

WIPO – IGC

ONLINE SURVEY ON INFORMATION SYSTEMS, REGISTERS AND DATABASES

The Czech Republic

This Online Survey has a fact-finding objective. The aim is to gather relevant experiences and already implemented practical solutions for the establishment, functioning and management of information systems on genetic resources (GRs), traditional knowledge (TK) and traditional cultural expressions (TCEs).

The term “information systems” is used in this survey to generally cover databases, registers, inventories, lists and other kinds of documentation of GRs, TK and TCEs.

Such information systems may have been established for a wide variety of purposes, some related to intellectual property (IP) and others not. For example, many countries have established and maintain registers, lists and inventories for the safeguarding and preservation of intangible cultural heritage (which encompasses both TK and TCEs). In some cases, information systems may have both IP and non-IP purposes, or the distinction between the two may not be clear.

Therefore, while the purpose of this Survey is to gather information on information systems that have IP-related purposes and functions, respondents are invited to provide as much information as possible.

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.

The Czech legal system contains Act No. 221/2006 Coll. on the enforcement of industrial property rights and protection of trade secrets, which implements Directive 2004/48/EC of the European Parliament and of the Council of 29 April 2004 on the enforcement of intellectual property rights and, in accordance with it, sets out the conditions for the elimination of counterfeiting, piracy and infringement of intellectual property rights. This law contains, inter alia, provisions regulating the consequences of infringement of trade secrets. The definition of trade secrets and their infringement is contained in Act No. 89/2012 Coll., the Civil Code. However, neither of these regulations requires the establishment and/or maintenance of an information system or is related to it.

TK

The concept of „traditional knowledge“ *per se* is not contained within the legal system of the Czech Republic, therefore, there is no legal system requiring or relating to the establishment/maintenance

of an information system on TK in the Czech Republic. Nevertheless, there is the concept of „traditional folk craftsmanship” as the part of “traditional cultural heritage”. There is also the concept of the "Holder of the Tradition of Folk Crafts" and the concept of “traditional folk culture” in the documents of the Czech government.

There is the Czech government Regulation No. 10/2016 on the Policy for a more efficient maintenance of traditional national culture in the Czech Republic. Under this regulation and policy contained therein, the National Institute of Folk Culture is mentioned as the administrator of the internet domain www.lidovaremesla.cz, where the database of producers is maintained according regions, range of products, materials used and fields of craftsmanship: <http://seznam.lidovaremesla.cz/> . There is also the maintained bibliography that is structured in order of materials used in the traditional folk craftsmanships in the Czech Republic.

There is a database of Czech traditional craftsmen structured by materials used:

<http://czechfolkart.cz/wordpress/>

There is the list of registered trades under the Annex 4 of the government decree n. 469/2000 related to traditional folk craftsmanships and folk art production: <https://lidovaremesla.cz/web/pravni-ochrana-v-ceske-republice/>

There is the list of laureates of the “Holder of the Tradition of Folk Crafts” title. The title is accompanied with its logo registered as the national trademark No. 244535.



The protection of traditional textiles and its patterns by means of registered industrial design is possible and supposed, but it has not been used by folk craftsmen in the Czech Republic, therefore the products of Czech traditional folk craftsmanship are not recorded in the national or EU databases of registered designs so far.

GRs

Access and benefit-sharing legislation:

- EU ABS Regulation - REGULATION (EU) No 511/2014 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 16 April 2014 on compliance measures for users from the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization in the Union: This Regulation establishes rules governing compliance with access and benefit-sharing for genetic resources and traditional knowledge associated with genetic resources in accordance with the provisions of 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 (the 'Nagoya Protocol'). The effective implementation of this Regulation will also contribute to the conservation of biological diversity and the sustainable use of its components, in accordance with the provisions of the Convention on Biological Diversity (the 'Convention').

Article 7, Monitoring user compliance:

3. The competent authorities shall transmit the information received on the basis of paragraphs 1 and 2 of this Article to the Access and Benefit-Sharing Clearing House, established under Article 14(1) of the Nagoya Protocol, to the Commission and, where appropriate, to the competent national authorities referred to in Article 13(2) of the Nagoya Protocol.
 4. The competent authorities shall cooperate with the Access and Benefit-Sharing Clearing House to ensure the exchange of the information listed in Article 17(2) of the Nagoya Protocol for monitoring the compliance of users.
- Commission Implementing Regulation (EU) 2015/1866 of 13 October 2015 laying down detailed rules for the implementation of Regulation (EU) No 511/2014 of the European Parliament and of the Council as regards the register of collections, monitoring user compliance and best practices: On the basis of powers granted in Regulation 511/2014 (the "basic" EU ABS Regulation), this Implementing Regulation specifies further the compliance rules established by the basic Regulation and establishes procedures to be followed when applying for recognition of the voluntary compliance support mechanisms. The Implementing Regulation clarifies when, to whom and which information is to be submitted when filing the due diligence declarations required by the basic Regulation.

Article 7, Transmission of information:

1. In accordance with Article 7(3) of Regulation (EU) No 511/2014, and unless the information is confidential within the meaning of Article 7(5) of Regulation (EU) No 511/2014, the competent authorities shall transmit to the ABS Clearing House the information received on the basis of Part A of Annexes II and III to this Regulation without undue delay and at the latest one month after the information has been received.
 2. Where essential information, such as on the user and utilisation, on the place of access, or on the genetic resource, without which the record could not be published on the ABS Clearing House, is considered confidential, the competent authorities shall consider instead transmitting that essential information directly to the competent national authorities referred to in Article 13(2) of the Nagoya Protocol.
- Act No 93/2018 Coll. on conditions of utilisation of genetic resources under the Nagoya Protocol: This Act implements Regulation (EU) No 511/2014 of the European Parliament and of the Council of 16 April 2014 on compliance measures for users from the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization in the Union and Commission Implementing Regulation (EU) 2015/1866 of 13 October 2015, laying down detailed rules for the implementation of the Regulation (EU) No 511/2014.

Act No. 148/2003 Coll., on the conservation and use of genetic resources of plants and microorganisms important for food and agriculture and on the amendment of Act No. 368/1992 Coll., on administrative fees, as amended (Act on Genetic Resources of Plants and Microorganisms).

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.

The Czech Republic is a party to the following international legal instruments:

TCEs

Since 2009, the Czech Republic has been a party to the Convention for the Safeguarding of the Intangible Cultural Heritage (Paris, 2003). According to the Article 12 of the Convention, the Czech Republic draws up a national inventory “The List of Intangible Elements of Traditional Folk Culture of the Czech Republic” (further details see answers below).

TK

There is no international or regional legal instrument adhered by that the Czech Republic that requires information system for the protection, promotion and/or safeguarding of TK *per se*.

Nevertheless, “The List of Intangible Elements of Traditional Folk Culture of the Czech Republic” mentioned above also includes the intangible elements that comply with the definition of traditional knowledge (further details regarding the list see answers below).

GRs

Since 1983 – European Cooperation Program for Plant Genetic Resources (ECPGR)

The ECPGR was created as a successor organization to IBPGR/IPGRI, and which today is managed within the above-mentioned organization Alliance of Biodiversity International - CIAT. The ECPGR has been operating successfully since 1980 with the involvement of almost all European states and with Czech participation since 1983.

Since 1989 – Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure

The Czech Collection of Microorganisms (CCM) is recognised as an International Depository Authority under the Budapest Treaty for the deposit of bacteria, filamentous fungi and yeasts for the purposes of patent procedure. The access to the deposited biological material is regulated by Section 5 of Act No 206/2000 Coll., on the Protection of the Biotechnological Inventions.

Since 2004 – International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA)

ITPGRFA manages the Global Information System for Plant Genetic Resources for Food and Agriculture (GLIS), which integrates and extends existing systems to create a global entry point to information and knowledge to strengthen capacity in the conservation, management and utilization of plant genetic resources. (<https://ssl.fao.org/glis/>)

Since 2011 – Convention on Biological Diversity

Since 2016 – 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

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).

TK/TCEs

In 2008, the List of Intangible Elements of Traditional Folk Culture of the Czech Republic (<http://www.nulk.cz/narodni-seznam/>) was introduced. The main purpose of this list is the protection, preservation, identification, development and promotion of the intangible cultural heritage in the Czech territory. The National Institute of Folk Culture (NÚLK) is in charge of the list. The list is regularly updated and the listed goods are regularly documented. Entry in this national list is a basic condition for the possibility of nominating an asset to the Representative List of the Intangible Cultural Heritage of Humanity, which was established by UNESCO on the basis of the Convention for the Safeguarding of the Intangible Cultural Heritage.

In addition to the "national" List of Intangible Elements of Traditional Folk Culture of the Czech Republic, regional lists of intangible elements of traditional folk culture have also been established. They have been maintained in individual regions of the Czech Republic by designated workplaces (usually museums or other regional specialist workplaces). Entry of an intangible asset in the regional list is a condition for nomination for entry in the national list.

These lists are not related to intellectual property rights.

Beyond the question about the existence of information systems, the Czech Republic - in view of the call to "provide as much information as possible" - can add the following:

The awarding of the title "Holder of the Tradition of Folk Crafts" according to the government regulation is of particular importance for the preservation of traditional folk culture in the field of crafts. It is a special form of recognition of folk craftsmen, their skills, knowledge of the procedures and technologies of traditional folk crafts, especially those that are in danger of disappearing. The award of the title of "Holder of the Tradition of Folk Crafts" is linked to the granting of the trademark "Holder of the Tradition" to individual producers by a licence agreement. (The owner of the rights to the trademark is the National Institute of Folk Culture.)

This award and the subsequent opportunity for the title holders to apply for a grant or scholarship from the Ministry of Culture to preserve and present their craft are both a support for small business and an example of the use of traditional folk culture as a factor of sustainable development.

The Czech project " Holder of the Tradition of Folk Crafts " is an internationally highly valued national variant of the UNESCO World Programme "Living Human Treasures". The National Institute of Folk Culture has set up the portal www.lidovaremesla.cz to publish information on traditional folk crafts.

In 2022, the project of the "Strategy for the Preservation of Traditional Crafts - Holder of the Tradition of Folk Crafts programme" was registered in the Register of good safeguarding practices, which is one of the international lists established by UNESCO on the basis of the Convention for the Safeguarding of Intangible Cultural Heritage.

Between 2006 and 2010, a questionnaire survey was conducted in the Czech Republic to identify

elements of traditional folk culture. The main investigator was the National Institute of Folk Culture and all the regional departments in charge participated in the survey. The results of the thematically focused questionnaires were subsequently processed both for the entire Czech Republic and for each region separately. This resulted in a comprehensive database of knowledge about the current form of traditional folk culture in the Czech Republic, which became the background material for the presentation of traditional folk culture to the general public and for planning the professional documentation of the identified elements. The database is available in electronic form on the Folk Culture web portal (www.lidovakultura.cz); the database was later adapted into an interactive map application (<http://mapy.nulk.cz/>).

GRs

With regard to the Nagoya Protocol on Access Benefit-sharing: there is no information system established at national level, but as a Party to the Nagoya Protocol and a Member State of the European Union, the Czech Republic uses relevant international systems:

- Access and Benefit-sharing Clearing-House (ABSCH): a platform for exchanging information on access and benefit-sharing and a key tool to facilitate the implementation of the Nagoya Protocol
- DECLARE: EU-wide web-based tool which enables users of genetic resources to submit the due diligence declarations required by Article 7 of Regulation (EU) No 511/20142 (the EU ABS Regulation or the Regulation) and further specified in the Commission Implementing Regulation (EU) No 2015/18663 to the relevant competent authorities responsible for their implementation. The competent authorities also use DECLARE to transfer non-confidential information from the due diligence declarations to the ABS Clearing House.

In the Czech Republic, the National Programme on Protection of Genetic Resources of Economically Significant Microorganisms and Tiny Animals (NPGZM) was launched in 2008. The collections brought together under this national program (NPGZM) hold characterized strains of phytopathogenic and zoopathogenic viruses, viroids, phytoplasmas, bacteria, algae, fungi, as well as important species of insects, mites and nematodes, which serve as reference samples for a number of users. The national programme (NPGZM) is coordinated by the Crop Research Institute (CRI) in Prague-Ruzyně. Deposited items of individual collections are regularly updated and documented.

Information system (<https://www.microbes.cz>) serves for genetic resources of microorganisms that are included in the collections of the National Programme on Protection of Genetic Resources of Economically Significant Microorganisms and Tiny Animals (NPGZM). The system contains 22 collections of microorganisms and invertebrates.

There is another National Programme coordinated by the Crop Research Institute, namely the National Programme on Conservation and Utilization of Plant Genetic Resources and Agro-biodiversity (NPGZR).

There is a documentation system GRIN Czech (<https://grinczech.vurv.cz/gringlobal/search.aspx>) for plant genetic resources that are included in the collections of the National Plant Programme (NPGZR).

The purpose is to store information on genetic resources of plants and to provide samples to users in accordance with Act No. 148/2003 Coll., on the conservation and use of genetic resources of plants and microorganisms important for food and agriculture and on the amendment of Act No. 368/1992 Coll., on administrative fees, as amended (Act on Genetic Resources of Plants and Microorganisms).

In addition to the NPGZM, there is also the following database of GRs (<https://ccm.sci.muni.cz>) preserved in the Czech Collection of Microorganisms (CCM), which is freely available to the professional public.

The CCM is also recognised as an International Depository Authority under the Budapest Treaty for the deposit of bacteria, filamentous fungi and yeasts for the purposes of patent procedure. The access to the deposited biological material is regulated by Section 5 of Act No 206/2000 Coll., on the Protection of the Biotechnological Inventions.

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)?

N.A.

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?

TK/TCEs

The Ministry of Culture has issued guidelines for maintaining the national list (List of Intangible Elements of Traditional Folk Culture of the Czech Republic, see details above). An asset proposed for this national list must be kept alive, authentic in its social and cultural functions, passed on from generation to generation and representative; an informed consent and community involvement in the preparation of the proposal is required. The members of the National Council assess the proposals for listing (condition and viability of the element, conservation measures), recommend experts who work out independent assessments and make recommendations to the Minister of Culture for approval of the listing.

GRs

N.A.

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

- who characterizes and documents GRs?

GRs

Plant genetic resources are evaluated and characterized by the workplace responsible for crop collections (NPGZR participants).

The genetic resources of microorganisms are evaluated and characterized by the workplace responsible for the individual collections (NPGZM participants).

- who writes down, films, records, translates and compiles TK and/or TCEs?

TK/TCEs

A wide range of partners cooperate on the nominations to the lists - mainly the holders of the traditional folk culture elements themselves, the regional workplaces concerned, local administration authorities, the National Institute of Folk Culture (NÚLK), the Ministry of Culture, the NGO Czech Ethnographic Society, representatives of relevant universities, etc. Besides that, there are museums,

research institutions and associations of holders participating on the recordings, databases, information systems etc. The main aim of these information systems is to promote, encourage, preserve and research a traditional culture. These initiatives are complementary organised from the government's side and mostly from the side of other stakeholders arising from holders, researchers, regional and local institutions including municipalities.

- who administers the information system/database/register(s)

TK/TCEs

The List of Intangible Elements of Traditional Folk Culture of the Czech Republic is administered by the National Institute of Folk Culture (NÚLK), based in a town Strážnice. The regional lists are administered by the relevant regional expert workplaces responsible for the care of traditional folk culture in the regions.

GRs

The GRIN Czech database system is administered by the Crop Research Institute (CRI) in Prague-Ruzyně for all NPGZR participants.

The database system of microorganisms is administered by the Crop Research Institute (CRI) for all NPGZM participants.

The non-public list of GRs deposited in the CCM according to the rules of the Budapest Treaty is managed by a specific responsible officer.

- who can add new entries/registrations?

TK/TCEs

The National List of Intangible Elements of Traditional Folk Culture of the Czech Republic may be edited (after approval by the Minister of Culture) by the National Institute of Folk Culture. The regional lists may be edited by the relevant regional workplaces.

GRs

New entries/registrations can be added by all NPGZR participants for their crop collections.

All NPGZM participants can add new records to their collections.

Only the responsible employee of the CCM can add entries on the list of patent cultures.

- what role do Indigenous Peoples, as well as local communities as appropriate, play?

TK/TCEs

It is unlikely that any Indigenous Peoples can be identified in the Czech Republic.

Local communities play a crucial role - without their consent and participation in the nomination process, no asset of traditional folk culture can be included in the lists (both national and regional). Local communities or communities of traditional culture's holders are freely self-organised.

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

- who retains control of the information system?;

TK/TCEs

The National Institute of Folk Culture or relevant regional workplaces.

GRs

In the case of the NPGZM, it is the Council of this Programme. For the CCM databases, it is the CCM management.

- who is authorized to access the content?; and

TK/TCEs

General public

GRs

General public for NPGZM and CCM database (except patent culture).

- are there tiered levels of access to different categories of content?

TK/TCEs

No.

GRs

Yes, depending on the type of database.

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)?

TK/TCEs

Without the consent of the Holder of the Tradition of Folk Crafts the traditional asset cannot be listed. Community representatives actively involve in the nominations and are regularly informed about updates to the information systems.

GRs

CCM databases are managed only by responsible CCM employees. The NPGZM databases are managed by responsible staff from the involved GR collections.

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?

TK/TCEs

The inclusion of an intangible asset (TCE or TK) in the List of Intangible Elements of Traditional Folk Culture of the Czech Republic, or in a regional list, does not create any intellectual property right (i.e. it does not give rise to any intellectual property rights).

GRs

The access to a GR from the CCM collection is regulated by the Material Transfer Agreement (CCM document).

The access to GRs deposited in CCM under the rules of the Budapest Treaty are regulated according to the requirements of this treaty.

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?

TK/TCEs

The experience of the Czech Republic with transboundary nominations to the Representative List of Intangible Cultural Heritage is very good - four of the eight inscribed elements have a transnational character - during their preparation, the holders of the element in each country cooperated closely, which was mutually enriching.

Specifically, these are:

- Falconry – a living human heritage (Austria, Belgium, Croatia, Czech Republic, France, Germany, Hungary, Ireland, Italy, Kazakhstan, Republic of Korea, Kyrgyzstan, Mongolia, Morocco, Netherlands, Pakistan, Poland, Portugal, Qatar, Saudi Arabia, Spain, Syrian Arab Republic and United Arab Emirates)
- Puppetry in Slovakia and the Czech Republic;
- Blueprinting, reserve hand printing and indigo dyeing in Europe (Austria, Czech Republic, Germany, Hungary and Slovakia)
- Timber rafting (Czech Republic, Germany, Austria, Spain, Latvia and Poland)

International cooperation is one of the pillars of the 2003 Convention and the UNESCO agenda in general. The inscription of expressions on any list does not declare their exclusivity; the same/similar expression can be shared by bearers regardless of the borders of the countries in which they live.

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

The information system GRIN Czech is governed by International Standards.

For other information systems in question, it is not known.

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

None at this stage

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?

None at this stage