

ONLINE SURVEY ON INFORMATION SYSTEMS, REGISTERS AND DATABASES

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:

Regarding GRs, there are several laws, regulations, strategies and programmes for conservation and sustainable use in Türkiye:

- Decree-Law Establishing the Special Environmental Protection Agency (383, 19.10.1989)
- The Regulation for the Protection of Wetlands
- The Regulation on the Collection, Production and Exportation of Natural Flower Bulbs (1995)
- The Regulation for Implementing the Convention on International Trade in Endangered Species of Wild Fauna and Flora
- The Apiculture Regulation
- The Law on National Mobilization for Afforestation and Erosion Control (4122-23.07.1995) and the Regulation on Afforestation
- The Regulation on Good Agricultural Practices
- The Regulation Concerning the Protection and Use of Agricultural Land
- The Forest Law (6831-31.08.1956)
- Law on Aquatic Products (1380, 04.04.1971)
- The Environmental Law (2872, 09.08.1983) aiming at the protection of the environment, determines and provides for the basic principles related to protecting and improving the environment and preventing its pollution. Law 5491 of 26.04.2006 amending the Environment Law states the importance of protecting biological diversity in Article 6
- Law on National Parks (2873, 09.08.1983)
- The Pastures Law (4342-25.02.1998) and the Pastures Regulation The Coastal Law (3621/3830-04.04.1990)
- Terrestrial Hunting Law (4915, 01.07.2003)
- Anti-Smuggling Law 5607 of 19.07.2003, in force since 1932 and updated in 2003, and Customs Law 4458 of 27.10.1999 regulate border controls
- The Law for the Protection of Animals (5199- 24.06.2004)
- The Organic Farming Law (5262-01.12.2004) and Regulation
- The Soil Protection and Land Use Law (5403-03.07.2005)
- Agricultural Control and Agricultural Quarantine Law 6968 of 15.05.1957 and Animal Health and Surveillance Law 3285 of 08.05.1986 rank first among the legislation to ensure the border control, for both health and protection purposes, of living species that will enter or leave Türkiye
- Law for the Protection of Cultural and Natural Assets (2863, 23.07.1983)
- The Regulation Concerning the Collection, Conservation and Utilization of Plant Genetic Resources (1992, The Turkish Official Gazette 21316)
- The Regulation Concerning the Protection of Animal Gene Resources
- The Animal Improvement Law (4631-28.02.2001)
- The Law for the Protection of Breeder's Rights Concerning New Plant Varieties (5042-08.01.2004)
- The Seed-Raising Law (5553-31.10.2006): It replaced Law 308 of 21.08.1963.

11th Development Plan (2019-2023)

- National Biological Diversity Strategy and Action Plans (2008-2017 National Biological Diversity Strategy and Action Plan, NBSAP and 2018-2028 National Biological Diversity Action Plan, NBAP, <https://www.cbd.int/nbsap/search/>)

Türkiye_Biotechnology Strategy and Action Plan (2015-2018)

- National Agenda 21 Programme (2001)
- National Wetland Strategy (2003)
- Turkish National Forestry Programme (2004)
- National Science and Technology Policies 2003-2023 Strategy Document (2004)
- Turkish National Action Programme Against Desertification (2005)
- National Environmental Strategy (2006)
- National Rural Development Strategy (2006)
- National Plant Genetic Resources/Plant Diversity Program (1976)

Also, according to the Turkish IPR Law Number 6769 which entered into force on the 10th of January 2017, Article 90/4 states that if an invention is based on genetic resources or traditional knowledge associated to genetic resources, the explanation regarding the source of such knowledge and genetic resources shall be included in the patent application.

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.

Regarding GRs, Türkiye is a member and/or a contracting party of The European Cooperative Programme for Plant Genetic Resources (ECPGR), The Commission on Genetic Resources for Food and Agriculture (CGRFA), The Convention on Biological Diversity (CBD), The International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA), The Ramsar Convention on Wetlands, Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), The Commission on the Protection of the Black Sea Against Pollution, The Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention) and The Agreement for The Conservation of Cetaceans of Black Sea, Mediterranean Sea and Contiguous Atlantic Area.

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).

Regarding GRs, the registered and the permitted varieties are listed by The Republic of Türkiye, The Ministry of Agriculture and Forestry. The varieties can be transferred by Material Transfer Agreement (MTA) via Seed Gene Banks in Türkiye. Moreover, the national database called "Noah's Ark" and a Biological Diversity Monitoring Unit were created to monitor the current state and progress of biological diversity in Türkiye and to use the data concerning biological diversity more effectively in conservation activities. Also, Türkiye is now working on a database containing Digital Sequence Information of Natural Taxa. The TAGEM Genetic Resource Database, which includes *ex-situ* conservation records (data of gene banks), continues. In addition to these, Türkiye is collecting traditional knowledge associated with GRs and

this information is recorded in 'Traditional Knowledge Associated with Biological Diversity Management System'.

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

With these systems, the existence of genetic resources identified within the borders of our country will be recorded.

'Traditional Knowledge Associated with Biological Diversity Management System' will be used as a defensive measure, to prevent erroneous grant of IP rights by recording traditional knowledge associated with GR to serve as prior art and meanwhile to promote local scientific research for production and also for innovation in order to obtain IP rights.

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?

The lists of registered and permitted varieties are public domain. But the other databases are not public.

The information in 'Traditional Knowledge Associated with Biological Diversity Management System' consists of traditional knowledge associated with GR on health, nutrition, industry, agriculture-livestock and other traditional usage. This database is being constructed on a publicly available manner, regardless of including such a potentially sensitive category as a sacred or secret TK.

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

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

(6.-7.) For GRs and the TK associated with GRs, all the listed activities such as characterization, documentation or administration of the systems are managed by the Ministry of Agriculture and Forestry in Türkiye.

Collection and documentation of traditional knowledge associated with genetic resources and administration to 'Traditional Knowledge Associated with Biological Diversity Management System' are managed by the General Directorate of Nature Conservation and National Parks. Following the full completion of documentation of the whole country and administration of them to the system, patent examiners will be authorized to access the system in order to ensure defensive measure. Meanwhile, with restricted access to management system, only the related ministries, universities and R&D centers will have the accession permission for further scientific research and for the establishment of regulatory issues regarding the desired necessary IP rights.

In order to provide additional contribution to the economy of our country, this system is aimed to foster R&D in our country and to prevent the erroneous grants of IP rights to be obtained by using the information in the management system directly. Data will not be provided to global databases

that will be developed outside the country initially until the conditions are suitable. With restricted access to management system, only the related ministries, universities and R&D centers will have the accession permission, public will not have this permission.

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)?

In the Turkish legal system, “indigenous people or peoples” as well as “local communities” do not exist. In this regard, Türkiye voted in favour of the UNDRIP in UN General Assembly with a declaration which refers to our national legal system. For draft texts on TK, TCE’s and GR’s, our position is to add references to national legal systems of members along with terms “indigenous people(s)” and “local communities.

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?

The registered and permitted varieties lists are important for IP rights.

‘Traditional Knowledge Associated with Biological Diversity Management System’ will be used as a defensive measure, to prevent erroneous grant of IP rights by recording traditional knowledge associated with GR to serve as prior art and meanwhile to promote local scientific research

According to the Turkish IPR Law Number 6769, which entered into force on the 10th of January 2017, Article 90/4 states that if an invention is based on genetic resources or traditional knowledge associated to genetic resources, the explanation regarding the source of such knowledge and genetic resources shall be included in the patent application.

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?

Regarding TKs, no legislation is available dealing with transboundary TK and for TK competing claims by more than one community. For GRs, The Standard Material Transfer Agreement adopted within the framework of The International Treaty on Plant Genetic Resources for Food and Agriculture is used.

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.

For GRs, the conditions of the country to work with are revealed. Then, both countries continue their work by adapting to these conditions. Collaboration cannot be carried out if an agreement cannot be reached.

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

Traditional Knowledge Associated with Biological Diversity Management System is being constructed on a publicly available manner. Public will not have accession permission. Only the related ministries, R&D centers and universities will have the accession with restricted access to management system. In addition, data will not be provided to global databases that will be developed outside the country initially until the conditions are suitable. In this wise, erroneous grants of IP rights will be prevented and R&D studies will further fostered in our country using this management system.

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?

A technical working group regarding the technical features of databases together with the relational issues with GRs (digital sequence information, TK etc.) may be created under WIPO.