have been 15 ratifications or accessions, the Treaty will establish a mandatory patent disclosure requirement for inventions 'based on' genetic resources and/or associated traditional knowledge.
2. Article 7 of the Treaty ("Relationship with Other International Agreements") includes an Agreed Statement: "The Contracting Parties request the Assembly of the International Patent Cooperation Union to consider the need for amendments to the Regulations under the PCT and/or the Administrative Instructions thereunder with a view towards providing an opportunity for applicants who file an international application under the PCT designating a PCT Contracting State which, under its applicable national law, requires the disclosure of genetic resources and traditional knowledge associated with genetic resources, to comply with any formality requirements related to such disclosure requirement either upon filing of the international application, with effect for all such Contracting States, or subsequently, upon entry into the national phase before an Office of any such Contracting State".
3. To date, the GRATK Treaty has been signed by 44 countries and ratified by two (the Republic of Malawi and the Republic of Uganda). Among the signatories, 39 are members of the PCT, representing approximately one quarter of the PCT membership.

RELATIONSHIP WITH THE PCT

4. The GRATK Treaty and the PCT are both WIPO-administered instruments, and users of the international patent system expect consistency and predictability in their application. The explicit reference to the PCT in the GRATK Treaty's Agreed Statement reflects an understanding that the relationship between the two instruments merits careful consideration. This examination does not aim to revisit or redefine the applicability of the GRATK Treaty, whose Contracting Parties will apply the disclosure requirement for genetic resources and traditional knowledge associated with genetic resources at their national stage regardless of amendments to the Regulations under the PCT and/or the Administrative Instructions thereunder. Rather, the focus lies on timely preparation for work as per the GRATK Article 7 Agreed Statement by examining ways in which the PCT could offer additional convenience to applicants once the GRATK Treaty enters into force. Patent applicants stand to benefit if the PCT determines that it is prepared to provide mechanisms that help users comply with the disclosure requirement already during the international phase, thereby reducing the instances where they would have to address diverse national legal requirements at a later stage.
5. The PCT Working Group, as an advisory body to the PCT Assembly, provides the appropriate forum to undertake preparatory and analytical work. Discussions within the Working Group should focus on a technical and legal assessment of whether, and to what extent, adjustments to the PCT Regulations and/or the Administrative Instructions might be required in light of the GRATK Treaty, without prejudging the outcome of such analysis. Any decision on adopting amendments to the Regulations and/or the Administrative Instructions remains the prerogative of the PCT Assembly.

6. The issues involved are complex and of long-term significance, and such discussions require time, transparency, and broad participation. For this reason, preparatory work within the Working Group would contribute to building a common understanding among Member States on issues to be submitted to the PCT Assembly.

7. Given the early stages of the ratification process, Brazil expresses flexibility regarding the timing of the initiation of such technical discussions at the PCT-WG.

8. These efforts would contribute to greater legal certainty and coherence in the fulfillment of commitments undertaken by Contracting Parties under both instruments, with positive impact for all users of the intellectual property system.

PROPOSED DECISION

9. Brazil proposes to start discussions at the PCT Working Group, at the session following the tenth accession or ratification of the GRATK Treaty, based on a technical and legal assessment prepared by the International Bureau on the need of amendments to the PCT Regulations and/or the Administrative Instructions in light of the GRATK Treaty.

10. The Working Group is invited to note the content of this document and to consider agreeing on the request referred to in paragraph 9.

[End of Annex and of document]