



Disclosure Requirements:

Incorporating the CBD Principles in the TRIPS Agreement

On the Road to Hong Kong

Under the Doha mandate (Paragraph 19), the TRIPS Council, in its review of Article 27.3 (b) and Article 71.1 TRIPS, is instructed to consider the relationship between the TRIPS Agreement and the Convention on Biological Diversity (CBD), and the protection of traditional knowledge and folklore. This mandate is additionally strengthened and broadened by Paragraph 12 and 31 of the Doha Declaration respectively, which call for mutual supportiveness between the trade and environment regimes. Since then, work in the TRIPS Council has focused on the relationship between the CBD, WIPO, FAO and the TRIPS Agreement, and particularly on whether and how patent applicants should be obliged to disclose the origin or source of the genetic resource and traditional knowledge used in an invention and provide evidence of prior informed consent and benefit sharing.

Several proposals have been made by a number of countries that show an emerging willingness to deal with the substantive and practical aspects of the issues. At the same time, academics and experts in the field have produced valuable research material with practical suggestions on moving this debate forward. While these attempts demonstrate a general interest to advance on these matters, it has been difficult to find the common ground needed to make appropriate use of the opportunity offered by the Doha Mandate.

In light of this the Ministerial Conference at the end of the year in Hong Kong can offer a new space for negotiations to move this debate forward. To do so, however, much work will be needed during coming months in order to provide the necessary options and solutions for successful decision making. The aim of this dialogue is to support this process by highlighting and constructively discussing some of the potentially promising proposals made in the recent past.

WTO Public Symposium, 21st of April 2005

3pm – 6pm

Tentative Agenda

Moderator: Ricardo Meléndez-Ortiz (ICTSD)

Addressing Missappropriation at the International Level – The Role of the TRIPS Agreement ?
Begoña VENERO (Peruvian Patent Office / Felix ADDOR (Swiss Patent Office)

How to Operationalise the Disclosure Requirement at the National level in a Manner Supportive of the TRIPS Agreement and the CBD?
Michael GOLLIN (Venable LLP) / N.S. GOPALAKRISHNAN (Cochin University of Science and Technology)

The TRIPS World after Disclosure of Source and Evidence of Prior Informed Consent and Benefit Sharing
Graham DUTFIELD (Queen Mary Intellectual Property Research Institute) / Athul KAUSHIK
Indian Mission to the WTO