



“New and historic WIPO treaty on intellectual property, genetic resources and associated traditional knowledge”

On May 24, 2024, the member states of WIPO adopted what the organization describes as a “historic” Treaty on Intellectual Property, Genetic Resources and Associated Traditional Knowledge. As stated by WIPO, marking a historic breakthrough that capped decades of negotiations. Its importance also lies in the fact that it is the first WIPO treaty to regulate the interrelation of intellectual property with genetic resources and traditional knowledge, and that it also specifically contemplates provisions for Indigenous Peoples and local communities.

Through this treaty, once it enters into force, a new disclosure requirement will be established in the international context for patent applicants whose inventions are based on genetic resources or associated traditional knowledge.

As reported by WIPO: “Broadly, where a claimed invention in a patent application is based on genetic resources, each contracting party shall require applicants to disclose the country of origin or source of the genetic resources. Where the claimed invention in a patent application is based on traditional knowledge associated with genetic resources, each contracting party shall require applicants to disclose the Indigenous Peoples or local community, as applicable, who provided the traditional knowledge”.

According to the article 1 of the new Treaty, the objectives are to enhance the efficacy, transparency and quality of the patent system with regard to genetic resources and traditional knowledge associated with genetic resources, and prevent patents from being granted erroneously for inventions that are not novel or inventive with regard to genetic resources and traditional knowledge associated with genetic resources.

Finally, article 3 of the Treaty states that where the claimed invention in a patent application is based on genetic resources, each Contracting Party shall require applicants to disclose the country of origin of the genetic resources, or, in cases where that information is not known to the applicant, or does not apply, the source of the genetic resources. Also, where the claimed invention in a patent application is based on traditional knowledge associated with genetic resources, each Contracting Party shall require applicants to disclose the Indigenous Peoples or local community, as applicable, who provided the traditional knowledge associated with genetic resources, or, in cases where that information is not known to the applicant, or where does not apply, the source of the traditional knowledge associated with genetic resources.

The Treaty Document can be consulted in the following links:

[https://www.wipo.int/pressroom/en/articles/2024/article_0007.html?utm_source=Boletines+de+noticias+de+la+OMPI&utm_campaign=99f3431733-NMD_PressRelease_919TKDIPCON_TR_ES_24%2F05%2F2024&utm_medium=email&utm_term=0_-e43393f8c2-%5BLIST_EMAIL_ID%5D&ct=t\(NMD_PressRelease_919TKDIPCON_TR_ES_24/05/2024\)](https://www.wipo.int/pressroom/en/articles/2024/article_0007.html?utm_source=Boletines+de+noticias+de+la+OMPI&utm_campaign=99f3431733-NMD_PressRelease_919TKDIPCON_TR_ES_24%2F05%2F2024&utm_medium=email&utm_term=0_-e43393f8c2-%5BLIST_EMAIL_ID%5D&ct=t(NMD_PressRelease_919TKDIPCON_TR_ES_24/05/2024))

https://www.wipo.int/edocs/mdocs/tk/en/gratk_dc/gratk_dc_7.pdf





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**Diplomatic Conference to Conclude an International Legal Instrument
Relating to Intellectual Property, Genetic Resources and Traditional
Knowledge Associated with Genetic Resources**

Geneva, May 13 to 24, 2024

**WIPO TREATY ON INTELLECTUAL PROPERTY, GENETIC RESOURCES AND
ASSOCIATED TRADITIONAL KNOWLEDGE**

adopted by the Diplomatic Conference

