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
   - 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.

Answer:

- Lao PDR has the conventional intellectual property (IP) Law.
- The specific law for the protection of TK and/or TCE are included in the "Law on National Heritage" Ref. 08/NA, dated 09 November 2005. In this Law, access and benefit-sharing is defined in the Article 41.3 "The rules of the use of national heritage" as: "The use of proportionately revenue from the national heritage to develop such heritage". As for biodiversity, the Law is also covered from Part V, Article 47 to 52.
- With respect to the confidentiality/trade secrets/ undisclosed information, these issues are in the IP Law.

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.

Answer:

- Yes. Lao PDR is a member of NAGOYA protocol on access to genetic resources and the fair and equitable sharing of the benefits arising from their utilization to the convention on biological diversity. In addition, Lao PDR is also a member of the Convention on Biological Diversity (CBD).

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).

Answer:

- So far, the database for GR has not been developed. However, there is an element of database development of TK and/or TCEs in the organization as: https://www.taeclaos.org/

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)

Answer:

- To compile and preserve the traditional knowledge/GR/TCEs transferred from generations to generation.
- To protect this GR/TK/TCE from being taken away without referring to or citing the sources or benefit-sharing to the local community as the source.

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?

Answer:

- At the beginning, the information collected are more TK (patterns of cloths, waving, etc.). Please see more information: https://www.taeclaos.org/

- 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 TCE?
    • 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?

Answer:

- At present, the GR issues are related with two agencies: Department of Science Management, Ministry of Education and Sports which is managing the Nagoya Protocol; and the Biotechnology and Ecology Institute, Ministry of Agriculture and Forestry, which is dealing with plants. However, these two agencies are still not clear about GR and database on GR has not been available.
- As for TK and TEC, please see more information: https://www.taeclaos.org/

6. 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?

Answer:

- Please see more information: https://www.taeclaos.org/

7. 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)?

Answer:

- Please see more information: https://www.taeclaos.org/

8. 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?

Answer:

- The IP rights have not been targeted now. Under the IP Law revision, there is a clause requiring the disclosure of GR sources in the patent application and TK in the industrial design application;

9. 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?

Answer:

- However, the remedy/sanction has not been defined in the draft IP law. It could be dealt with on a case-by-case basis, and we are also learning by doing from other countries' lessons, too.

10. 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

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

    N/A

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

Answer:

Lao PDR is rich of traditional culture and has a plenty of ethnic groups. It is extremely significant for us to work closely with WIPO and our local communities and indigenous people to ensure that our traditional and cultural expressions in both tangible and intangible are properly preserved, protected, and utilized in the view of community development. Database system for GR, TK and TCE is needed for preservation of them for the current and future generations.