

WIPO



WIPO/GRTKF/IC/16/INF/19

ORIGINAL: English

DATE: February 19, 2010

E

WORLD INTELLECTUAL PROPERTY ORGANIZATION
GENEVA

INTERGOVERNMENTAL COMMITTEE ON INTELLECTUAL PROPERTY AND GENETIC RESOURCES, TRADITIONAL KNOWLEDGE AND FOLKLORE

Sixteenth Session
Geneva, May 3 to 7, 2010

**POLICIES, MEASURES AND EXPERIENCES REGARDING INTELLECTUAL
PROPERTY AND GENETIC RESOURCES: SUBMISSION BY TURKEY**

Document prepared by the Secretariat

1. At its fifteenth session, held from December 7 to 11, 2009, the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore ('the Committee'):

“invited Member States and observers to make available to the Secretariat papers describing regional, national and community policies, measures and experiences regarding intellectual property and genetic resources before February 12, 2010, and requested the Secretariat to make these available as information documents for the next session of the Committee.” [...]

2. Further to the decision above, the WIPO Secretariat issued a circular to all Committee participants, dated January 15, 2010, recalling the decision and inviting participants to make their submissions before February 12, 2010.

3. Pursuant to the above decision, the Delegation of Turkey submitted a document entitled “Experience of Turkey on Intellectual Property and Genetic Resources” and requested it be made available as an information document for the sixteenth session of the Committee.

4. The document is reproduced in the form received and contained in the Annex to this document.

[Annex follows]

ANNEX

EXPERIENCE OF TURKEY ON INTELLECTUAL PROPERTY AND GENETIC RESOURCES

Turkey is located at the intersection of the Mediterranean and Near Eastern gene centers; therefore Turkey has important genetic diversity in particular of cereals and horticultural crops. Turkey has 5 micro-gene centers in which more than 100 species display a wide variation and which are the origin or center of a large number of important crop plants and other economically important plant species such as medical plants. These centers offer very important genetic resources for the future sustainability of many plant species cultivated across the world. Up to now, 12.054 species and 3.905 endemic species have been identified in Turkey. Trees and grapevine materials are protected in field conditions in sixteen Gene Gardens throughout the country. Turkey has two National Gene Banks one in Izmir and one in Ankara where seeds are preserved in controlled conditions. In Total, 62.210, number of seed samples in 2500 species are preserved in gene these banks. In terms of animal genetic resources, it is agreed that many domestic animal races were originally bred in Anatolia as a result of its location and spread from here to other regions of the world.

Turkey has very limited access to other countries' genetic resources and this access is based on agreements on material transfer and therefore Turkey shares benefit with the resource-provider country.

Below is a list of the current regulations on the access to genetic resources and benefit-sharing in Turkey:

- Resolution of the Council of Ministers No. 8/12839 relating to the principles and requirements for foreigners seeking to do scientific research or study has entered into force on 4 April 1988. By the Resolution of the Council of Ministers No. 2003/6270 of 6 October 2003 amending articles 2, 3 and 7 of the above-cited Resolution the authorization to issue research permits other than those concerning archeological excavations and surface researches was granted to the Ministry of Environment and Forestry (MoEF). Therefore, the Ministry of Environment and Forestry (MoEF) receives and finalizes any applications for research permits for living natural resources. The permits do not entail gathering materials and taking samples from the wild. Where a research entails gathering materials from the wild, there will arise a necessity for different regulations by different agencies depending on the categories of living things.

- For the research and gathering from the wild of the materials of plant genetic resources and of fauna and aquatic organisms genetic resources, the authority is granted to the Ministry of Agriculture and Rural Affairs (MARA) pursuant to the Regulation on Gathering, Storage and Utilization of Plant Genetic Resources, which was entered into force upon its publication on the Official Journal No. 21316 of 15 August 1992, to the Regulation on the Protection of Fauna Gene Resources, which was entered into force upon its publication on the Official Journal No. 25145 of 21 June 2003, and lastly to the Fisheries Regulation, which was entered into force upon its publication on the Official Journal No. 22223 of 10 March 1995.

– The catching of wild animals (all the mammals, birds and reptiles specified by the MoEF, except for the animals which are hunted, protected and listed by the MoEF and the aquatic mammals) and the gathering of their reproduction material from the wild is prohibited pursuant to the Regulation on Procedures and Requirements for the Protection of Wild Animals and their Habitats and combat with Pests (Article 10), which was entered into force upon its publication on the Official Journal No. 25976 of 24 December 2005. For the purposes of scientific research and training, the catching of wild animals and the gathering their reproduction material from the wild can be permitted in accordance with the relevant provisions of the above-cited regulation, provided, however, that the individuals to be caught and the reproduction material to be gathered do not have an adverse impact on the continuity of population in the natural occurrence of the species.

Since the sharing of benefits from genetic resources, is directly related with measures taken by user countries to ensure the compliance to the relevant provisions of the Convention on Biological Diversity, the measures taken at the national level is not sufficient to meet requirements of benefit sharing mechanisms. Therefore, Turkey experiences disadvantages from the lack of international mechanisms, e.g. involving sanctions against biological material smuggling and arrangements to guarantee rights of country of origin/ source of origin of genetic resources in the intellectual property system.

The Law on The Protection of Plant Breeders of Plant Varieties (Law number 5042) which is based on the 1991 Agreement text of UPOV, 2100/94/EC and 1768/95/EC directives is in force since 15.01.2004.

– “The Regulation on the Protection of Breeders’ Rights of Plant Varieties” and “The Regulation of Implementation basics on Farmer Exception” entered into force on 12.08.2004.

– The Regulation on Utilization of Employees working in the Official Agencies and Institutions from Breeders’ Rights entered into force on 30.04.2005.

– Turkey became the 65th member to UPOV on 18.11.2007.

Worlds third largest seed gene bank with capacity of 250.000 samples shall go into operation in 2010.

[End of Annex and of document]