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## 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 KYRGYZSTAN

*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 Kyrgyzstan submitted a document entitled “Intellectual Property and Genetic Resources in the Kyrgyz Republic” 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

**Brief information  
on the situation regarding intellectual property and genetic resources in the Kyrgyz  
Republic**

Despite the fact that the Kyrgyz Republic is not a large country from the point of view of territory occupied, it is one of the 200 priority ecological regions on the planet. This is determined by the largest possible concentration of the diversity of types of flora and fauna. So, in Kyrgyzstan there are about two per cent of all types of flora in the world and three per cent of all types of fauna, while the area covered by the country is only 0.13 per cent of dry land in the world, and the distance from the sea where, as known, the largest quantity of types is concentrated, is more than 3,000 kilometers.

Kyrgyzstan has a rich genofund of types representing a potential resource for creating highly-productive cultures resistant to disease, decorative plants, and medicinal, aromatic and technical raw materials.

During the past 10 years, Kyrgyzstan has taken important steps to reform environmental policy, legislation and institutions. As part of regulatory reform, framework laws on the environment, laws on environmental components and other corresponding acts have been drawn up and updated. All these legislative acts have established the general principles and system foundations for activity to protect the environment.

The Kyrgyz Republic acceded to the Convention on Biological Diversity through Law No. 40 of the Kyrgyz Republic of July 26, 1996, and also signed the Cartagena Protocol to the Convention on Biological Diversity of January 29, 2000, on Biosafety.

As part of the process of reforming environmental policy, a number of environmental laws have been drawn up and adopted, such as the Land Code of the Kyrgyz Republic (1999), the Forest Code of the Kyrgyz Republic (1999), the Water Code (2005), the Laws of the Kyrgyz Republic on Mineral Resources (1997), on Environmental Protection (1999), on Protection of the Atmosphere (1999), on Ecological Examination (1999), on Biosphere Territories in the Kyrgyz Republic (1999), on the Animal World (1999), on Radiation Safety of the Population of the Kyrgyz Republic (1999), on Drinking Water (1999), on Production and Consumption Waste (2001), on Slurry Ponds and Mining Dumps (2001), on the Protection and Use of the Plant World (2001) and on Mining Territories of the Kyrgyz Republic (2003), etc.

In August 2008, the Law of the Kyrgyz Republic on Rates of Payment for Use of Animals and Plants was adopted, produced by a group of deputies with the participation of representatives of manufacturers of medicinal herbs, hunting users, NGOs and specialists from the State Agency for the Protection of Natural Resources, attached to the Government of the Kyrgyz Republic (hereinafter – the Agency).

In 2007, the new edition of the Red Book of the Kyrgyz Republic was published, containing an updated list including 207 types of rare and endangered types of animals and plants.

A diagram showing an environmental network of the countries of Central Asia has been produced using GIS technologies.

At the Agency's initiative, the Government of the Kyrgyz Republic approved the "List of Nut-Producing Forests of the Tien-Shan", which will be nominated for the UNESCO List, as part of the World Natural and Cultural Heritage.

In 2007, a "Memorandum of Understanding on Joint Participation in the Construction of a Mediation Mechanism for the Cartagena Protocol on Biosafety" was signed with the United Nations Environment Programme (UNEP).

The Agency is the State executive authority which carries out functions to implement a unified policy on environmental protection, preservation of biodiversity, rational use of natural resources, development of forestry and hunting, and the provision of State ecological safety within the limits of the powers granted.

The Agency is working jointly with the State authorities and scientific institutions concerned to organize the development of a strategy and policy to guarantee ecological safety, State programs, territorial complexes for environmental protection, preservation of biodiversity and rational use of natural resources, and schemes for the complex use and protection of water, land, forestry, hunting and other natural resources.

The State Intellectual Property Service of the Kyrgyz Republic (hereinafter – Kyrgyzpatent) along with other ministries and offices cooperates closely with the Agency by holding joint seminars and round tables on matters relating to the protection of genetic resources and intellectual property.

The responsible Agency specialists are therefore members of the Working Group on the Protection of Traditional Knowledge relating to Genetic Resources, organized by Kyrgyzpatent.

To date, a total of more than 50 patents of the Kyrgyz Republic have been granted in relation to genetic resources.

In this regard, the collection of primary natural plants for the subsequent creation of medicinal preparations, biological means of protection for plants and their production are regulated by other laws, which the Agency and the Ministry of Health of the Kyrgyz Republic respectively are responsible for implementing.

Within the framework of Law No. 116 of the Kyrgyz Republic on the Protection of Traditional Knowledge of July 31, 2007, Kyrgyzpatent also supports active contact with the Village Development Foundation, within which a project exists, entitled "Management of Natural Resources by Communities".

The aim of the project is to improve the lives of the rural, mountain and in particular underprivileged population by creating conditions for the sustainable, fair and effective use of natural resources by means of a mechanism for the management of natural resources by communities, based on rational, fair and economically viable traditional methods.

The tasks of the project are to collect, analyze, discuss with communities and preserve traditional knowledge on cattle grazing and sustainable management of ecosystems. The research in question is an attempt to study such interaction between man and nature, and also those changes which have occurred in the past century, together with the effect which these changes have had on pastoral communities.

The project is *innovative* for Kyrgyzstan – with the use of joint research methods and involvement of local communities in conducting research not only as beneficiaries but also partners, in order to provide as accurate as possible and full a description of traditional means of distributing, using and managing pastoral resources, resolving disputes and preserving the ecosystem.

Researchers have defined the basic trends in the study of traditional knowledge:

Particular features of grazing and informal traditional institutions playing a role in decision-making;

Pastures: the condition of, changes to, problems with, and indicators of the valuation of pastures;

Traditional and modern animal husbandry;

Pastoral culture: traditions, life and folklore;

Use of pastoral natural resources: traditional ways of using natural resources and resolving disputes concerning pastures.

We hope that as a result of the implementation of the above project the attitudes of the majority of national communities to traditional knowledge will change, both among the adult population and also young people. Furthermore, many aspects of traditional knowledge are important in our daily lives and in animal husbandry, as they provide good results with little expenditure, and community attitudes to the environment will also change.

[End of Annex and of document]