

Compilation of Information on National and Regional *Sui Generis* Regimes for the Intellectual Property Protection of Traditional Knowledge and Traditional Cultural Expressions
(Dated May 7, 2020)

For the purposes of developing this table, the term "sui generis regimes" has been defined as existing legal mechanisms which provide indigenous peoples and local communities (IPLCs) and other beneficiaries with intellectual property (IP) or IP-similar protection against misuse and/or misappropriation of their traditional knowledge (TK) and/or traditional cultural expressions (TCEs), and/or distorting or culturally offensive uses. Such mechanisms can be part of IP systems, the features of which have been modified to accommodate the special characteristics of TK and TCEs, or to create specific disclosure obligations related to TK, and non-IP systems (e.g. access and benefit-sharing laws, indigenous peoples' rights).

The table below consists of a preliminary version of the compilation, on which Member States and accredited observers are invited to provide their comments. The Secretariat will keep updating with more information.

Name of country or regional organization	Title of the legal instrument	Link to legal instrument	TK	TCEs	Issues addressed
African Regional Industrial Property Organization (ARIPO)	Swakopmund Protocol on the Protection of Traditional Knowledge and Expressions of Folklore	https://wipolex.wipo.int/en/text/201022	x		Use of terms (Section 2.1) Subject matter of protection (Section 4) Beneficiaries (Section 6) Scope and conditions of protection (Sections 7, 8, 9 and 10) Sanctions (Section 23) Exceptions and limitations (Sections 11 and 12) Term of protection (Section 13) Formalities (Sections 5.2 and 5.3) Transboundary cooperation (Sections 5.4, 14.3 and 24.3)
				x	Use of terms (Section 2.1) Subject matter of protection (Section 16) Beneficiaries (Section 18) Scope of protection (Section 19) Exceptions and limitations (Section 20) Term of protection (Section 21) Formalities (Section 17) Sanctions (Section 23) Transboundary cooperation (Sections 17.4, 22.4 and 24.3) Capacity-building and awareness raising (Section 22.1)
Andean Community	Decision No. 486 Establishing the Common Industrial Property Regime, 2000	https://wipolex.wipo.int/en/text/223717	x		Disclosure requirement (Article 26(i)) Sanctions (Articles 39 and 75(h))
Azerbaijan	Law of the Republic of Azerbaijan on Legal Protection of Azerbaijani Folklore Expressions (as amended up to Law No. 638-IVQD of April 30, 2013)	https://wipolex.wipo.int/en/text/317312		x	Use of terms (Article 1.0.1) Subject matter of protection (Articles 2 and 4) Scope and conditions of protection (Articles 6, 8 and 9) Exceptions and limitations (Article 7) Sanctions (Articles 10, 11 and 12)
Bhutan	The Biodiversity Act of Bhutan of 2003	https://wipolex.wipo.int/en/text/168016	x		Use of terms (Section 51(q)) Subject matter of protection (Sections 3(c), 3(d) and 34) Beneficiaries (Section 33) Scope and conditions of protection (Sections 31, 36, 37, 38, 39 and 40) Sanctions (Sections 44 and 45) Exceptions and limitations (Section 32) Term of protection (Section 35)
Brazil	Law No. 13.123 of May 20, 2015 (Access and Benefit Sharing of Genetic Resources and Associated Traditional Knowledge)	https://wipolex.wipo.int/en/text/376795	x		Use of term (Article 2. II) Subject matter of protection (Article 8) Beneficiaries (Articles 2.IV, 2.V, 2.XXXI and 8.1) Scope and conditions of protection (Articles 2.III, 9, 10, 17.2, 17.4, 17.5 and 24) Sanctions (Article 27) Disclosure requirement (Article 47) Exceptions and limitations (Article 8.4)
	Decree No. 8.772 of May 11, 2016, on the Implementation of Law No. 13.123 of May 20, 2015	https://wipolex.wipo.int/en/text/407884	x		Scope and conditions of protection (Articles 12, 13, 17, 48 and 50) Sanctions (Articles 78 and 80)

China	Regulations on Protection of Traditional Chinese Medicines (promulgated by Order No. 106 of October 14, 1992, of the state council of the People's Republic of China)	https://wipo.int/en/text/337301	x		Subject matter of protection (Articles 2 and 5) Scope and conditions of protection (Articles 6, 7 and 13) Sanctions (Article 22) Term of protection (Articles 12 and 15)
	Regulations on Protection of Traditional Arts and Crafts, 1997	https://wipo.int/en/text/198447		x	Subject matter of protection (Article 2) Scope and conditions of protection (Article 5) Formalities (Articles 7 and 8) Sanctions (Article 20)
Ecuador	Organic Code on the Social Economy of Knowledge, Creativity and Innovation, 2016	https://wipo.int/en/text/439410	x	x	Use of terms (Article 511) Subject matter of protection (Article 521) Beneficiaries (Articles 513, 514, 515, 516 and 517) Scope and conditions of protection (Articles 512, 520, 522, 525, 526, 528, 529, 530 and 531) Sanctions (Articles 303 and 535) Disclosure requirement (Article 282) Transboundary cooperation (Article 519) Formalities (Article 523) Capacity-building and awareness-raising (Article 527)
	Regulation on the Organic Code on the Social Economy of Knowledge, Creativity and Innovation (issued by Executive Decree No. 1435, and amended up to April 18, 2018)	https://wipo.int/en/text/515578	x	x	Beneficiaries (Articles 48 and 51) Scope and conditions of protection (Articles 49)
Egypt	Law No. 82 of 2002 on the Protection of Intellectual Property Rights	https://wipo.int/en/text/126540		x	Use of terms (Article 138(7), 138(12)) Scope and conditions of protection (Article 142)
	Primer Minister Decree No. 497 of 2005 on Issuing the Executive Regulations for Book III of Law No. 82 of 2002 on the Protection of Intellectual Property Rights	https://wipo.int/en/text/205660		x	Databases (Article (3))
Ethiopia	Access to Genetic Resources and Community Knowledge, and Community Rights Proclamation No. 482/2006	https://wipo.int/en/text/179080	x		Use of terms (Section 2.14) Subject matter of protection (Section 4.1) Beneficiaries (Section 5.2) Scope and conditions of protection (Sections 6, 7, 8, 9, 11, 12.2, 12.3, 17, 18 and 28) Sanctions (Sections 35.1 and 35.3) Disclosure requirement (Section 17.13) Exceptions and limitations (Section 4.2.a)
Kenya	The Copyright Regulations, 2004	https://wipo.int/en/text/202121		x	Scope and conditions of protection (Sections 20(2), 20(3) and 20(4)) Sanctions (Section 20(5))
	The Protection of Traditional Knowledge and Cultural Expressions Act, 2016 (Act No. 33 of 2016)	https://wipo.int/en/text/506164	x		Use of terms (Section 2) Subject matter of protection (Section 6) Beneficiaries (Sections 2, 10, 28, 29, 30 and 31) Scope and conditions of protection (Sections 7(3), 9, 10, 11, 12, 18, 21, 22, 23, 24, 25 and 27) Databases (Sections 7 and 8) Sanctions (Section 37) Exceptions and limitations (Section 19.2) Term of protection (Section 13) Formalities (Section 7)

				x	Use of terms (Section 2) Subject matter of protection (Section 14) Scope and conditions of protection (Sections 15(3), 16, 18, 20, 21, 22, 23, 24, 25 and 27) Databases (Section 8) Sanctions (Section 37, 38, 39 and 41) Exceptions and limitations (Sections 18(3) and 19) Term of protection (Section 17) Formalities (Article 15)
Kyrgyzstan	Law of the Kyrgyz Republic No. 116 of July 31, 2007, on the Protection of Traditional Knowledge (as amended up to Law No. 55 of May 26, 2018)	https://wipolex.wipo.int/en/text/495974		x	Use of terms (Article 2) Subject matter of protection (Article 1) Beneficiaries (Articles 2 and 5) Scope and conditions of protection (Articles 3,14, 16 and 17) Databases (Articles 3.1, 7 and 8) Disclosure requirement (Articles 8 and 9) Exceptions and limitations (Article 17) Term of protection (Articles 7 and 12) Formalities (Articles 7, 9 and 14)
	Regulation on Conditions and Procedures for the Granting of Compulsory Licenses for the Use of Industrial Property Rights, Traditional Knowledge and Selective Breeding Achievements (approved by Decision No. 862 of December 24, 1998, and amended up to the Decision No. 715 of October 30, 2017, of the Government of the Kyrgyz Republic)	https://wipolex.wipo.int/en/text/516668		x	Scope and conditions of protection (Section 2)
Morocco	Law No. 2-00 on Copyright and Related Rights (promulgated by Dahir No. 1-00-20 of 9 Kaada 1420 (February 15, 2000))	https://wipolex.wipo.int/en/text/252835		x	Use of terms (Article 1(10) and 1(23)) *General provisions apply to performers rights. Subject matter of protection (Articles 3(m) and 5) Scope and conditions of protection (Article 7(1) and 7(3)) Sanctions (Article 63) Exceptions and limitations (Article 7(2))
New Zealand	Trade Marks Act 2002 (reprint as at 30 December 2018)	https://wipolex.wipo.int/en/text/544587		x	Scope and conditions of protection (Sections 17(1)(c) and 178)
Norway	Patents Act (Act No. 9 of December 15, 1967) (consolidated version of 2018)	https://wipolex.wipo.int/en/text/464132		x	Sanctions (Section 8b) Disclosure requirement (Section 8b)
	Act No. 100 of June 19, 2009, Relating to the Management of Biological, Geological and Landscape Diversity (Nature Diversity Act) (consolidated version of 2018)	https://wipolex.wipo.int/en/text/504826		x	Scope and conditions of protection (Section 61(a))
Panama	Law No. 20 of June 26, 2000, on Special System for the Collective Intellectual Property Rights of Indigenous Peoples for the Protection and Defense of their Cultural Identity and their Traditional Knowledge	https://wipolex.wipo.int/en/text/177308		x	Subject matter of protection (Article 1 and 3) Scope and conditions of protection (Articles 2, 4, 5, 15, 17 and 20) Databases (Article 7) Sanctions (Article 21) Exceptions and limitations (Article 23) Capacity-building and awareness raising (Articles 12, 13 and 14)
	Executive Decree No. 12 of March 20, 2001, on the Implementation of Law No. 20 of June 26, 2000 on the Special Intellectual Property Regime governing the Collective Rights of Indigenous Peoples for the Protection and Defense of their Cultural Identity and their Traditional Knowledge, and enacting other provisions	https://wipolex.wipo.int/en/text/179591		x	Use of terms (Article 2.3) Subject matter of protection (Article 3) Scope and conditions of protection (Article 17) Exceptions and limitations (Articles 11 and 18)
	Criminal Code of the Republic of Panama (approved by Law No. 14 of May 18, 2007, with amendments and additions introduced by Law No. 26 of 2008), 2008	https://wipolex.wipo.int/en/text/189272		x	Sanctions (Articles 270 and 271)
	Executive Decree No. 19 of March 26, 2019, on the Regulation of the Access and Control of the Use of Biological and Genetic Resources in the Republic of Panama and on the Establishment of Other Measures	https://wipolex.wipo.int/en/text/517176		x	Use of terms (Article 4.8) Subject matter of protection (Article 2) Beneficiaries (Article 4.13) Scope and conditions of protection (Articles 11, 16, 19, 20, 21 and 32) Sanctions (Article 48)

Papua New Guinea	Copyright and Neighbouring Rights Act 2000	https://wipolex.wipo.int/en/text/129337		x	Use of terms (Section 2) Scope and conditions of protection (Sections 30(1) and 30(3)) Sanctions (Section 31) Exceptions and limitations (Section 30(2))
Peru	Copyright Law (Legislative Decree No. 822, as amended up to Legislative Decree No. 1391), 1996	https://wipolex.wipo.int/en/text/506917		x	Use of terms (Article 2.12 and 57) Subject matter of protection (Article 5.I and 6.e) Beneficiaries (Article 2.2) *General provisions apply to performers rights.
	Law No. 27811 on the Introduction of the Protection Regime for the Collective Knowledge of Indigenous Peoples derived from Biological Resources, 2002	https://wipolex.wipo.int/en/text/179597	x		Use of terms (Article 2 and 13) Subject matter of protection (Articles 3 and 13) Beneficiaries (Articles 1, 2(a) and 10) Scope and conditions of protection (Articles 4, 6, 7, 8, 27(c), 32 and 42) Databases (Articles 15 to 24) Sanctions (Articles 49 and 62)
	Law No. 28131 on Performers (as amended up to Legislative Decree No. 1391), 2003	https://wipolex.wipo.int/en/text/508130		x	Beneficiaries (Article 2) *General provisions apply to performers rights.
	Legislative Decree No. 1075 on Approval of Supplementary Provisions of Decision No. 486 of the Andean Community Commission Establishing the Common Regime on Industrial Property (as amended by Law No. 29316), 2009	https://wipolex.wipo.int/en/text/182823	x		Sanctions (Article 120-A)
Philippines	The Indigenous Peoples Rights Act of 1997 (Republic Act No. 8371)	https://wipolex.wipo.int/en/text/532615	x		Scope and conditions of protection (Section 32, 34 and 35)
	NCIP Administrative Order No. 01, Series of 2012, The Indigenous Knowledge Systems and Practices (IKSPS) and Customary Laws (CLS), Research and Documentation Guidelines of 2012	https://wipolex.wipo.int/en/text/414295	x	x	Use of terms (Section 6(f) and 6(i)) Beneficiaries (Section 4(b)) Scope and conditions of protection (Sections 3(b), 3(c), 4(c), 4(d), 4(e), 4(f), 5(c), 5(d), 7, 8.8, 8.10, 8.17, 9, 11.4 and 18) Databases (Sections 5(d) and 17) Sanctions (Section 16) Exceptions and limitations (Sections 8 and 10)
	Joint IPOP HL-NCIP Administrative Order No. 01, 2016: Rules and Regulations on Intellectual Property Rights Application and Registration Protecting the Indigenous Knowledge Systems and Practices of the Indigenous Peoples and Indigenous Cultural Communities	https://wipolex.wipo.int/en/text/532622	x	x	Use of terms (Rule 4(e)) Subject matter of protection (Rule 3) Beneficiaries (Rules 4(f) and 5) Scope and conditions of protection (Rules 5(c) and 7) Databases (Rules 8 and 10) Disclosure requirement (Rule 6) Exceptions and limitations (Rule 15) Capacity-building and awareness raising (Rule 12)
Romania	Implementing Regulations of the Patent Law No. 64/1991 (approved by Government Decision No. 547/2008)	https://wipolex.wipo.int/en/text/207519	x		Disclosure requirement (Article 16)
Samoa	Copyright Act 1998 (as consolidated in 2011)	https://wipolex.wipo.int/en/text/309851		x	Use of terms (Section 2) Subject matter of protection (Sections 3 and 29) * General provisions apply to copyright owners and performers rights. Scope and conditions of protection (Sections 29(1) and 29(3)) Sanctions (Section 30) Exceptions and limitations (Section 29(2))
	Intellectual Property Act 2011	https://wipolex.wipo.int/en/text/310953	x		Sanctions (Sections 7(12), 17(2)(a), 22(12) and 28(2)(b)) Disclosure requirement (Sections 7(3)(g), 7(10), 22(3)(g) and 22(10))
	Performers' Protection Amendment Act 2002	https://wipolex.wipo.int/en/text/308986		x	Subject matter of protection (Amendment of section 1 of Act 11 of 1967, as amended by section 19 of Act 38 of 1997)
	National Environmental Management Biodiversity Act 2004 (Act No. 10 of 2004)	https://wipolex.wipo.int/en/text/179616	x		Beneficiaries (Sections 82(1)(b), 82(3)) Scope and conditions of protection (Section 83)
	Patents Amendment Act 2005 (Act No. 20 of 2005)	https://wipolex.wipo.int/en/text/179614	x		Disclosure requirement (Amendment of section 30 of Act 57 of 1978, as amended by section 33 of Act 38 of 1997)

South Africa	Intellectual Property Laws Amendment Act 2013 (Act No. 28 of 2013)	https://wipo.int/en/text/315146	x	x	Use of terms (Amendment of section 1 of Act 11 of 1967, as amended by section 19 of Act 38 of 1997 and section 1 of Act 8 of 2002; Amendment of section 1 of Act 98 of 1978, as amended by section 1 of Act 66 of 1983, section 1 of Act 52 of 1984, section 1 of Act 13 of 1998, section 1 of Act 125 of 1992, section 50 of Act 38 of 1997 and section 1 of Act 9 of 2002; Amendment of section 2 of Act 194 of 1993; Amendment of section 1 of Act 195 of 1993, as amended by section 69 of Act 38 of 1997) Beneficiaries (Insertion of Chapter 2A in Act 98 of 1978) Term of protection (Insertion of Chapter 2A in Act 98 of 1978; Insertion of Part XIIA in Act 194 of 1993; Insertion of sections 53A, 53B, 53C, 53D, 53E, 53F, 53G, 53H, 53I, 53J, 53K and 53L in Act 195 of 1993) Scope and conditions of protection (Insertion of Chapter 2A in Act 98 of 1978; Insertion of Part XIIA in Act 194 of 1993; Insertion of sections 53A, 53B, 53C, 53D, 53E, 53F, 53G, 53H, 53I, 53J, 53K and 53L in Act 195 of 1993) Databases (Insertion of Chapter 2A in Act 98 of 1978; Insertion of Part XIIA in Act 194 of 1993; Insertion of sections 53A, 53B, 53C, 53D, 53E, 53F, 53G, 53H, 53I, 53J, 53K and 53L in Act 195 of 1993) Exceptions and limitations (Insertion of Chapter 2A in Act 98 of 1978; Insertion of Part XIIA in Act 194 of 1993; Insertion of sections 53A, 53B, 53C, 53D, 53E, 53F, 53G, 53H, 53I, 53J, 53K and 53L in Act 195 of 1993)
	Bioprospecting, Access and Benefit-Sharing Amendments Regulations, 2015	https://wipo.int/en/text/565124	x		Use of terms (Section 1) Scope and conditions of protection (Section 9.1(b)(xii), Section 13, Section 14 (3)(b) and (d), Section 16(4)(a) and (c), Section 17(4)(a) and (c), Section 18(4)(a) and (c), 28.4 and Section 39) Sanctions (Sections 41 and 42)
	Protection, Promotion, Development and Management of Indigenous Knowledge, 2019 (Act No. 6 of 2019)	https://wipo.int/en/text/565105	x	x	Use of terms (Section 1) Beneficiaries (Sections 1, 9.2 and 12.3) Subject matter of protection (Sections 9.1 and 11) Scope and conditions of protection (Sections 13, 26(1) and 26(3)) Databases (Sections 17 to 24) Exceptions and limitations (Section 26(4)) Term of protection (Section 10) Transboundary cooperation (Section 29(2))
Switzerland	Federal Act of June 25, 1954, on Patents for Inventions (status as of April 1, 2019)	https://wipo.int/en/text/508470	x		Disclosure requirement (Article 49a) Sanctions (Articles 59.2, 59a.3.b and 81a)
Vanuatu	Copyright and Related Rights Act No. 42 of 2000	https://wipo.int/en/text/241761		x	Use of terms (Section 1) Subject matter of protection (Section 3) Scope and conditions of protection (Sections 8(1), 23(1), 34 and 42) Sanctions (Section 41) Exceptions and limitations (Sections 41(2) and 42(5))
	Designs Act No. 3 of 2003	https://wipo.int/en/text/241799		x	Use of terms (Section 1) Scope and conditions of protection (Section 62)
	Patents Act No. 2 of 2003	https://wipo.int/en/text/241798	x		Use of terms (Section 1) Disclosure requirement (Section 47)
	Trademarks Act No. 1 of 2003	https://wipo.int/en/text/241755		x	Use of terms (Section 1) Scope and conditions of protection (Section 94)
	The Protection of Traditional Knowledge and Cultural Expressions Act, 2016 (Act No. 33 of 2016)	https://wipo.int/en/text/546121		x	Use of terms (Section 1) Subject matter of protection (Sections 2, 5(1) and 5(3)) Beneficiaries (Sections 3(1) and 7) Scope and conditions of protection (Sections 4(1)(a), 4(2), 10, 11, 21(1) and 22(1)) Sanctions (Sections 39, 40, 41, 42 and 47(5)) Exceptions and limitations (Sections 8 and 9) Term of protection (Section 12)

				x	Subject matter of protection (Sections 2, 5(1) and 5(2)) Beneficiaries (Sections 1, 3(1) and 7) Scope and conditions of protection (Sections 4(1)(b), 4(1)(c), 10, 11 and 21(1)) Sanctions (Sections 39, 40, 41 and 47(5)) Exceptions and limitations (Sections 8 and 9) Term of protection (Section 12)
Vietnam	Circular No. 01/2007/TT-BKHCHN of February 14, 2007, guiding the Implementation of the Government's Decree No. 103/2006/ND-CP of September 22, 2006, detailing and guiding the Implementation of a Number of Articles of the Law on Intellectual Property regarding Industrial Property	https://wipo.lex.wipo.int/en/text/131995		x	Disclosure requirement (Section 23.11) Sanctions (Section 13. 1)
	Decree No. 22/2018/ND-CP of February 23, 2013, on Guidelines for Certain Number of Articles of the Intellectual Property Law and Law on Amendments to the Intellectual Property Law 2009 in Terms of Copyright and Related Rights	https://wipo.lex.wipo.int/en/text/472667		x	Use of terms (Articles 18.1 and 18.2) Scope and conditions of protection (Articles 18.3)