Standing Committee on TRIPS

Standing Committee on IP and Genetic Resources / Traditional Knowledge

Questionnaire on the requirement of indicating the source and/or country of origin of genetic resources and traditional knowledge in patent applications

Background

The discussion on what can be termed as "special disclosure requirements for patent applications involving genetic resources" has been ongoing for many years, not only in the World Trade Organization (WTO/TRIPS), but more so within the framework of the Convention on Biological Diversity (***CBD***) and its Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity (***Nagoya Protocol***). Discussions also take place within the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore of WIPO, which has begun to discuss the text of a possible international instrument.

Briefly summarised, many countries rich in biological/genetic resources and traditional knowledge (***GRTK***) demand that patents for inventions based on GRTK should only be granted if GRTK has been obtained in conformity with the requirements of the CBD and the Nagoya Protocol. As a means for checking whether the requirements of the CBD are met, these proponents ask for the inclusion of the source or country of origin of GRTK in patent applications, proof of prior informed consent (***PIC***), and proof, that in return for access, benefit sharing has been properly agreed (access and benefit sharing or ***ABS***) on mutually agreed terms (***MAT***). Their position is that these requirements contribute to transparency and stop biopiracy/misappropriation of GRTK.

Opponents of these disclosure requirements argue, inter alia, that patent law should not be used to enforce international conventions in fields other than patent law, and that new disclosure requirements would create uncertainty in relation to patent rights. Further, they point to the practical problems in providing and collecting such information, and including it in patent applications.

Other complications include:

(a) clarification of the circumstances in which an invention can be regarded as being based on or derived from genetic resources or traditional knowledge; and

(b) there is no generally accepted definition of "traditional knowledge".

196 countries have ratified the CBD. The USA has not ratified the CBD, and so is not bound by it. Currently, 78 countries have ratified the Nagoya Protocol.

For further background information see:

- WTO/TRIPS, http://www.wto.org/english/tratop_e/dda_e/meet08_brief05_e.htm and www.wto.org/english/news_e/news14_e/trip_ss_25feb14_e.htm, https://docs.wto.org
- CBD, http://www.cbd.int
- More particularly on the Nagoya Protocol, http://www.cbd.int/abs/
- WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore, http://www.wipo.int/tk/en/igc/.

Previous work of AIPPI

As part of AIPPI's study on the disclosure requirements for patent applications involving GRTK, AIPPI collected information from its National and Regional Groups and Independent Members by a questionnaire distributed in 2006. A Resolution was passed at the Gothenburg Congress (2006) based on the results of this first questionnaire:

- Resolution, http://aippi.org/wp-content/uploads/committees/166/RS166English.pdf

AIPPI collected further information by a questionnaire distributed in 2010, in a joint effort of the Standing Committees on TRIPS and on IP and Genetic Resources / Traditional Knowledge:

- Summary Report, http://aippi.org/wp-content/uploads/committees/166/QS16601_summary_report_questionnaire.pdf
- Annex 1, http://aippi.org/wp-content/uploads/committees/166/QS166annex_1.pdf
- Annex 2, http://aippi.org/wp-content/uploads/committees/166/QS166annex_2_-_list_of_nrg_responses.pdf
- Annex 3, http://aippi.org/wp-content/uploads/committees/166/QS16602_summary_responses_questionnaire_q94-q166.pdf

The purpose of the present questionnaire is to update the information collected from the National and Regional Groups and Independent Members on provisions in existing laws and draft bills, and to collect information on practical experience with the application of such laws and regulations, including the cost to applicants of the disclosure requirement, as well as any benefit to third parties. This study should also provide an indication of the impact of the Nagoya Protocol on patent applications. This will result in a useful resource for negotiators in different international fora dealing with these topics.

National Group: Philippines

Independent Member:

Date: 20 October 2016

Questions

The Groups are invited to answer the following questions under their national laws:

1) Is there a legal requirement in your country that the source and/or country of origin of GRTK must be indicated in patent applications for inventions based on GRTK (***Disclosure Requirement***)?

   If yes, please: (i) indicate whether this legal requirement was introduced after 2010 or, if introduced prior to 2010, whether there have been substantial amendments since 2010; (ii) provide concise quotes of the corresponding text from the laws or regulations or a concise summary; and (iii) reply to the following questions a) to j).

   a) Yes and such requirements were introduced before 2010. Under Section 26.1 of the Joint DENR-DA-PCSD-NCIP Administrative Order No.1 (Series of 2005), otherwise known as the "Guidelines for Bioprospectlng Activities in the Philippines" ("Guidelines for Bioprospecting Activities"), the country of origin of Bioprospecting Undertakings are required to be disclosed in patent applications:

> "Section 26. Overseas monitoring
> 26.1 The implementing agencies may seek the assistance of the Department of Foreign Affairs ('DFA') and Department of Science and Technology in monitoring inventions and commercialization undertaken in foreign countries. These Departments shall be notified in writing by the implementing agencies about Bioprospecting Undertakings ('BU') with foreign entities. The DFA, through its Embassies and Missions abroad, is encouraged to report to the implementing agencies any breach of the BU. In particular, the DFA is encouraged to make representations with concerned foreign authorities particularly on the following aspects:
> a) Prevention of biological resources from entering countries without a BU;
> b) **Requiring disclosure of country of origin (CO) and presentation of BU in patent applications**;
> c) Facilitation of enforcement of claims against collectors or commercializing entities." (Emphasis supplied)

   Under the Guidelines for Bioprospecting Activities, bioprospecting shall mean "the research, collection and utilization of biological and genetic resources for purposes of applying the knowledge derived therefrom solely for commercial purposes."[1]

   b) Moreover, Section 8(c) of Article III of Republic Act No. 10055 (the "Philippine Technology Transfer Act") provides that the Research and Development Institution ("RDI") shall notify the Government Funding Agency ("GFA") within a reasonable

[1] Section 5 of the Guidelines for Bioprospecting Activities.

time of all IPR applications, licenses and assignments made. All applications for IP protection shall disclose any biodiversity and genetic resource, traditional knowledge, and indigenous knowledge, systems and practices as these terms are defined in Republic Act No. 8371 or the Indigenous Peoples Rights Act and Republic Act No. 9147 or The Wildlife Act.

Rule 12, Section 3(c) of the JOINT DOST-IPO Administrative Order No. 02-2010, otherwise known as The Implementing Rules and Regulations of the Philippine Technology Transfer Act provides that the RDI shall provide the GFA a written disclosure with respect to the utilization of biodiversity, genetic resources or materials associated traditional knowledge, and indigenous knowledge, systems and practices:

> "**Section 3.** *Disclosures*. Disclosure of potential IPRs and/or all biodiversity and genetic resource, traditional knowledge, and indigenous knowledge, systems and practices shall be governed by the following rules:
>
> xxx
>
> (c) **With respect to biodiversity, genetic resources or materials associated traditional knowledge, and indigenous knowledge, systems and practices, the following provisions shall govern**:
>
> i. The RDI shall provide the GFA with a written disclosure on the following: (1) any biodiversity, genetic resources or materials, associated traditional knowledge, and indigenous knowledge, systems and practices utilized in or which formed as basis in the development of the subject matter contained in the IPR application; (2) the primary source of any biodiversity, genetic resources or materials, associated traditional knowledge, and indigenous knowledge, systems and practices utilized in or which formed as basis in the subject matter contained in the IPR application; or (3) the secondary source, if no information about the primary source is available.
>
> xxx
>
> v. **A national or international IPR application filed by the RDI before the appropriate IP office shall include in the abstract and/or description of said application the same disclosure on biodiversity, genetic resources or materials, associated traditional knowledge, and indigenous knowledge, systems and practices utilized in or which formed as basis in the development of the subject matter contained in the said application, notwithstanding that such disclosure may not be required for the grant or issuance of certificate of IPR registration**.
>
> (d) Disclosure shall be made by the Researcher to the head of the RDI. The head of the RDI, consistent with the RDIs obligations, shall make the disclosure to the head of the GFA." (Emphasis and underscoring supplied)

c) Under Section 34 of Republic Act No. 8371 (the "Indigenous Peoples' Rights Act"), indigenous cultural communities ("ICCs")/indigenous peoples are entitled to the recognition of the full ownership and control and protection of their cultural and intellectual rights. Moreover, Section 35 provides that access to biological and genetic resources and to indigenous knowledge related to the conservation, utilization and enhancement of these resources, shall be allowed within ancestral lands and domains of the ICCs/ indigenous peoples only with a free and prior informed consent of such communities, obtained in accordance with customary laws of the concerned community.

Rule VI, Section 15(b) of the Implementing Rules and Regulations of the Indigenous Peoples' Rights Act provides that a written agreement shall be entered into with the ICCs/indigenous peoples concerned regarding the research into their ancestral domains/lands or territories, including the purpose of the research, design and expected outputs. Moreover, Section 15(c) provides that all data provided by the indigenous peoples shall be acknowledged in whatever writings, publications, or journals authored or produced as a result of such research. The indigenous peoples will be definitively named as sources in all such papers. Section 17 discussed the protection of biological and genetic resources in particular:

> "**Section 17. Protection of Biological and Genetic Resources.** The ICCs/IPs may, on their own initiative, make an inventory of biological and genetic resources found inside their domains/lands, for their exclusive use. They shall retain and reserve all rights pertaining to the storage, retrieval, and dissemination of the information, in whatever form and system, gathered as a result of the inventory. A certificate of free and prior informed consent shall be required in case the concerned ICCs/IPs may enter into a joint undertaking with natural or juridical persons for the use of biological and genetic resources for industrial, commercial, pharmaceutical and other profit-making purposes and ventures. Violation hereof shall be strictly prohibited and subject to penalties under customary law and as provided for by the Act. The NCIP shall assist the concerned ICCs/IPs in the enforcement hereof."

Significantly, Rule IX of the implementing rules of Republic Act No. 8423, otherwise known as the "Traditional and Alternative Medicine Act of 1997", provides that knowledge systems relevant to the utilization of biological and genetic resources that are applied in traditional and alternative health care practices of the community shall be identified and documented. Moreover, it has a specific provision on intellectual property rights:

> "SECTION 4. Intellectual Property Rights. – All products and by-products derived from Philippine medicinal plants using the resources and facilities of the Institute in their development shall be the property of the Institute and the Philippine Republic. The Institute shall likewise endeavor to develop its intellectual property rights portfolio to maximize the benefits that can be derived from the various intellectual properties that it may secure from its research and development activities. Assistance to Filipino inventors, scientists and entrepreneurs in the form of efforts in securing appropriate intellectual property rights and technology

transfer agreements in the Philippines and abroad and abroad shall be provided by the Institute. **Whenever appropriate and necessary, the Institute shall apply for intellectual property rights protection in accordance with applicable treaties and laws for any material, products and by-products derived from medicinal plants including patents for the processes utilized in the manufacture of these natural products and byproducts in behalf of the Philippine Government, Philippine Herbal Industry and other stakeholders**. The Institute shall endeavor to monitor and inventory Philippine natural health products that have been inappropriately applied for intellectual property rights protection in the Philippines and abroad without complying with applicable laws and regulations and shall make representations with the appropriate international institutions and agencies with assistance of other institutions and agencies of the Government of the Philippines, to cancel this rights or to renegotiate the terms and conditions thereof that are favorable to Philippine interests. The application of existing forms of intellectual property rights on biological and genetic resources as well as indigenous knowledge systems shall be without prejudice to the application of whatever sui generic rights that may be provided by law to the appropriate local and indigenous communities. The Board or other appropriate governmental bodies shall also intervene, whenever it becomes necessary for the protection of the general welfare of the communities during the negotiations for benefit sharing." (Emphasis supplied)

a) Is the Disclosure Requirement found in patent law (including utility model law, plant variety protection law or design law), general IP laws, in legislation implementing the CBD or the Nagoya Protocol, or any other (and if so, what) sources of law?

The Disclosure Requirement is not found in patent law but can be found in the following:

i. Joint DENR-DA-PCSD-NCIP Administrative Order No.1 (Series of 2005), otherwise known as the "Guidelines for Bioprospectlng Activities in the Philippines", which was promulgated pursuant to the obligations of the Philippines under the Convention on Biological Diversity.

It must be noted that the Philippines acceded to the Nagoya Protocol in 2015 and the Protocol came into force in the Philippines on 28 December 2015 only.

ii. Republic Act No. 10055 (the "Philippine Technology Transfer Act") and JOINT DOST-IPO Administrative Order No. 02-2010, otherwise known as The Implementing Rules and Regulations of the Philippine Technology Transfer Act.

iii. Republic Act No. 8371 (the "Indigenous Peoples' Rights Act") since the law provides that all data provided by the indigenous peoples shall be acknowledged in whatever writings, publications, or journals authored or

produced as a result of such research and that the indigenous peoples will be definitively named as sources in all such papers.

b) What "triggers" the Disclosure Requirement, i.e. what relationship between the invention and the GRTK is required?

i. Under the Guidelines for Bioprospectlng Activities in the Philippines, the Disclosure Requirement shall be triggered so long as the biological resource was used for developing the invention as evidenced by the Bioprospecting Undertaking.

ii. Under the IRR of the Philippine Technology Transfer Act, a written disclosure is required when the subject matter contained in a national or international IPR application is directly based on any biodiversity, genetic resources or materials, traditional knowledge, and indigenous knowledge, systems and practices to which the RDI has had access to prior to the filing of the IPR application.[2]

iii. Under the Indigenous Peoples' Rights Act, the Disclosure Requirement is triggered as long as traditional knowledge or resources are used for developing the invention and/or as long as the data provided by the indigenous peoples are used/referred to in the IPR application.

c) Is it clear what the concepts of "source" or "country of origin" or "country providing the resource", and "based on genetic resource/traditional knowledge" or "derived from biological resource and associated traditional knowledge" mean, and what information must be included in the patent application?

Yes.

i. The Guidelines for Bioprospectlng Activities in the Philippines require the disclosure of the country of origin and presentation of Bioprospecting Undertaking in patent applications.

ii. The Philippine Technology Transfer Act requires that the IPR application shall include in the abstract and/or description of said application the same disclosure on biodiversity, genetic resources or materials, associated traditional knowledge, and indigenous knowledge, systems and practices utilized in or which formed as basis in the development of the subject matter contained in the said application, notwithstanding that such disclosure may not be required for the grant or issuance of certificate of IPR registration.

iii. The Indigenous Peoples' Rights Act requires that all data provided by the indigenous peoples shall be acknowledged in whatever writings, publications, or journals authored or produced as a result of such research.

d) Is the Disclosure Requirement limited to GRTK of your country or is it applicable also to GRTK obtainable from other countries or geographical regions?

[2] Rule 12, Section 3 (C)(ii) of the IRR of the Philippine Technology Transfer Act.

With respect to the Guidelines for Bioprospecting Activities in the Philippines, and the Indigenous Peoples' Rights Act, it appears that the Disclosure Requirement applies only to GRTK obtained from the Philippines. However, with respect to Philippine Technology Transfer Act, it appears that the Disclosure Requirement will apply to GTRK obtainable from other countries, as long as the IP rights involved are derived from R&D activities funded by the Philippine government.

e) Is disclosure of PIC ("prior informed consent") and/or agreements on "fair and equitable benefit-sharing" required?

The PIC and/or agreements on "fair and equitable benefit-sharing" are not required to be disclosed in the patent application. However, under the Guidelines for Bioprospecting Activities in the Philippines and the Indigenous Peoples Rights Act, the prior informed consent of the concerned resource providers such as indigenous cultural communities/indigenous peoples are required to be secured before access to biological and genetic resources and to indigenous knowledge is allowed.

f) Are human genetic resources treated differently or the same way as animal or plant genetic resources?

No. Both the Guidelines for Bioprospecting Activities in the Philippines and the IRR of the Philippine Technology Transfer Act of 2009 define the term genetic material as including any material of plant, animal, microbial or other origin containing functional units of heredity, while genetic resources refer to any genetic material of actual or potential value.

g) Is "traditional knowledge" separately defined, and is the source of traditional knowledge to be indicated only if it is connected to genetic/biological resources or in general?

The term "traditional knowledge" is separately defined. Under Section 5 of the Guidelines for Bioprospecting Activities in the Philippines and under Rule 3 (dd) of the IRR of the Philippine Transfer Technology Act, "Traditional Knowledge" refers to knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity.

h) Are there sanctions for non-compliance (e.g. patent invalidation, revocation or lack of enforceability, patent transfer to the owner of the resource, fines, criminal sanctions etc.)? If yes, please briefly describe any applicable sanctions.

Under Rule XI, Section I(b) of the IRR of the Indigenous Peoples Act, misrepresentation in obtaining the free and prior informed consent of indigenous peoples is unlawful and shall be punishable by fine or imprisonment.

Also, under Section 31.1, a violation of the Guidelines for Bioprospecting Activities shall result in the automatic cancellation/revocation of the Bioprospecting Undertaking and confiscation of collected materials in favor of the government, forfeiture of bond and imposition of a perpetual ban on access to biological resources in the Philippines by the violator.

i) Is there any ability to amend the relevant text in the patent application after filing to address non-compliance?

Yes. Under, Section 49 of the Philippine Intellectual Property Code, the applicant may amend the patent application during examination.

j) Is any Disclosure Requirement limited by reference to whether access occurred prior to a particular date, e.g. prior to the date of entry into force of the CBD?

No. The pertinent laws and rules make no reference to any limitation on the Disclosure Requirement with respect to a particular date.

The following questions 2) to 14) deal with the effects of the Disclosure Requirement and aspects of the Nagoya Protocol, and the experiences of applicants (and representative of applicants) with those requirements. These questions should be answered by all National and Regional Groups and Independent Members to the extent applicable.

2) Please indicate your experience with the application of the Disclosure Requirement when filing and prosecuting patent applications in your country.

None.

3) Please give statistical data on the number of patent applications mentioning source and/or country of origin of GRTK in your country. Is there a specific section of the patent register listing patents and patent applications comprising information on source or country of origin of GRTK? If such data are not available, please give an estimate of the number of such patents and patent applications and indicate the basis of the estimate.

No information available.

4) Please indicate whether administrative or judicial decisions on the application of the Disclosure Requirements is available. If yes, please provide a concise summary (or a link to an on-line version) of such decisions.

No information available.

5) Please provide an estimate per patent application of the additional (a) time and (b) cost in legal fees associated with compliance with the Disclosure Requirement in your country.

If compliance is to be considered a form of voluntary amendment of the specification to include the required information, it is likely that such voluntary amendment will not substantially affect the period for prosecution. Moreover, if compliance will merely amending the specification by adding the required information, the government fee will not be more than US$20.00, while the corresponding professional fee to be incurred may be between US$150.00-US$300.00.

6) Please provide an estimate of the additional time and cost as described in question 5) associated with compliance with any foreign Disclosure Requirement.

If compliance is to be considered a form of voluntary amendment of the specification

to include the required information, it is likely that such voluntary amendment will not substantially affect the period for prosecution. Moreover, if compliance will merely amending the specification by adding the required information, the government fee will not be more than US$20.00, while the corresponding professional fee to be incurred may be between US$150.00-US$300.00.

7) Has the Disclosure Requirement had an impact on patent valuation (either increasing or decreasing the perceived value of a patent) in your country?

No information available.

8) Has the Disclosure Requirement had any effect on R&D activities in your country, e.g., a change in the number of patent applications for inventions in biological technology fields, or an increase or decrease of such activities using biological materials such as plants, animals and microorganisms, etc. from either your country or other countries due to the ease or difficulty of obtaining PIC or MAT ("mutually agreed terms")?

No information available.

9) Are you aware of any benefits or disadvantages, including for third parties, of the Disclosure Requirement in your country? For example, has the Disclosure Requirement improved patent examination, or led to the sharing of financial or other benefits?

No information available.

10) As a source country or country of origin, does your country have any legal system and/or administrative authorities or agency to provide any type of certificate to provide proof of the source and/or country of origin of GRTK? If yes, which ministry or authority is responsible? Please include also links to websites which would allow accessing information and contacting the responsible local authorities.

For traditional knowledge, there is yet no system in place for the certification of the source of origin. However, there is an available draft of joint issuance between the Philippine Intellectual Property of the Philippines and the National Commission on Indigenous Peoples which intends to establish a registry for indigenous knowledge systems and practices and the issuance of certification of ownership thereof.

11) The following questions relate specifically to the Nagoya Protocol.

a) If your country has not (yet) implemented the Nagoya Protocol, please indicate this.

b) The Nagoya protocol stipulates ABS ("access and benefit sharing"). In your country, is there any impact on intellectual property protection and/or enforcement if ABS is not satisfied?

Considering that the Nagoya Protocol took effect on 28 December 2015 only, there is no data yet on the impact on intellectual property protection and/or enforcement if ABS is not satisfied.

c) The Nagoya Protocol also stipulates PIC ("prior informed consent"). In your country, is there any impact on intellectual property protection and/or enforcement if there is any failure or defect in PIC?

Considering that the Nagoya Protocol took effect on 28 December 2015 only, there is no data yet on intellectual property protection and/or enforcement if there is failure or defect in PIC.

d) The Nagoya Protocol also stipulates MAT ("mutually agreed terms"). In your country, is there any impact on intellectual property protection and/or enforcement if there is any failure or defect in MAT?

Considering that the Nagoya Protocol took effect on 28 December 2015 only, there is no data yet on intellectual property protection and/or enforcement if there is failure or defect in MAT.

12) Academic research often involves GRTK. Are there any special regulations and/or measures for academics and/or academic institutions such as universities to protect and promote the protection and development of GRTK?

Section 3.1 (d) of the Guidelines for Bioprospecting Activities provides that the Guidelines shall not apply to use of biological resources on wildlife under Section 15 of the Wildlife Act, provided that all permits, licenses or agreements issued for exempt activities shall include a requirement of an undertaking stating that the collector will comply with the Guidelines should the biological resources collected be subsequently used in bioprospecting. In this connection, Section 15 of Republic Act No. 9147, otherwise known as the “Wildlife Resources Conservation and Protection Act”, provides that the collection and utilization of biological resources for scientific and not for commercial purposes shall be allowed upon execution of an undertaking and the issuance of gratuitous permit:

> “**Section 15**. *Scientific Researches on Wildlife*. - Collection and utilization of biological resources for scientific research and not for commercial purposes shall be allowed upon execution of an undertaking/agreement with and issuance of a gratuitous permit by the Secretary or the authorized representative: Provided, That prior clearance from concerned bodies shall be secured before the issuance of the gratuitous permit: Provided, further, That the last paragraph of Section 14 shall likewise apply.”

Section 3.2 of the Guidelines for Bioprospecting Activities also provides that scientific studies, conducted by researchers with no commercial interests and purely for academic purposes, using biological resources for taxonomy or solely for the characterization of biological, chemical or physical properties of the biological resources, shall not be covered by the Guidelines but under Sec. 15 of the Wildlife Act. Provided, that the subsequent transfer of these biological resources and use of research findings for commercial purposes, shall be considered bioprospecting and subject to the requirements of the Guidelines.

13) "Traditional medicine" may fall within GRTK. Information relating to traditional medicine is generally not found in the literature or in other written form in the public domain. Does your country permit patent or any other form of intellectual property protection in relation to traditional medicine? If yes, does your country have any specific legislation or examination practice for the protection of traditional medicine? Please include links to websites dealing with these practices or legislation, if appropriate.

The implementing rules and regulations of the Traditional and Alternative Medicine Act provide:

> "SECTION 4. Intellectual Property Rights. – **All products and by-products derived from Philippine medicinal plants using the resources and facilities of the Institute in their development shall be the property of the Institute and the Philippine Republic. The Institute shall likewise endeavor to develop its intellectual property rights portfolio to maximize the benefits that can be derived from the various intellectual properties that it may secure from its research and development activities**. Assistance to Filipino inventors, scientists and entrepreneurs in the form of efforts in securing appropriate intellectual property rights and technology transfer agreements in the Philippines and abroad and abroad shall be provided by the Institute. **Whenever appropriate and necessary, the Institute shall apply for intellectual property rights protection in accordance with applicable treaties and laws for any material, products and by-products derived from medicinal plants including patents for the processes utilized in the manufacture of these natural products and byproducts in behalf of the Philippine Government, Philippine Herbal Industry and other stakeholders**. The Institute shall endeavor to monitor and inventory Philippine natural health products that have been inappropriately applied for intellectual property rights protection in the Philippines and abroad without complying with applicable laws and regulations and shall make representations with the appropriate international institutions and agencies with assistance of other institutions and agencies of the Government of the Philippines, to cancel this rights or to renegotiate the terms and conditions thereof that are favorable to Philippine interests. The application of existing forms of intellectual property rights on biological and genetic resources as well as indigenous knowledge systems shall be without prejudice to the application of whatever sui generic rights that may be provided by law to the appropriate local and indigenous communities. The Board or other appropriate governmental bodies shall also intervene, whenever it becomes necessary for the protection of the general welfare of the communities during the

negotiations for benefit sharing." (Emphasis supplied)

Website: http://www.pitahc.gov.ph/

14) Have there been any authoritative studies in your country on the impact of the Nagoya Protocol? If yes, please provide author(s), title, and information where such studies can be found.

Considering that the Nagoya Protocol took effect on 28 December 2015 only, there is no authoritative study yet on the impact of the Nagoya Protocol in the Philippines.

Procedure

It would be most helpful if the National/Regional Groups / Independent Members would fill out the Questionnaire and send their answers to the General Secretariat of AIPPI (**StandingCommittees@aippi.org**) by **17 October 2016.**

For inquiries please contact: Konrad Becker, Chair of the Standing Committee on IP and Genetic Resources / Traditional Knowledge (konrad.becker@bluewin.ch), Maria Carmen de Souza Brito, the next Chair of the Standing Committee on IP and Genetic Resources / Traditional Knowledge (mcarmen@dannemann.com.br), and Catherine Mateu, Chair of the Standing Committee on TRIPS (c.mateu@armengaud-guerlain.com).