



Convention on Biological Diversity

Distr.
GENERAL

UNEP/CBD/COP/DEC/X/41
29 October 2010

ORIGINAL: ENGLISH

CONFERENCE OF THE PARTIES TO THE
CONVENTION ON BIOLOGICAL DIVERSITY
Tenth meeting
Nagoya, Japan, 18-29 October 2010
Agenda item 6.7

DECISION ADOPTED BY THE CONFERENCE OF THE PARTIES TO THE CONVENTION ON BIOLOGICAL DIVERSITY AT ITS TENTH MEETING

X/41. Elements of sui generis systems for the protection of traditional knowledge

The Conference of the Parties

1. *Notes* that elements of *sui generis* systems, as set out in section II of the updated note by the Executive Secretary (UNEP/CBD/WG8J/6/5), include useful elements to consider as and when Parties and Governments develop *sui generis* systems for the protection of traditional knowledge, innovations and practices at local, national, regional and international levels;
2. *Also notes* that *sui generis* systems for the protection of the knowledge, innovations and practices of indigenous and local communities, should be developed taking into account customary laws, practices and community protocols, as appropriate, with the effective participation and approval and involvement of those communities;
3. *Encourages* Parties that have not yet considered or developed *sui generis* systems for the protection of traditional knowledge to take steps to do so, as appropriate;
4. *Invites* Parties to submit to the Executive Secretary information regarding elements of *sui generis* systems relevant to the protection of traditional knowledge they have adopted, including assessments of the effectiveness of such measures, whether they are local, subnational, national or regional in focus;
5. *Invites* Parties and Governments to report on any regional measures that have been taken to protect traditional knowledge, innovations and practices of indigenous and local communities relevant to biological diversity that is held across national boundaries, including *sui generis* systems that are being developed or have been developed and/or implemented, including evidence regarding the effectiveness of such measures;
6. *Requests* the Executive Secretary to continue to compile and make available through the clearing-house mechanism of the Convention information on measures taken by Parties for the development of *sui generis* systems for the protection of traditional knowledge, at various levels, including local, national, regional and international;
7. *Invites* Parties, indigenous and local communities and other relevant organizations to provide views through case-studies on how statutory laws and customary laws interact with regard to the protection of traditional knowledge, innovations and practices and for the results to be made available

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through the traditional knowledge portal of the clearing-house mechanism of the Convention and to the Working Group for consideration at its seventh meeting;

8. *Further requests* the Executive Secretary to update his note on the subject (UNEP/CBD/WG8J/6/5), in light of case-studies and experiences received, indicating what changes have been made in relation to case-studies submitted, for consideration by the Working Group on Article 8(j) and Related Provisions at its seventh meeting;

9. *Notes* the clear relationship between effective *sui generis* systems as may be developed adopted or recognized at various levels, implementation of access and benefit-sharing provisions and the need to prevent the misuse and misappropriation of traditional knowledge, innovations and practices of indigenous and local communities, as stated in decision VII/16 H;

10. *Notes* the decision of the General Assembly of the World Intellectual Property Organization (WIPO) at its thirty-eighth (nineteenth ordinary) session, held in Geneva from 22 September to 1 October 2009 to continue its work without prejudice to the work pursued in other forums, and “undertake text-based negotiations with the objective of reaching agreement on a text of an international legal instrument (or instruments), which will ensure the effective protection of genetic resources, traditional knowledge, and traditional cultural expressions”;

11. *Further notes*, in particular, the work of the Convention on Biological Diversity, in relation to *sui generis* systems for the protection of the knowledge innovations and practices of indigenous and local communities and in relation to the early establishment of a legally binding Protocol on Access and Benefit-sharing;

12. *Requests* the Executive Secretary to continue to inform the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC) of the World Intellectual Property Organization on the work undertaken under paragraph 6 above and to continue to positively contribute to the work of the Intergovernmental Committee.
