

# **Roundtable 4: National Experiences with Disclosure Requirements Related to Genetic Resources and Associated Traditional Knowledge**

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## Efforts by Switzerland

- International level: proposal to amend PCT re. disclosure requirement



- National level: disclosure requirement in patent law



## Objective and Main Features

- Objective: Increase transparency in access and benefit-sharing
- 3 main features:
  1. scope
  2. trigger
  3. sanction



## Feature 1: Scope

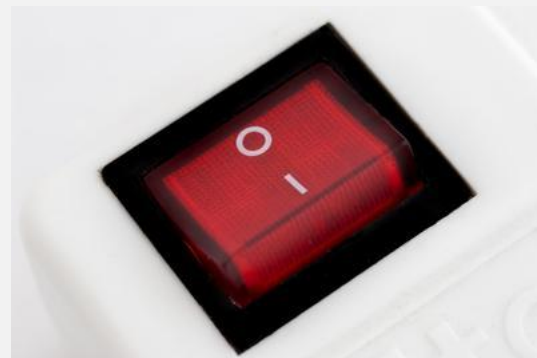
- Patent applicant to
  - disclose „source“
  - of genetic resources and traditional knowledge
- Ensure consistency with international instruments on access and benefit-sharing
- Exception: declare in writing if source unknown



## Feature 2: Trigger

Disclosure necessary if

- inventor has had access to, and
  - invention is directly based on,
- the genetic resource or the traditional knowledge



## Feature 3: Sanctions

- Pre-grant: processing of patent application interrupted until lacking declaration is made
- Post-grant:
  - criminal sanction for intentional wrongful declaration
  - Note: no revocation of patent



## Practical Experiences

- 11 disclosures
- 2 objections, which were corrected
- No criminal sanctions (fine)



## Further Information

- Summary of Swiss proposals for amendment of PCT:  
WIPO/GRTKF/IC/16/INF/14
- Summary of Swiss legislation:  
WIPO/GRTKF/IC/11/10

