



CONVENTION ON BIOLOGICAL DIVERSITY

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AD HOC OPEN-ENDED WORKING GROUP ON ACCESS AND BENEFIT-SHARING

Fourth meeting

Granada, Spain, 30 January to 3 February 2006

Item 8 of the provisional agenda

MEASURES TO SUPPORT COMPLIANCE WITH PRIOR INFORMED CONSENT OF THE CONTRACTING PARTY PROVIDING GENETIC RESOURCES AND MUTUALLY AGREED TERMS ON WHICH ACCESS WAS GRANTED, IN CONTRACTING PARTIES WITH USERS OF SUCH RESOURCES UNDER THEIR JURISDICTION

List of relevant documentation circulated in other forums

1. In paragraph 7 of recommendation 3/4, the Working Group requested the Executive Secretary to compile pertinent documentation circulated in other relevant forums, in particular recent proposals submitted by Parties to the Convention on Biological Diversity in the following international organisations: the Food and Agriculture Organization of the United Nations (FAO), the United Nations Conference on Trade and Development (UNCTAD), the United Nations Environment Programme (UNEP), the International Union for the Protection of New Varieties of Plants (UPOV), the World Intellectual Property Organization (WIPO) and the World Trade Organization (WTO) Council for Trade-Related Aspects of Intellectual Property Rights.

2. The Secretariat compiled the following list of recent documents of relevance circulated by the above-mentioned organisations and their respective forums. Reports prepared by UNCTAD and WIPO in response to invitations by the Conference of the Parties in decision VII/19E are also listed below:

Food and Agriculture Organization of the United Nations (FAO)

Commission on Genetic Resources for Food and Agriculture acting as Interim Committee for the International Treaty on Plant Genetic Resources for Food and Agriculture

CGRFA/MIC-2/04/REP, Report of the Second Meeting of the CGRFA acting as Interim Committee for the International Treaty on Plant Genetic Resources for Food and Agriculture

CGRFA/IC/CG-1/05/Rep, Report of the First Meeting of the Contact Group for the drafting of the Standard Material Transfer Agreement

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Background Study Paper No. 25, International Arbitration

Background Study Paper No. 26, Methods of Expressing Acceptance of the Terms and Conditions of MTAs: Shrink-wrap and click-wrap agreements

Background Study Paper No 27, Commercial practice in the use of plant genetic resources for food and agriculture

United Nations Conference on Trade and Development (UNCTAD)

UNEP/CBD/WG-ABS/INF/2, Analysis of Options for Implementing Disclosure of Origin Requirements in Intellectual Property Applications – A contribution to UNCTAD’s response to the invitation of the Seventh Conference of the Parties of the Convention on Biological Diversity,

UNEP/CBD/WG8J/4/INF/15, Report of the UNCTAD-Commonwealth Secretariat Workshop on Elements of National *Sui Generis* Systems for the Preservation, Protection and Promotion of Traditional Knowledge, Innovations and Practices and Options for an International Framework, Geneva, 4-6 February 2004

United Nations Environment Programme (UNEP)

Case Study on implementation of the Bonn guidelines on Access to Genetic Resources and the fair and equitable sharing of benefits arising out of their utilization in six countries in Africa

International Union for the Protection of New Varieties of Plants (UPOV)

C/37/22, Annex IV, “Access to Genetic Resources and Benefit-Sharing”; Reply of UPOV to the Notification of June 26, 2003, from the Executive Secretary of the Convention on Biological Diversity (CBD) (this document is available in UNEP/CBD/WG-ABS/4/INF/3)

Letter from the Vice Secretary-General of UPOV to the Executive Secretary of the CBD, dated October 31, 2005, “Access to Genetic Resources and Benefit-Sharing: Reply of UPOV to the Notification of April 12, 2005, to the Executive Secretary of the Convention on Biological Diversity (CBD) (this document is available in UNEP/CBD/WG-ABS/4/INF/3)

World Intellectual Property Organization (WIPO)

UNEP/CBD/COP/7/INF/17, Technical study on disclosure requirements related to genetic resources and traditional knowledge – submission by the World Intellectual Property Organization (WIPO)

WIPO General Assembly

WO/GA/32/8, Invitation to WIPO from the Conference of Parties of the Convention on Biological Diversity, Document prepared by the International Bureau, August 2005

Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore

WIPO/GRTKF/IC/8/9, Overview of the Committee’s work on Genetic Resources, April 2005. This document contains in its Annex I a list of documents prepared for the committee, relevant to work on IP and genetic resources, including genetic proposals submitted by Member States.

Working Group on the Reform of the PCT

PCT/R/WG/5/11Rev, Proposals by Switzerland regarding the declaration of the source of genetic resources and traditional knowledge in patent applications

PCT/R/WG/6/11, Additional comments by Switzerland on its proposals regarding the declaration of the source of genetic resources and traditional knowledge in patent applications

World Trade Organisation

Council for Trade-Related Aspects of Intellectual Property Rights

IP/C/W/368, The Relationship between the TRIPS Agreement and the Convention on Biological Diversity: Summary of Issues Raised and Points Made, Note by the WTO Secretariat

IP/C/W/370, The Protection of Traditional Knowledge and Folklore: Summary of Issues Raised and Points Made – Note by the WTO Secretariat

IP/C/W/356, The Relationship between the TRIPS Agreement and the Convention on Biological Diversity and the Protection of Traditional Knowledge - submission from Brazil, China, Cuba, Dominican Republic, Ecuador, India, Pakistan, Peru, Thailand, Venezuela, Zambia and Zimbabwe

IP/C/W/383, Review of Article 27.3(b) of the TRIPS Agreement, the Relationship between the TRIPS Agreement and the Convention on Biological Diversity (CBD) and the Protection of Traditional Knowledge and Folklore – a Concept Paper, communication by the European Communities

IP/C/W/393, Access to Genetic Resources Regime of the US National Parks, Communication by the United States

IP/C/W/400/Rev.1, Article 27.3(b), the Relationship Between the TRIPS Agreement and the Convention on Biological Diversity, and the Protection of Traditional Knowledge - submission by Switzerland

IP/C/W/403, The Relationship between the TRIPS Agreement and the Convention on Biological Diversity and the Protection of Traditional Knowledge - submission from Bolivia, Brazil, Cuba, Dominican Republic, Ecuador, India, Peru, Thailand, Venezuela

IP/C/W/404, Taking Forward the Review of Article 27.3(b) of the TRIPS Agreement, Joint Communication from the African Group

IP/C/W/420 and Add.1, The Relationship between the TRIPS Agreement and the Convention on Biological Diversity: Checklist of Issues - submitted by Bolivia, Brazil, Cuba, Ecuador, India, Peru, Thailand and Venezuela

IP/C/W/423, Additional Comments by Switzerland on its Proposals Regarding the Declaration of the Source of Genetic Resources and Traditional Knowledge in Patent Applications

IP/C/W/429/Rev.1, and Rev.1/Add.1, 2, 3 Elements of the Obligation to Disclose the Source and Country of Origin of the Biological Resources and/or Traditional Knowledge Used in an Invention - submitted by Brazil, Bolivia, Colombia, Cuba, Dominican Republic, Ecuador, India, Pakistan, Peru, Thailand, and Venezuela

IP/C/W/433, Further Observations by Switzerland on its Proposals Regarding the Declaration of the Source of Genetic Resources and Traditional Knowledge in Patent Applications

IP/C/W/434, The Relationship between the TRIPS Agreement and the Convention on Biological Diversity and the Protection of Traditional Knowledge - submitted by the United States

IP/C/W/438, The Relationship between the TRIPS Agreement and the Convention on Biological Diversity (CBD) and the Protection of Traditional Knowledge-Elements of the Obligation to Disclose Evidence of Prior Informed Consent under the Relevant National Regime - submitted by Bolivia, Brazil, Cuba, Ecuador, India, Pakistan, Peru, Thailand and Venezuela

IP/C/W/441/Rev.1, Relationship between the TRIPS Agreement and the CBD and Protection of Traditional Knowledge and Folklore - Communication from Peru

IP/C/W/442, The Relationship between the TRIPS Agreement and the Convention on Biological Diversity (CBD) and the Protection of Traditional Knowledge - Elements of the Obligation to Disclose Evidence of Benefit-Sharing Under the Relevant National Regime - Submission from Bolivia, Brazil, Colombia, Cuba, Dominican Republic, Ecuador, India, Peru and Thailand

IP/C/W/443, The Relationship between the TRIPS Agreement and the Convention on Biological Diversity (CBD) and the Protection of Traditional Knowledge - Technical Observations on Issues Raised in Technical Observations on Issues Raised in a Communication by the United States (IP/C/W/434), submitted by Brazil and India

IP/C/W/446, The Relationship between the TRIPS Agreement and the Convention on Biological Diversity (CBD) and the Protection of Traditional Knowledge and Folklore and the Review of Implementation of the TRIPS Agreement under Article 71.1 - Communication from Switzerland.

IP/C/W/447, Article 27.3(b), Relationship between the TRIPS Agreement and the CBD and Protection of Traditional Knowledge and Folklore - Communication from Peru - Biodiversity, Traditional Knowledge and Intellectual Property – Peru’s Position in Relation to Disclosure of Origin and Legal Provenance.

IP/C/W/449, The Relationship between the TRIPS Agreement and the CBD, and the Protection of Traditional Knowledge and Folklore - Communication by the United States

IP/C/W/458, Analysis of Potential Cases of Biopiracy – Communication by Peru

IP/C/W/459, The Relationship between the TRIPS Agreement and the Convention on Biological Diversity (CBD) and the Protection of Traditional Knowledge – Technical Observations on the United States Submission IP/C/W/449 by Bolivia, Brazil, Colombia, Cuba, India and Pakistan