

1. Is there any formal domestic or customary legal system in your country requiring, or at least relating to, the establishment and/or maintenance of an information system on GRs, TK and/or TCEs, such as:

- **conventional intellectual property (IP) law?**
- **a specific law for the protection of TK and/or TCEs?**
- **access and benefit-sharing legislation or legislation dealing with biodiversity, the environment, intangible cultural heritage, publicly-funded research, food and agriculture?**
- **customary laws and practices?**
- **the law of confidentiality/trade secrets/undisclosed information?**

If so, please provide details, such as the title of the law(s) and the relevant provisions.

With respect to GRs:

In the Republic of Croatia there is no GRs information system and/or database with strictly IP related purpose or function.

In Croatian Patent Act OG No 16/2020 (PA 16/2020) there is no requirement to establish an information system on GRs in order to fulfil formal or substantial requirements associated with patent rights. Likewise, Croatian legal system does not provide for establishment of a *sui generis* system for the protection of GRs and/or TK associated with GRs (TKAGR) through their recording via any kind of national database and/or collection. Consequently, Croatian SIPO does not have neither obligation nor takes part in any kind of establishment or managing information systems for the promotion and/or safeguarding information about national GRs.

Nevertheless, the Republic of Croatia is party of The Convention on biological diversity (CBD) as well as Nagoya protocol. As one of EU member states Croatia applies ABS Regulation (EU) 511/2014 of European Parliament and the Council of 16 April 2014 as well as Commission's Implementing Regulation of (EU) 2015/1866 of 13 October 2015 and Commission's Notice 2016/C 313/01 of 27 August 2016. (Guidance document on the scope of application and core obligations of Regulation (EU) 511/2014).

In that respect, as a part of the Nagoya Protocol, Croatia took part in the international mechanism for sharing relevant information, the so-called ABS Clearing House through which approvals of national authorities relevant to the issue of granting access to GR/TKAGR are published.

In the Republic of Croatia – competent national authority for **National Clearing House** (link: <https://www.cbd.int/countries/?country=hr>) is **Ministry of Economy and Sustainable Development which is responsible** for submitting *due diligence* declarations as checkpoint communiqués to the ABS Clearing-House. However, all other responsibilities in ABS context are divided between two ministries: (i) the Ministry of Agriculture, which is responsible for plant GRs for food and agriculture, GRs of domesticated animal breeds, GRs of fungi and microorganisms used in the food industry, and GRs of animal and plant pathogens; whereas (ii) the Ministry of Economy and Sustainable Development is responsible for GRs of wild species of plants, animals, fungi, algae and microorganisms and the GRs of pathogens other than those under the responsibility of the Ministry of Agriculture.

In order to further preserve the genetic diversity and biodiversity of native wild species on its territory, the Republic of Croatia included provisions on access to the Law on Nature Protection ("Official Gazette", no. 80/13, 15/18, 14/19 and 127/19) and the use of genetic material of native wild species of plants and animals, where Chapter IV, Part 7 of the Law on Nature Protection includes provisions related to the preservation of genetic diversity (Articles 88-98).

The aforementioned articles determine the method of obtaining permission for access and use of genetic material of native wild species in nature (*in-situ*), elements of the request for permission, elements of permission for access and use of genetic material of native wild species, conditions for access and use of genetic material of strictly protected species of plants and animals, the

possibility and conditions of transferring genetic material to third parties, the possibility of concluding a contract between the user and the Ministry, which determines the conditions for the use of genetic material and the conditions for the fair distribution of benefits from their use, the method of access and use of the genetic material of native wild species from *ex-situ* sources (gene banks, collections of natural history museums, botanical gardens, herbariums and zoos) and the way of keeping records of issued permits and concluded contracts.

The Law on Nature Protection regulates the system of protection and preservation of nature and its components, as well as other relevant issues in this regard. Among other things, the issuing a permission is regulated in the following cases:

- access to and use of genetic material of native wild species for the purpose of creating new products and patents (Article 9, paragraph 1, indent 20, and Articles 89, 90, 91, 92, 93 and 96);
- accessing and taking samples of strictly protected species (Article 91, paragraph 2 and Article 155);
- access to native wild species for the purpose of research, collection and sampling in protected areas (Article 145).

Issuing a permission is not required in other cases: for the collection of genetic material of species that are not strictly protected, for the collection of genetic material outside protected areas, and for research purposes but only when the use of genetic material does not result in the creation of new products for sale and/or patents.

The list of strictly protected species in Croatia is Annex I of the Ordinance on Strictly Protected Species (OG No. 144/13 and 73/16), and is available at the following link: <https://narodne-novine.nn.hr/articles/official/additional/441255.pdf> and a map of protected areas in the Republic of Croatia is available at the following link: <http://www.bioportal.hr/gis/>

In the event that the collection of genetic material is planned in protected areas of national importance (strict reserve, national park, special reserve or nature park), the permission has to be issued by Ministry for carrying out research and collection activities.

If the collection of genetic material is planned in protected areas of local importance (regional park, natural monument, significant landscape, forest park and monument of park architecture), the potential user must request a permission from the administrative departments responsible for nature protection at the local/regional level.

With respect to TK/TCEs:

There is no specific law for protection of TK and TCEs in the Republic of Croatia, but traditional knowledge and traditional cultural expressions can be protected as intangible cultural heritage and cultural goods. The responsible state body is **Ministry of culture and media.**

Legal act concerning protection of intangible cultural heritage is- *UNESCO Convention on the Protection of Intangible Cultural Heritage*, to which Croatia is a party since 2005.

The Act on the Protection and Preservation of Cultural Goods (OG No. 69/99, 151/03, 157/03, 87/09, 88/10, 61/11, 25/12, 136/12, 157/13 i 152/14, 44/17, 90/18, 32/20, 62/20, 117/21 and 114/22) prescribes protection of cultural goods. Ministry of culture and media is responsible for the Register of Cultural Goods of the Republic of Croatia.

Besides above-mentioned, TK and TCEs can be protected as non-agri geographical indications in Croatia. The applicable law is *Act on Geographical Indications and Designations of Origin of Products and Services and Act amending and supplementing the Geographical Indications and Designations of Origin of Products and Services Act (OG No. 173/2003, 76/2007, 49/2011, 46/2018)*. The responsible state body is State Intellectual Property Office of the Republic of Croatia.

2. Is your country party to any international or regional legal instrument (such as a convention, treaty or declaration) that requires the establishment of or participation in

information systems for the protection, promotion and/or safeguarding of GRs, TK and/or TCEs? If so, please indicate which international or regional legal instrument.

With respect to GRs:

The Republic of Croatia is party of:

- The Convention on biological diversity (CBD): signed 11.06.1992., ratified 07.10.1996., party of 05.01.1997.,
- The Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity (Nagoya Protocol): ratified 02.09.2015., accessed of 01.12.2015.,
- The International Treaty on Plant Genetic Resources for Food and Agriculture¹

With respect to TK/TCEs:

Croatia is a party of *UNESCO Convention on the Protection of Intangible Cultural Heritage.*

3. Does any information system(s) of GRs, TK and/or TCEs exist in your country (whether IP-related or not)? If so, please provide a description of such information system(s).

Croatian information systems/databases related to GRs:

- a) GRs: ABS Clearing House through which approvals of national authorities relevant to the issue of granting access to GR/TKAGR are published (for description please see above answer to Q1).
- b) GRs: Croatian Plant Genetic Resources Database (Hrvatska baza podataka biljnih genetskih izvora)

The Croatian Plant Genetic Resources Database is an integral part of the National Program through which *ex situ* conservation and description and assessment of the properties of accessions is carried out. Collections kept in the form of seeds and/or field collections are included in the National Plant Gene Bank. Currently, 4,233 accessions are stored in the National Plant Gene Bank.

The samples kept in the plant gene bank are visible through the publicly available database Croatian database of plant genetic resources (<https://cpgrd.hapih.hr/>). For each registered accession, a number in the database and its basic passport data are assigned, which are determined according to the guidelines of the European Cooperative Program for Plant Genetic Resources (ECPGR).

The International Agreement on Plant Genetic Resources for Food and Agriculture prescribes the method of access to plant genetic resources for food and agriculture that are part of the Multilateral Access and Benefit Sharing System (MLS), and which belong to the species listed in Appendix I of the International Agreement. Availability of seeds is only from active collections, and smaller amounts of grams or number of grains depending on the plant species can be obtained on request. Currently, 532 copies are available through the MLS, and when exchanging, it is mandatory to sign the Standard Material Transfer Agreement.

With respect of TK/TCEs

¹ The Law on Ratification of the International Treaty On Plant Genetic Resources for Food and Agriculture, Official Gazette of HR, International Agreements, No. 01/2009
https://narodne-novine.nn.hr/clanci/medunarodni/2009_02_1_1.html
<https://www.fao.org/plant-treaty/countries/membership/country-details/en/c/359261/?iso3=HRV>

[The Register of Cultural Goods](#) of the Republic of Croatia is a public inventory of cultural goods maintained by the Ministry of Culture and Media. As mentioned above, TK and TCEs could be considered as cultural heritage, either tangible or intangible.

The Register of Cultural Goods consists of three lists: List of protected cultural goods, List of cultural goods of national importance and List of preventively protected goods.

Intangible cultural heritage and procedures for entry on the lists:

Intangible cultural heritage is defined by Article 2 of the *UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage (Official Gazette 5/05)* and Article 9 of the *Law on the Protection and Preservation of Cultural Heritage*, under which three basic categories are determined for the purpose of entries in the Register of Cultural Heritage of the Republic of Croatia:

- language, dialects, speech, toponymy, and all types of oral literature,
- folk creativity in the areas of music, dance, storytelling, games, rituals, customs, as well as other traditional folk values,
- traditional skills and crafts.

The procedure for entry in the national Register of Cultural Goods of the Republic of Croatia involves several stages of expert evaluation based on special criteria.

In the first phase of receiving proposals for entries through a special application form, the conservation departments participate according to their jurisdiction or the location of the property. In the second and third, final decision-making phases, advisory and expert bodies of the Ministry of culture and media participate: the Commission for Intangible Cultural Heritage and the Expert Commission for Determining the Goods of Cultural Heritage. Any private or legal person in the Republic of Croatia, regardless of whether they are directly related to the heritage they are applying for, may submit a proposal for entry of intangible heritage to the competent conservation department. The decision on the entry of intangible heritage in the Register of Cultural Goods of the Republic of Croatia determines not only the value itself, but also the system of protection measures that depend on the type of intangible heritage.

From the intangible cultural heritage entered in the Register of Cultural Goods of the Republic of Croatia, the Ministry, in collaboration with the bearers, selects through a special procedure those properties that meet the criteria for entry on UNESCO lists.

The following questions relate specifically to information systems that have an IP-related purpose or function.

4. Which IP-related objectives are sought to be achieved through this information system(s)?

GRs: Not applicable because in the Republic of Croatia there is no GRs information system and/or database with strictly IP related purpose or function.

TK/TCEs: Not applicable because in the Republic of Croatia there is no TK/TCEs information system and/or database with strictly IP related purpose or function.

5. What types of information are included in such an information system, including potentially sensitive categories of information such as sacred TK/TCEs and/or secret TK/TCEs?

GRs: Not applicable.

TK/TCEs: Not applicable.

6. What are the roles of various stakeholders in the establishment of the information system(s):

- **who characterizes and documents GRs?**
- **who writes down, films, records, translates and compiles TK and/or TCEs?**
- **who administers the information system/database/register(s)**
- **who can add new entries/registrations?**
- **what role do Indigenous Peoples, as well as local communities as appropriate, play?**

GRs: Not applicable.

TK/TCEs: Not applicable.

7. Which are the principles and modalities regulating access to relevant information:

- **who retains control of the information system?;**
- **who is authorized to access the content?; and**
- **are there tiered levels of access to different categories of content?**

GRs: Not applicable.

TK/TCEs: Not applicable.

8. What are the involvement and rights of Indigenous Peoples, as well as local communities, in the process of the establishment, functioning and management of the information system(s)?

GRs: Not applicable.

TK/TCEs: Not applicable.

9. What is the legal effect of inclusion of GRs, TK and/or TCEs, as the case may be, into the information system? For example, does inclusion establish IP rights?

Insertion of data related to GRs in the national databases does not establish IP rights.

Insertion of data related to TK and TCEs in the national databases does not establish IP rights.

10. How are disputes resolved (for example, competing claims by more than one community to a certain body of GRs, TK or TCEs)? How are transboundary GRs, TK and/or TCEs dealt with?

GRs: Not applicable.

TK/TCEs: Not applicable.

11. Are there interoperability standards between the existing information systems in your country and other information systems or services? Do these interoperability standards concern: (i) data formats (e.g., XML, data fields, etc.); (ii) content data (e.g., characterization, function, technical use of GRs, TK or TCEs); (iii) rights metadata (e.g., right holder, subject matter, date of documentation, etc.); or (iv) structures of the information systems and services (e.g., APIs, etc.)? If so, please provide a description of these standards.

GRs: Not applicable.

TK/TCEs: Not applicable.

12. Do you have any other views or experiences relating to the establishment, functioning and management of information systems?

No.

13. Do you have any suggestions for future work under the auspices of the WIPO IGC and/or by the WIPO Secretariat on these issues?

No.