

Draft Response to the IGC Survey

QUESTION

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.

RESPONSE

GENETIC RESOURCES:

- With respect to genetic resources (GRs), according to research, *“The Ministry of Planning and Development, through its Environmental Policy and Planning Division is the national focal point for the Convention of Biological Diversity (CBD) and we are seeking the best interest of the traditional knowledge and biodiversity resources of Trinidad and Tobago. The Nagoya Protocol refers to the way in which indigenous genetic resources and associated traditional knowledge may be accessed, and how the benefits resulting from their use may be shared between the entities or countries that use the resources (users) and those that provide them (providers).”*^[1]

“Trinidad and Tobago has considerable potential with respect to the utilisation of genetic resources, particularly as a source of genetic materials which would contribute to the stock of biological resources required for research and development by external parties.”^[2]

- *“T&T is a signatory to the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA) and the Convention on Biological Diversity. The Research Division of the MALMR has been designated the National Focal Point of the treaty. As signatories we are obligated to ensure the conservation, sustainable utilization and benefit sharing of Plant Genetic Resources.”* One of its future projects is the, *“Development of a plant genetic resources database of land races and threatened crops in Trinidad.”* (<https://agriculture.gov.tt/divisions-units/divisions/research/biodiversity/>).
- It would also be prudent to peruse the Biodiversity Strategy & Action Plan for Trinidad and Tobago: *“Management of genetic diversity in Trinidad and Tobago should be based on the following approaches: 1. Maintenance of genetic viability of the native species in the country through maintenance of viable populations. 2. Allowing adaptive evolutionary*

^[1] <http://www.news.gov.tt/content/trinidad-and-tobago-explore-benefits-advancing-nagoya-protocol#.Y7v-wnbMI2w>

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processes to proceed. 3. Maintaining opportunities for natural colonization to occur on both islands. 4. Adopt a precautionary approach to augmentation of wild populations and reintroduction of extirpated species.” <https://www.fao.org/faolex/results/details/en/c/LEX-FAOC169573/>

- **The Environmental Management Act Chap. 35:05**
(https://rgd.legalaffairs.gov.tt/laws2/alphabetical_list/lawspdfs/35.05.pdf)

Environmentally Sensitive Areas Rules Schedule II Guidelines for Environmentally Sensitive Areas

2. The specific objectives are: (i) Maintenance of a stock of genetic resources in viable populations

Environmentally Sensitive Area (Matura National Park) Notice Part II

III. 1. Conservation of natural resources and protection of the environment including— (e) maintenance of a stock of genetic resources in viable populations including the Trinidad Piping-guan or Pawi (*Pipile pipile*); and Ocelot (*Leopardus pardalis*).

TRADITIONAL KNOWLEDGE (TK) / TRADITIONAL CULTURAL EXPRESSIONS (TCEs)

- Please visit the following article for information: “*Should “Works of Mas” be protected as Traditional Knowledge or Copyright or any other form of Intellectual Property?*”
http://ipo.gov.tt/downloads/Relevant_Studies/works-of-mas1.PDF

Pg. 4: “*In light of the fact that only certain aspects of a work of mas can be protected by conventional IPRs and conventional IPRs do not protect the traditions and culture associated with works of mas, it important to determine whether a separate category for the protection of such works, traditional knowledge, or more particularly, traditional cultural expression is more appropriate for the protection of a work of mas.*”

Please also note pgs. 5 to 7

Law of confidentiality/trade secrets/undisclosed information?

- Please visit the **Protection Against Unfair Competition Act Chapter 82:36:**
<https://agla.gov.tt/downloads/laws/82.36.pdf>

I hope that this helps!