<u>ONLINE SURVEY ON INFORMATION SYSTEMS, REGISTERS AND DATABASES</u>
prepared by the Secretariat of the World Intellectual Property Organization

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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.

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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.

<u>Response from the French authorities</u> :

On the establishment of a **national mechanism for access to GRs and associated TK and the sharing of benefits arising from their utilization (ABS)** *to implement the Nagoya Protocol Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization and 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 in the Union, see:*

- *[Act No. 2016-1087 of August 8, 2016, on the recovery of biodiversity, nature and landscapes, Title V (Arts. 37 to 46)](#)*
- *[Decree No. 2017-848 of May 9, 2017](#)*

There is no provision in the ABS mechanism in France for the establishment of information systems on GRs, TK and/or TCEs.

With regard to customary laws and practices, see:
- *[Bonn Guidelines on Access to Genetic Resources and Fair and Equitable Sharing of the Benefits Arising out of their Utilization, adopted in 2002 by the Contracting Parties to the Convention on Biological Diversity (CBD)](#)*

> *With regard to the law of confidentiality/trade secrets/undisclosed information, see*
> *The Environment Code*
> - *[Art. R412-13, paragraph 7](#)*
> - *[Art. R412-15](#)*
> - *[Art. R412-28, paragraph 9](#)*
> - *[Art. R412-18, paragraph 8](#)*

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.

> *Response from the French authorities :*
>
> - *[Convention on Biological Diversity](#)*
> - *[Nagoya Protocol](#)*
> - *[EU Regulation No. 511/2014 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](#)*
> - *[Commission Implementing Regulation (EU) 2015/1866 on the register of collections, monitoring user compliance and best practices](#)*

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).

> *N/A*

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?

> *N/A*

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?

> *N/A*

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?

N/A

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)?

N/A

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?

N/A

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?

N/A

Survey on the establishment of a TK database

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.

N/A

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

N/A

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?

N/A