

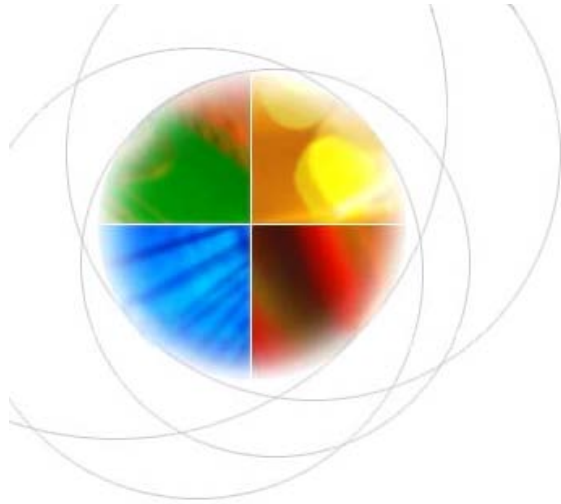


**International Seminar on
“Traditional Knowledge in Africa:
Development of Databases
for Patent Search in Africa”
Harare, December 2006**

**Overview of
Discussions and Development
at the International Level**

**World Intellectual Property Organization
Hans Georg Bartels**

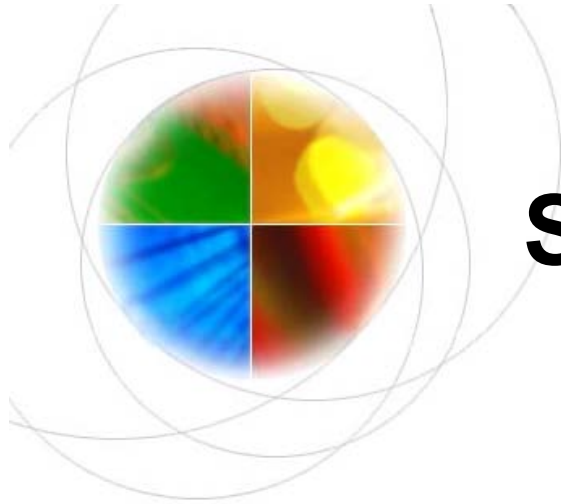




Overview

- **World Intellectual Property Organization**
- **processes at WIPO**
- **WIPO materials**



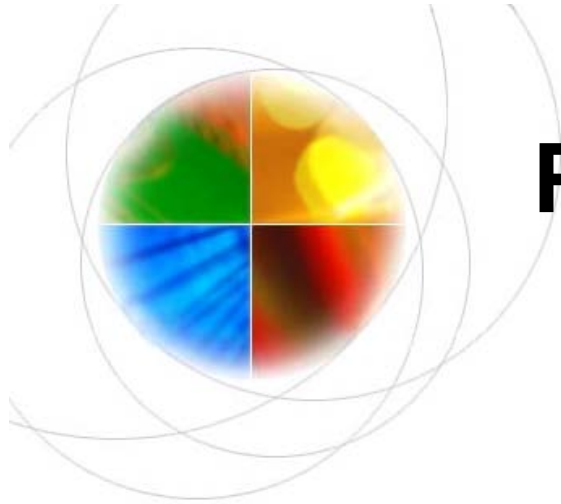


WIPO

Specialized Agency of the UN

- **Promotion of creative intellectual activity**
- **Facilitation of technology transfer**
- **Promote the protection of intellectual property through cooperation among States and in collaboration with international organization**
- **administrative cooperation among the Unions**
- **WIPO's Development Cooperation Activities**
 - **Technical assistance to promote**
 - **Legislative advice**

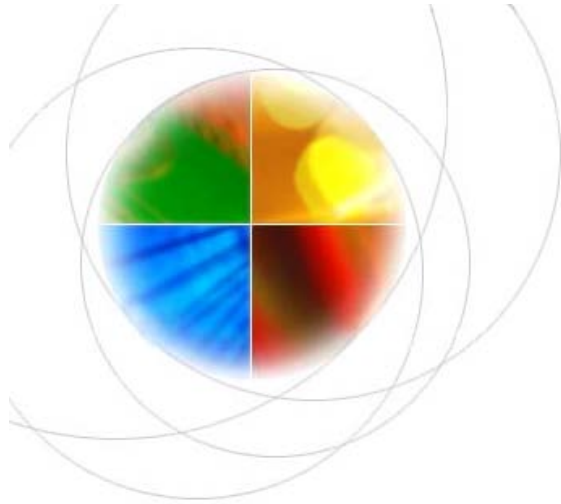




Processes at WIPO

- **Intergovernmental Committee on IP and GR, TK and Folklore (IGC)**
- **Standing Committee on the Law of Patents**
- **Patent Cooperation Treaty (PCT)**
- **International Patent Classification (IPC)**



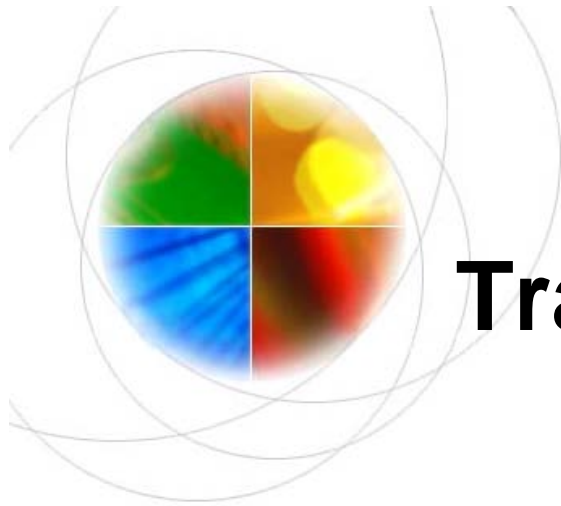


IGC

Protection of Traditional Knowledge

- **Preservation of Traditional Knowledge**
- **Positive protection**
- **Defensive protection**
- **Access to Traditional Knowledge**

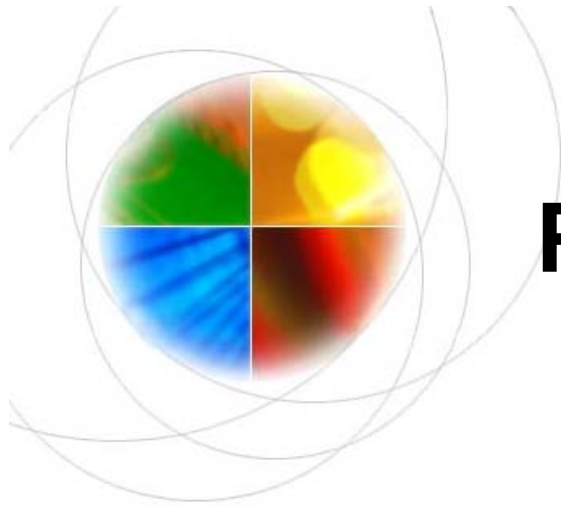




Preservation of Traditional Knowledge

- **Preserving against loss**
- **saving for future generations**
- **making available**
- **policy decisions relating to databases**
 - inclusion into a database
 - involvement of TK holder and prior informed consent
 - desirability of dissemination
 - access to the database



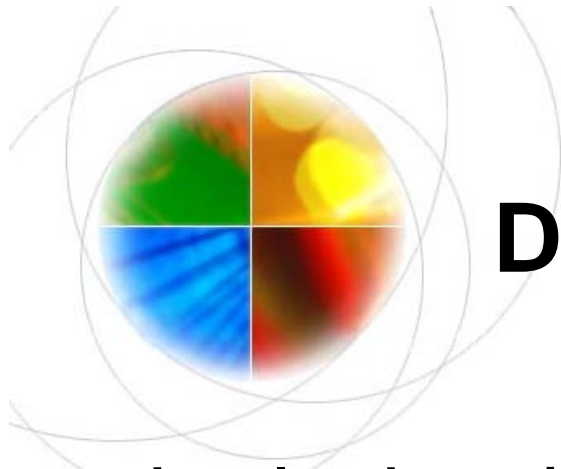


Positive Protection

- **Positive rights that empower to protect and promote**
- **legal measures:**
 - recognize rights
 - illegitimate use or misappropriation
 - invalidating illegitimate claims of ownership
- **sui generis systems**
 - national and regional systems (WIPO/GRTKF/IC/9/INF/5)
 - e.g draft ARIPO/OAPI Instrument
draft ARIPO-OAPI Legal Instrument
 - WIPO/GRTKF/IC/10/5
- **forms of intellectual property protection**



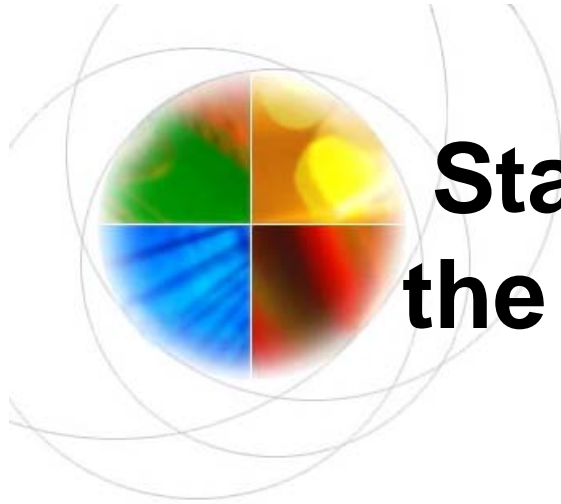
**The Protection of Traditional Knowledge:
Draft Objectives and Principles**



Defensive Protection

- **Legal and practical measures against illegitimate claims**
- **policy issues relating to databases**
 - inclusion into a database
 - involvement of TK holder and prior informed consent
 - desirability of dissemination
 - access to the database
 - intellectual property implications
- **intellectual property systems**
 - disclosure requirements
 - § disclosure of origin
 - § disclosure of invention
 - searchable prior art
 - § documented or not
 - § availability to patent examiners
 - opposition procedures
 - capacity building and quality of patents



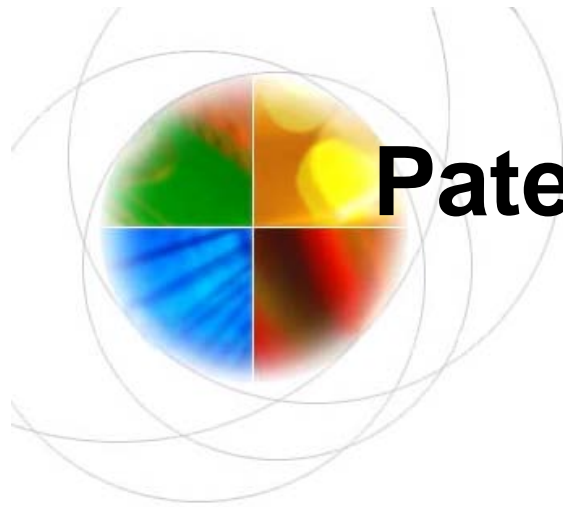


Standing Committee on the Law of Patents (SCP)

Harmonization

- **1991 draft harmonization treaty**
- **Patent Law Treaty (2000): Patent formalities**
- **Substantive Patent Law Treaty**
 - **Substantive concepts relating to the grant of patents**
 - **Quality**
 - **Policy issues**

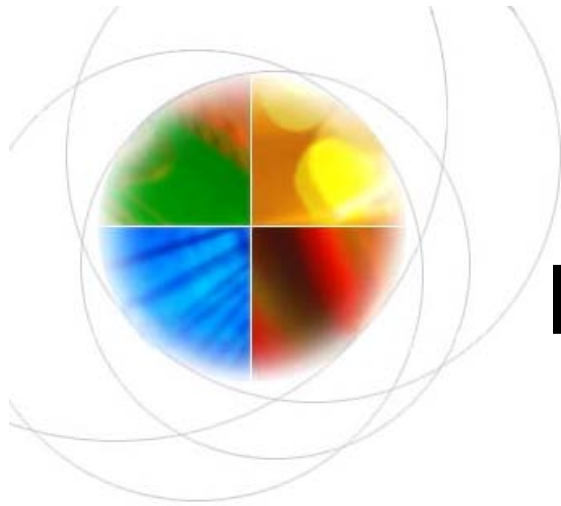




Patent Cooperation Treaty (PCT)

- **Enhanced Search and Examination System**
- **PCT Minimum Documentation**
- **Quality**
- **Patentscope**

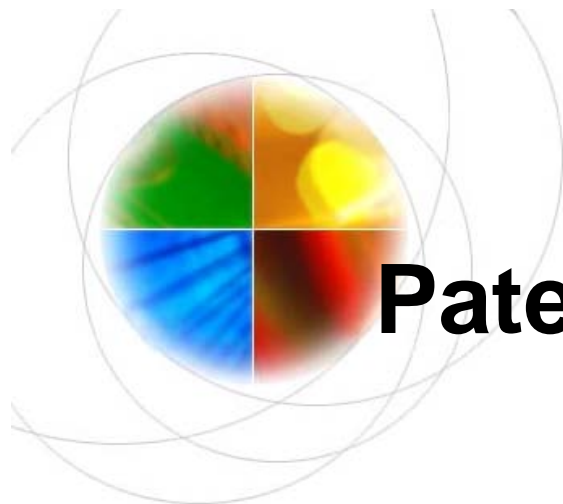




Access to Patent Information

- **WIPO “PatentScope”**
(<http://www.wipo.int/patentscope>)
 - Patent and Patent Cooperation Treaty (PCT)
 - emerging issues, patent data, patent information and statistics
- **Databases of national or regional Offices**
(<http://wipo.int/ipdl/en/resources/links.jsp>),
- **Commercial Databases**

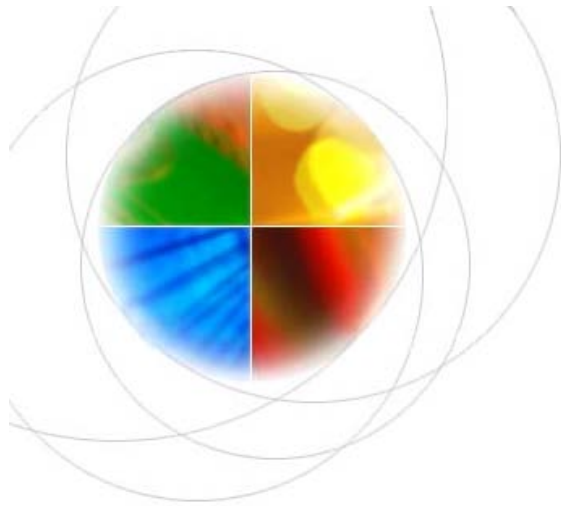




International Patent Classification (IPC)

- **8th edition of IPC (2006)**
IPC class A61K 36/00:
Medicinal preparations of undetermined constitution, or derivatives thereof, e.g. traditional herbal containing material from algae, lichens, fungi or plants medicines
- **IPC Revision Working Group**
botanical pesticides, 9th edition scheduled for 2009

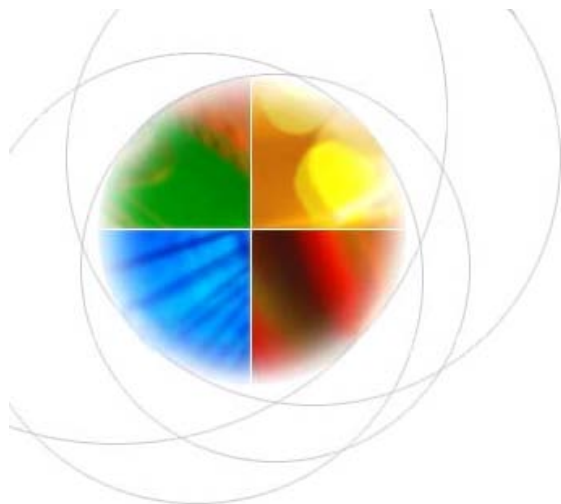




Choice of WIPO Material

- <http://wipo.int/tk/en/>
- <http://wipo.int/patentscope>
- <http://wipo.int/IPC>
- **DRAFT Concept Note: Legal and Policy Options for the Protection of Traditional Knowledge for the African Regional industrial property organization (ARIPO)**
- **Toolkit to support decision making process on documentation (WIPO/GRTKF/IC/5/5)**





WIPO Material

- **Inventory of TK documentation
(WIPO/GRTKF/IC/5/6)**
- **Questionnaire on recognition of TK in the patent system
(WIPO/GRTKF/IC/Q.5, WIPO/GRTKF/IC/6/8,
WIPO/GRTKF/IC/9/INF/6, WIPO/GRTKF/IC/10/INF/7)**
- **Recognition of TK within the patent system
(WIPO/GRTKF/IC/8/8 and WIPO/GRTKF/IC/9/8)**
- **Revision of PCT minimum documentation
(PCT/MIA/11/5)**

