

OPENING REMARKS BY THE DIRECTOR GENERAL

SEMINAR ON INTELLECTUAL PROPERTY AND GENETIC RESOURCES

JANUARY 20 TO 22, 2021

Your Excellency, Ambassador Socorro Flores Liera,

Distinguished moderators, speakers and participants,

Ladies and gentlemen,

It is my pleasure to open this *Seminar on Intellectual Property and Genetic Resources* and to welcome you to this event. Let me take this opportunity as well to wish all of you, as well as your families, the very best for 2021.

The pandemic has disrupted the meeting of the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore that was supposed to have taken place in 2020, but this has not deterred Members from wanting to see that work continues.

This Seminar is therefore part of that effort to, and even if it is not formally part of the IGC process as such, it will contribute in a valuable way to WIPO's work on these issues. I, therefore, thank all of you for being present, especially those of you in distant time zones. Your participation shows your continued strong commitment to the IGC process.

Before introducing the interesting program for the Seminar that will start today, let me first sketch some of the elements of the bigger picture.

From the creation of vaccines to fight against Covid-19 to the development of new food crops resistant to the effects of climate change and of biofuels as a source of non-carbon-based energy, the use of genetic resources for innovation is today, more than ever, key to human welfare and sustainable development.

WIPO's work on intellectual property and genetic resources addresses the role that the intellectual property (IP) system has in incentivizing innovation based on genetic resources, including by preventing their misappropriation.

This program - which is part of WIPO's broader work on traditional knowledge and traditional cultural expressions - not only provides unique learning and informational materials, but also practical training programs, tools and services. Additionally, this program facilitates and administers the critical negotiations taking place in the IGC.

To contribute to sustainable development, IP ecosystems as they apply to genetic resources—whether at the national, regional or international levels - must strike a delicate balance. IP systems should continue to foster innovation and protect the considerable commitments of those who invest in it. At the same time, biodiversity-rich countries and Indigenous Peoples and local communities have rights and interests in the genetic resources and associated traditional knowledge which they have conserved, nurtured, held and improved for many generations, all of which they continue to do. This is, of course, not an easy task, but it has been made even more challenging by the extraordinary changes we are seeing.

In addition to the disruptions and challenges posed by the COVID-19 pandemic, profound technological shifts are underway as part of what is referred to as the Fourth Industrial Revolution. These shifts include dramatically new uses of genetic resources. We are witnessing rapid advances in synthetic and molecular biology and information technology, and an exponential growth of genetic data, leading to innovation and new products and services, and posing new policy and legal challenges, including in the IP field.

In order to respond to these new policy and legal challenges, IP policy makers for genetic resources, such as those gathered in this Seminar, might explore what an enhanced IP-based ecosystem for genetic resources could look like, which would enable innovators to leverage the value of genetic resources and related data in life science innovation more easily and effectively. Such a customized IP ecosystem, drawing on a wide range of IP rights, might enable innovators to bring not only breakthrough inventions, but also sub-patentable innovation such as genetic sequences and sequence data, to life science markets. These are some of the issues that WIPO's work on genetic resources in Program 4 is addressing.

For classical uses of genetic resources, Member States have worked extensively on customized measures that could be adopted in the patent system, such as specific disclosure requirements related to the use of genetic resources and/or associated traditional knowledge in inventions. Such requirements have been adopted by over 30 countries and regional organizations. Yet, their rationale, design and implementation still raise a series of important policy, legal and practical questions for policy makers, patent examiners, providers and users of genetic resources, Indigenous Peoples and local communities, and other stakeholders. Aside from possible disclosure requirements, other measures such as information systems and due diligence mechanisms are also under discussion.

Clarifying the precise harm that ought to be addressed and designing the right policy tool or tools to address that harm require evidence-gathering, thoughtful analysis and a careful balancing of interests.

This is why events like this seminar provide an international forum where the relationship between intellectual property and genetic resources can be discussed, and regional, national and local experiences and practices shared. It follows on from a series of Seminars organized by the Secretariat between 2015 and 2017, and just as with those seminars, it is my hope that it will produce thought-provoking ideas and useful empirical information for Member States and accredited observers in the IGC process, and contribute instrumentally to forward movement in the long-standing text-based negotiations being undertaken by the IGC, in line with the evidence-based approach that the current IGC mandate refers to.

Three roundtables will address the most recent and pressing issues lying at the interface between IP and genetic resources. In the first two roundtables, today and tomorrow, renowned experts will share their views and recent experiences on disclosure requirements, information systems and due diligence mechanisms. The final roundtable on Friday will provide introductory information on emerging bio- and information technologies, and touch on their possible implications for IP and the IGC's work. The diverse slate of moderators and speakers will enrich the conversations and ensure an inclusive and comprehensive treatment of the topics.

While these Seminars have no conclusions or formal outcomes as such, I am confident that these three roundtables will offer you plenty of material for reflection and use in the IGC's negotiations as well as in policy development at the national and regional levels.

Before concluding, I would like to convey my appreciation to the moderators and speakers for their time and support in contributing to this Seminar, as well as my colleagues in the Secretariat, for the organization of this event in these challenging circumstances.

I thank you, all participants, most warmly for your participation and wish you all success with this Seminar.

Thank you for your attention.

Now I would like to pass the floor to her Excellency, Ambassador Socorro Flores Liera, who will moderate the roundtable on “Disclosure Requirements relating to Genetic Resources and Associated Traditional Knowledge”.

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