

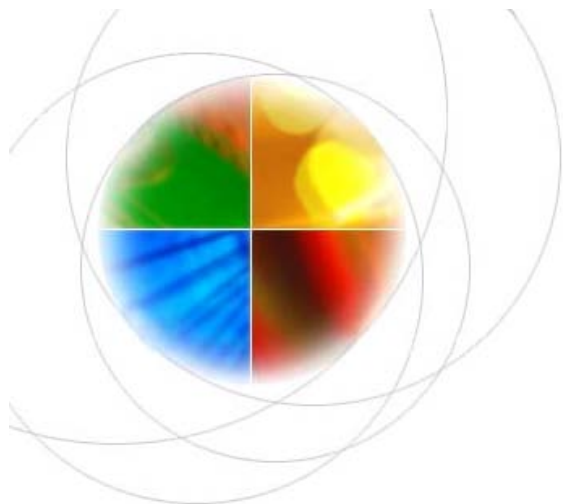


**International Seminar on
“Traditional Knowledge in Africa:
Development of Databases
for Patent Search in Africa”
Harare, December 2006**

**International Standards for
TK Registries and Databases**

**World Intellectual Property Organization
Hans Georg Bartels**

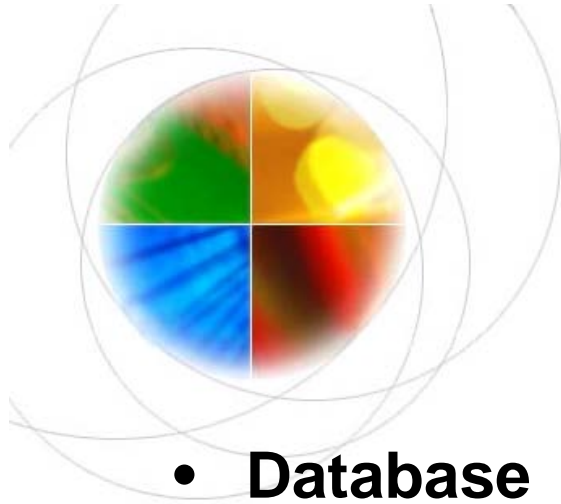




Outline

- **Database / Registry**
- **Documentation**
- **Purpose of Documentation**
- **Effects of Documentation**
- **Technical Standards**
- **WIPO Material**

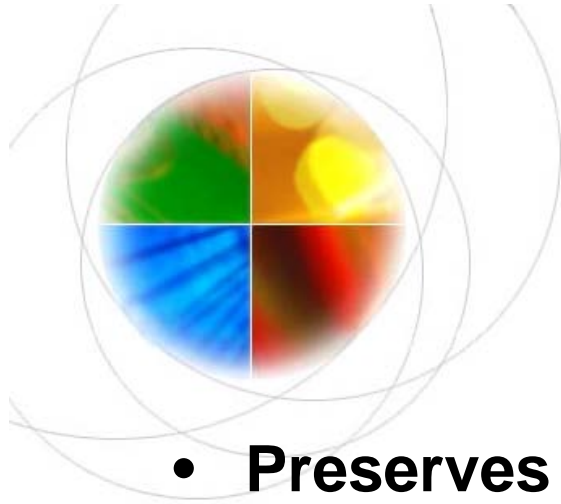




Database / Registry

- **Database**
 - compilations of data
 - data elements in a database are not individually protected
 - the arrangement of data constitutes an intellectual creation
 - compilations may be subject of legal protection
- **Registry**
 - information in an ordered repository has an official status
 - aim: gain legal rights relating to the registered information
 - record within a registry confers a legal status upon the record

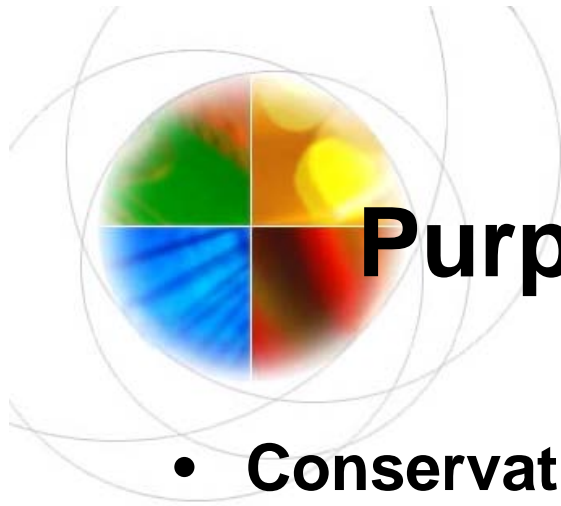




Documentation

- **Preserves and makes available for others**
 - access (according to level of authorization)
 - standards (information, format, language)
- **Medium:**
recording, writing, pictures, films
- **Context:**
environment, traditional expression of knowledge
- **Traditionally:**
preserve and pass on within community
- **Here:**
 - new media or languages
 - Possibility of availability beyond the traditional circle





Purpose of Documentation

- **Conservation and preservation**
- **Enable wider use**
- **Conducting research**
- **Access and benefit sharing arrangements**
- **protection**
 - **positive protection:**
specific legal rights or capacity to prevent unauthorized use
 - **defensive protection:**
preventing the acquisition of rights by others
- **Disclosure and public domain**
 - **prior informed consent**
 - **full community participation during compilation, operation, use**
 - **appropriate access mechanisms**

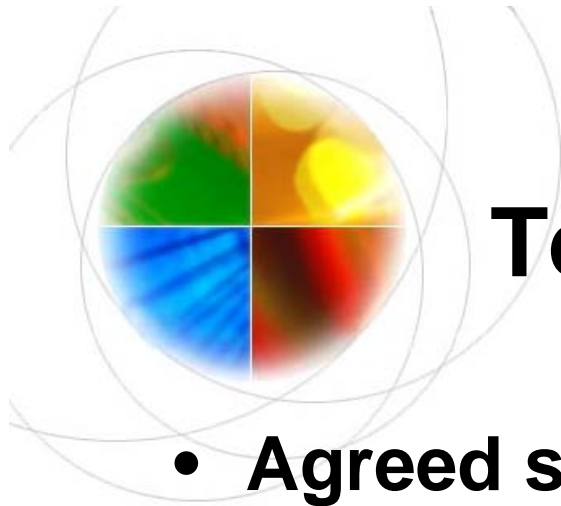




Effects of Documentation

- **Secret knowledge – public domain**
- **Availability of protection**
- **Loss of protection**
- **Appropriate access mechanisms**
- **IP implications**
 - database
 - recorded data
- **Risk Management**

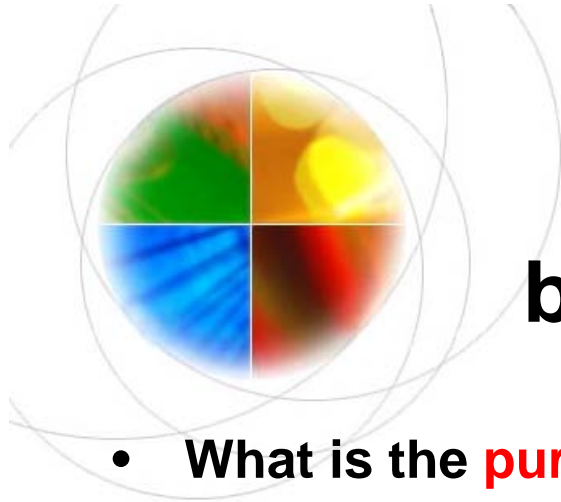




Technical Standards

- **Agreed standards**
 - **content and resource identification standard**
 - § field names and field content definitions
 - § terminology and vocabulary standards
 - **technological standards**
 - § data format and languages (e.g. XML)
 - § image and audiovisual content
 - **security standards**
 - § access control
 - § secure transmission
- **Integrity of documentation data:**
 - cultural, linguistic, technological context of TK
 - international dimension

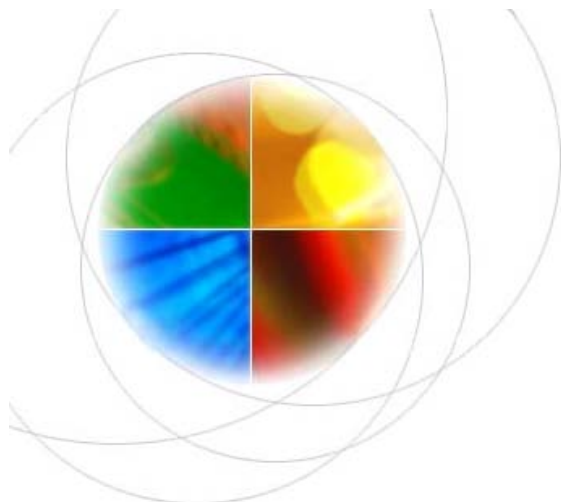




Checklist before documentation

- What is the **purpose** of documenting TK?
 - Just to pre-empt or **invalidate** others' patents?
 - To **preserve** for the traditional community? For the general public?
 - To put the TK in the **public domain**?
 - Or is **positive** protection required?
- What **legal rights** and **legitimate interests** over the TK?
 - Individual rights and interests
 - Community rights and interests – including customary law
 - National interests – safeguarding TK as a cultural & economic good
- How is **prior informed consent** obtained?
 - What kind of consultative process?
 - How is the TK holder informed of the consequences
- How is the documented TK to be **managed**?
 - Full publication or restricted access?
 - Subject to further rights over dissemination, reproduction or use?

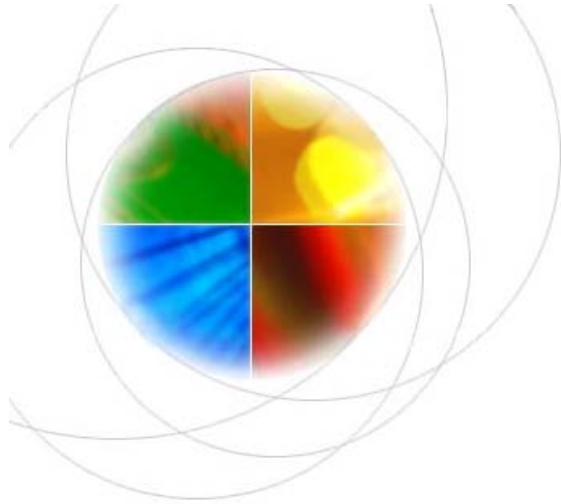




Choice of WIPO Material

- <http://wipo.int/tk/en/>
- Toolkit to support decision making process on documentation (WIPO/GRTKF/IC/5/5)
- Technical standards for TK documentation (Questionnaire WIPO/GRTKF/IC/Q.4, WIPO/GRTKF/IC/4/14, WIPO/GRTKF/IC/7/7 and WIPO/GRTKF/IC/8/7)
- Recognition of TK within the patent system (WIPO/GRTKF/IC/8/8 and WIPO/GRTKF/IC/9/8)
- Revision of IPC (8th edition):
IPC class A61K 36/00: Medicinal preparations of undetermined constitution containing material from algae, lichens, fungi or plants, or derivatives thereof, e.g. traditional herbal medicines
- Revision of PCT minimum documentation (PCT/MIA/11/5)





Choice of WIPO Material

- **On-line Data Collections hosted by WIPO**
<http://www.wipo.int/tools/en/databases.jsp>
- **Collection of Laws for Electronic Access (CLEA)**
<http://www.wipo.int/clea/en/index.jsp>
- **Health Heritage Test Database**
<http://www.wipo.int/ipdl/en/search/tkdl/search-struct.jsp>
- **Portal of Online Databases and Registries of Traditional Knowledge and Genetic Resources (WIPO/GRTKF/IC/3/6 and WIPO/GRTKF/IC/3/17)**
<http://www.wipo.int/tk/en/databases/tkportal>
- **TK and Cultural Expressions Contracts Database**
<http://www.wipo.int/tk/en/databases/contracts>

