

Work-in-Progress

March 20, 2018

PREAMBLE

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Reaffirm, in accordance with the Convention on Biological Diversity, the sovereign rights of States over their genetic resources, and that the authority to determine access to genetic resources rests with the national governments and is subject to national legislation.

Recognizing that the IP system, which protects invention and innovation, intersects with the CBD and has a role to play in facilitating protection of GRAATK;

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ARTICLE 1 OBJECTIVE

The objective of this instrument is to contribute to the protection of genetic resources [their derivatives] and traditional knowledge associated with genetic resources within the [IP] [patent] system by:

- (a) Ensuring complementarity and mutual supportiveness with international agreements relating to the protection of genetic resources [their derivatives] and/or traditional knowledge associated with genetic resources and those relating to IP;*
- (b) Enhancing transparency in the [IP][patent] system in relation to genetic resources [their derivatives] and/or traditional knowledge associated with genetic resources; and*
- (c) Ensuring that [IP] [patent] offices have access to the appropriate information on genetic resources [their derivatives] and traditional knowledge associated with genetic resources to prevent the granting of erroneous [IP] [patent] rights.*