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ASSOCIATION INTERNATIONALE
POUR LA PROTECTION
DE LA PROPRIÉTÉ INTELLECTUELLE

INTERNATIONAL ASSOCIATION
FOR THE PROTECTION
OF INTELLECTUAL PROPERTY

INTERNATIONALE VEREINIGUNG
FÜR DEN SCHUTZ
DES GEISTIGEN EIGENTUMS

International Association for the Protection
of the Intellectual Property
General Secretariat
Ms Fabienne Martin
Todistrasse 16
CH-8027 Zürich

Prague, March 10, 2010

Re: Questionnaire February 2010 - Special Committees Q 94 - WTO/TRIPS and Q166 -
Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore

Dear Ms Martin,

in reply to your letter of February 1st, 2010 in the above matter we would like to remark that the questions relevant to indications of genetic resources and traditional knowledge in patent applications are not involved in the law system of the Czech Republic. The legal regulation and detailed methodical guidelines of the Industrial Patent Office open to the general public in the Czech Republic do not include these matters.


The Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purpose of Patent Procedure is adequately respected by the Czech law order. The provisions of this Treaty are fully applied in patent proceedings, namely in recognizing the priority right.

In case when indications of genetic resources and traditional knowledge occur in patent applications, they are not removed owing to formal reasons, nevertheless they are not subject of any examination.

It is supposed that coherent questions will become subject matter of professional discussion on the level of specialists from EPO member states in near future. Provided that these negotiations will mature into appropriate recommendations the Czech Republic authorities will surely take the respective conclusions in account and include them – in first period only – in methodical guidelines of the Industrial Property office.

We hope that the above information represents a sufficient complement to the enclosed questionnaire.

Yours sincerely,


JUDr Karel Cermák jr., Ph.D., LL.M.
President

enclosure