

"SEMINAR ON INTELLECTUAL PROPERTY AND GENETIC RESOURCES, TRADITIONAL KNOWLEDGE AND TRADITIONAL CULTURAL EXPRESSIONS: REGIONAL, NATIONAL AND LOCAL EXPERIENCES "

“National Experiences with Disclosure Requirements related to Genetic Resources and Associated Traditional Knowledge”

Silvia Solís Iparraguirre

Director

Directorate of Inventions and New Technologies

AGENDA

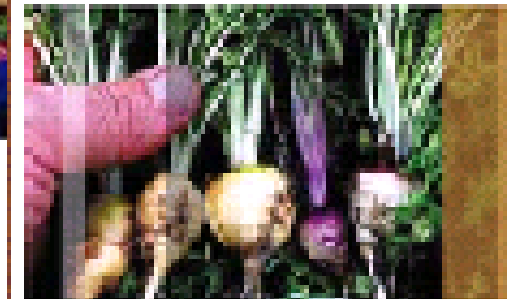
- I. Law No. 27811 Regimen for protection of the Collective Knowledge of Indigenous Peoples related to Biological Resources (11 August 2002)
- II. Patents – Disclosure Requirements
- III. Practical examples



I. Law 27811

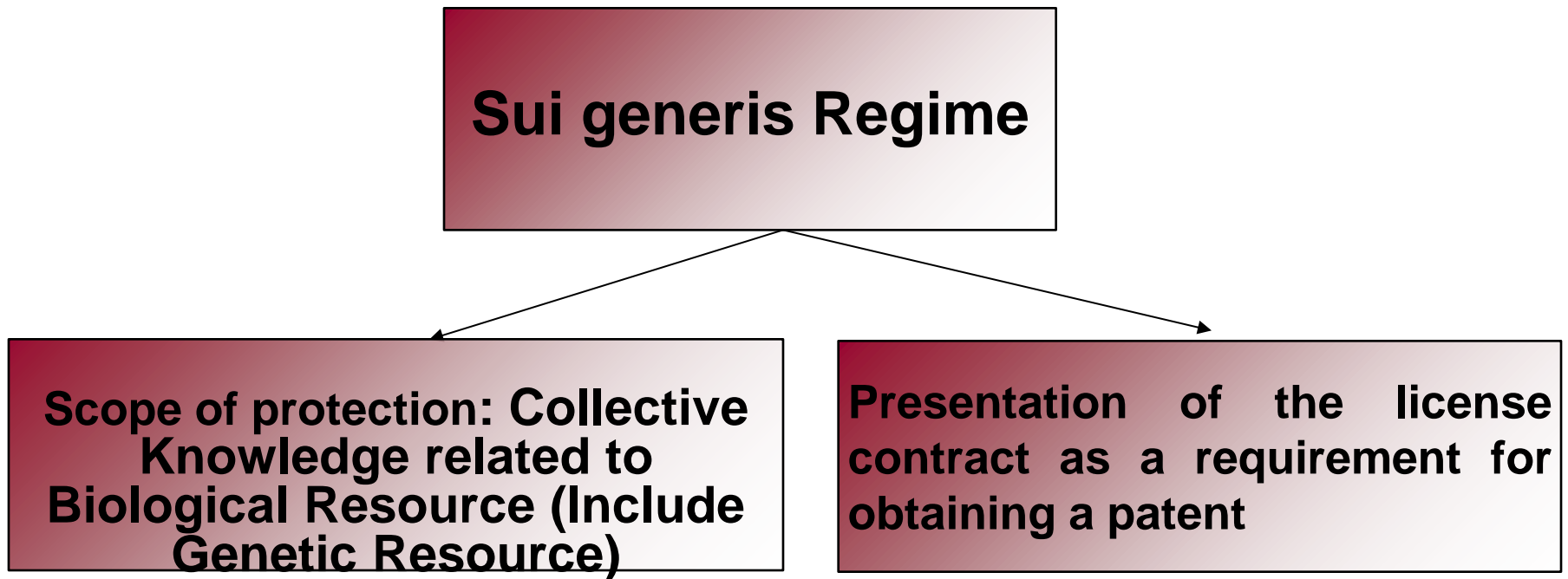
“Regimen for protection of the **Collective Knowledge of Indigenous Peoples related to Biological Resources**”

(11 August 2002)



Recognition of rights

The Peruvian State recognizes the rights and power of indigenous Peoples and communities to decide on their collective knowledge(*) as they see fit (Article 1)



(*) **Collective Knowledge** is defined as an accumulated knowledge transmitted over many generations and developed by the indigenous Peoples and communities with respect to the properties, uses and characteristics of biological diversity.



II. Disclosure Requirement in Patent Law: GR

Decision 486

Art.26 h) The Patent application (PA) shall contain a copy of the Access Contract to GR, when the products or processes for which a patent is required have been obtained or developed from GR or derivatives.

Art. 75 g) The Competent National Authority (CAN) shall decree the absolute Nullity of this patent

GR or Derivatives of which any of **the Member Countries** is the country of origin
ABANDONED



II. Disclosure Requirement in Patent Law: TK

Decision 486

Art. 26 i) The PA shall contain a copy of the licensing or the authorization of the use of the TK, when the products or processes for which a patent is required have been obtained or developed from such TK

Art. 75 h) The Competent National Authority shall decree the absolute Nullity of this patent

GR or Derivatives of which any of the Member Countries is the country of origin
ABANDONED



Linkage and support with the ABS principles

National Regulation of Decision 391, Common Regimen on Access to GR

Fifth Complementary Provision:
"... Mandatory presentation of the Access Contract on GR or derivatives in administrative process of PA, PBR, or others IP rights, where could be applicable..."

First Final Provision:
"*.. When a patent and Breeder's Certificate is required, The NCA will require the applicant to submit the copy of the access contract or corresponding certificate...*"



Linkage and support with the ABS principles

Keynote



The Disclosure requirements are supporting the ABS principles

IP rules and ABS principles are complementary

The legal framework is consistent



III. Practical Examples

Application Number: 654-2011/DIN

⑩ Title: “Blue colorant derived from *Genipa americana* fruit”

⑩ Spanish common name: **Huito**

⑩ Scientific name:
Genipa americana L.

⑩ Country: Colombia

**The patent application contains the
corresponding Access Contract to GR**

Current Status: PUBLISHED

More info:

<http://aplicaciones.indecopi.gob.pe/portalsAE/>



III. Practical Examples:

Application number: 640-2009/DIN

⑩ Title: “Compositions of atomized or lyophilized maca (*Lepidium meyenii*) extracts and atomized or lyophilized yacon (*Smallanthus sanchifolius*) extracts as adjuvants in the treatment of different conditions”

⑩ Spanish common name: **Maca, Yacón**

⑩ Scientific name:

Smallanthus sonchifolius ,
Lepidium meyenii

⑩ Country: Perú

Current Status: SUSPENDED

More info:

<http://aplicaciones.indecopi.gob.pe/portalSAE/>



III. Practical Examples

Application Number: 000533-2007/DIN

⑩ Title: “Methods and compositions for treating HIV-associated diarrhea”

⑩ Spanish common name: Sangre de Grado

⑩ Scientific names:

Croton lechleri,

Croton erythrochilus

Croton draconoides.

⑩ Country: The United States

Current Status: ABANDONED,

Date: 12-12-2011

More info:

<http://aplicaciones.indecopi.gob.pe/portaISA>

[E/](#)





Thanks for your attention
Comments or questions:
ssolis@indecopi.gob.pe
<http://www.indecopi.gob.pe>