ONLINE SURVEY ON INFORMATION SYSTEMS, REGISTERS AND DATABASES

prepared by
the Secretariat of the
World Intellectual Property Organization

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?

    – Kyrgyzstan acceded to the Convention on Biological Diversity in accordance with Act No. 40 of July 26, 1996

* a specific law for the protection of TK and/or TCEs?

    – The specific Protection of Traditional Knowledge Act of July 31, 2007, regulates the protection and use of traditional knowledge in Kyrgyzstan. The main purpose of the Act is to prevent the unlawful patenting of traditional knowledge

* access and benefit-sharing legislation or legislation dealing with biodiversity, the environment, intangible cultural heritage, publicly-funded research, food and agriculture?

    – In accordance with Act No. 42 of March 2, 2015, Kyrgyzstan acceded to 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.

- customary laws and practices?

  – Courts of the *aksakals* (male elders) and local community *kurultais* (assemblies)

- the law of confidentiality/trade secrets/undisclosed information?

  – No

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

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.

  – Kyrgyzstan acceded to the Convention on Biological Diversity in accordance with Act No. 40 of July 26, 1996, and to the Nagoya Protocol in accordance with Act No. 42 of March 2, 2015

3. Does any information system(s) of GRs, TK and/or TCEs exist in your country (whether IP-related or not)?

  – No

If so, please provide a description of such information system(s).

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)?

  – Registration of, granting of the right to use, and creation of a database

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?

  – No

6. What are the roles of various stakeholders in the establishment of the information system(s):
- who characterizes and documents GRs?

  – The Ministry of Natural Resources, the Environment and Technical Oversight

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

Questionnaire on the Establishment of a Traditional Knowledge Database

- – The State Intellectual Property and Innovation Service (Kyrgyzpatent) and the Ministry of Culture, Information, Sports and Youth Policy

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

  - – TK: Kyrgyzpatent
  - – TCEs: Ministry of Culture, Information, Sports and Youth Policy
  - – GRs: Ministry of Natural Resources, the Environment and Technical Oversight

- • who can add new entries/registrations?

  - – The Ministry and the agency

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

  - – The creation, preservation and handing down of TR, TCEs and GRs

7. Which are the principles and modalities regulating access to relevant information:
   - • who retains control of the information system?;

     - – The Ministry and the agency

   - • who is authorized to access the content?;

     - – It is accessible to all interested parties

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

     - – The information is available after publication to all interested parties

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)?

   - – Improving systems relating to TK, TCEs and GRs

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

   - – Prevention of the illegal patenting of TK and/or TCEs

For example, does inclusion 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)?

> – In the courts

How are transboundary GRs, TK and/or TCEs dealt with?

> – Also in the courts

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.

> – WIPO Standard ST.60

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

> – An interactive map of TK has been created on the Kyrgyzpatent website, as well as an electronic filing tool and a database on registered TK

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

_____