

PALAU

Suggested Changes and Improvements to WIPO
from
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for the
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DRAFT

GAP ANALYSIS ON
THE PROTECTION OF TRADITIONAL KNOWLEDGE

The changes and improvements I am suggesting could make the document a bit easier to read and understand.

Typographical Errors and Suggested Changes

There are several double spaces after commas and semicolons which, I believe, should be single spaces. It's certainly not a critical issue, but it makes reading much easier for someone like me.

The following underlined words are those I suggest adding and those crossed out are the ones I believe should be deleted.

Page 11 line 1 starts with: "an invention the prevention the commercial exploitation of which is necessary" I believe it should read: "an invention in which the prevention of the commercial exploitation ~~of which~~ is necessary"

Page 11 section 14 line 4 begins with "resources to proceed with the patenting process;". Because Palau and many other small countries do not have and cannot afford to setup and manage a patent system, I suggest having this sentence add "resources or laws in the practitioner's country to proceed with patenting process;" Also, the last line reads: "technical patentable." I believe it should read: "technically patentable."

Page 15 section 25 subsection line 3 has a sentence ending with three dots (. . .). It is my understanding that three dots indicate that a word or words are not being included in a quotation in the middle of a sentence and that four dots (. . . .) are supposed to be used when there's a deletion at the end of the sentence (three dots for the words and a fourth dot for the period at the end of the sentence). Since the following word "Any" is capitalized, I assume that the period at the end of the previous sentence needs to be added. See the last line on page 18 section 36 where four dots are used at the end of the sentence.

Page 18 section 35 fourth line ends with "should: . . . Only". Since it appears to be a continuation of the sentence, the "O" in "only" should not be capitalized. If the original document being quoted has the "O" in "only" originally capitalized, the first letter of "only"

should be in square parenthesis “[o]nly”.

Page 18 section 37 needs an additional period at the end of the subsection “traditional knowledge”

Page 20 (a)39(ii) last line ends with “subject to legal.” I believe it should read “subject to law.” or “subject to legal authority.”

Page 22 (b)43 subsections. The space between the first subsection and the second subsection is different than the other subsection printing. It should be corrected to be consistent. The ninth subsection starts with the word “Repress” which should be “Repressing” to be consistent with the other subsections. Also, semicolons should be at the end of each subsection (as some subsections already have) and the word “and” or “and/or” or “or” should be added to the end of the second-to-the-last subsection (depending on the meaning of the section) and a period added to the last subsection.

Page 24 second paragraph last sentence reads: “These provisions don’t”. There’s no period and no additional words. This should be made into a sentence or deleted.

Page 25 third paragraph. The sentence needs to have a period at the end.

Page 27 last line begins with “use entail financial or commercial gain.” I believe “entail” should read “entails”.

Page 28 the Gap paragraph is missing a period at the end of the sentence.

Page 39 section 66 ends with a colon which should be a period.

Annex

Page 3 first row titled “Positive patent protection” column (b) “gaps identified”. I suggest including something like “small countries that do not have the resources and scientific ability to enact and enforce a patent law on their own”.

Page 8 (b) “gaps identified”. I suggest adding “sources have not been properly identified or certified as accurate representation of the culture”.

Page 10 first row, third column. I suggest adding the following underlined words to “- public policy exclusions of patentable subject matter unless approved by the traditional owner”.

Page 13 second row, third column “Specific considerations”. I suggest adding “Help cultures survive and pass on their wisdom and healthy ways that work in their culture while they are growing and evolving with our globalization”.

Page 15 second row, second column. I suggest adding after “or impairs integrity of TK, or impairs the continued knowledge of TK”

Consistent Format

I suggest that each numbered section have formats that are the same throughout the document. The current formats make me wonder if there is some special meaning or interpretation intended by the format differences. For example, beginning on page 5 in II(a)2 the subsections have a dash and no semicolon or other punctuation or an “and/or” at the end of the subsections. Then the following page, page 6, in II(a)4, the subsections are numbered with parenthesized numbers (i), (ii) and (iii) with semicolons at the end of each subsection followed by “and” at the end of subsection (ii). Page 7 then has dots for the subsections that start with capitalized first letters with no semicolon or other punctuation at the end of the subsections as noted on page 5.

I suggest that a consistent format be established. I prefer the format used on page 6 in II(a)4 be used. Whatever format is chosen, every page needs to be edited to be consistent and easier to read and understand.