

## 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.

IGC Survey question	Response from Uganda
<p>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:</p> <ul style="list-style-type: none"> <li>• conventional intellectual property (IP) law?</li> <li>• a specific law for the protection of TK and/or TCEs?</li> <li>• access and benefit-sharing legislation or legislation dealing with biodiversity, the environment, intangible cultural heritage, publicly-funded research, food and agriculture?</li> <li>• customary laws and practices?</li> <li>• the law of confidentiality/trade secrets/undisclosed information?</li> </ul> <p>If so, please provide details, such as the title of the law(s) and the relevant provisions.</p>	<ul style="list-style-type: none"> <li>• <a href="#">The 1995 Constitution of the Republic of Uganda</a>. Article <b>189(1)</b> Subject to the provisions of this Constitution, the functions and services specified in the Sixth Schedule to this Constitution shall be the responsibility of the Government [<i>6. Copyrights, patents and trademarks and all forms of intellectual property</i>].</li> <li>• <a href="#">The National Intellectual Property Policy 2019</a> <b>Policy Objective 3(b)</b>: To promote IP-driven indigenous technology development and commercialization by supporting the development of a framework to protect Traditional Knowledge (TK) and Traditional Cultural Expressions (TCEs); and creating a digital database of Traditional Knowledge (TK) and Traditional Cultural Expressions with a view to protecting cultural heritage from un-authorized exploitation.</li> <li>• <a href="#">The National Seed Policy 2018</a> (priority area 3.1.2(i), (ii) &amp;(iii) provide for creation of variety registers and seed banks to protect and preserve indigenous knowledge)</li> <li>• <a href="#">The National Science, Technology and Innovation Policy 2009</a> (section 4.1.3(b) provides for legislation to cater for IP registers).</li> <li>• <a href="#">The Uganda National Culture Policy (2006)</a> <b>Section 7.3</b> provides for development and promotion of Indigenous knowledge as a vital sub-system of culture.</li> <li>• <a href="#">The National Environment Management Act 2019</a> Section 62 (1) The Authority shall, in consultation with the relevant lead agency, make regulations to prescribe measures for the sustainable management and utilization of the genetic resources of Uganda for the benefit of the people of Uganda.</li> <li>• Regulation 8(c) of the <a href="#">National Environment (Access to Genetic Resources and Benefit Sharing) Regulations, 2005</a> gives NEMA the duty to develop guidelines for access to, and export of genetic resources.</li> <li>• <a href="#">The Guidelines for Access to Genetic Resources and Benefit Sharing in Uganda, 2007</a>.</li> <li>• <a href="#">Uganda Wildlife Act 2019</a> <b>Section 3(6)</b> The Minister may, on the advice of the Board, by regulations prescribe measures for the registration and management of the specimens used for cultural purposes by any community.</li> </ul>

<p>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? <i>If so, please indicate which international or regional legal instrument.</i></p>	<ul style="list-style-type: none"> <li>• <a href="#">The Convention on Biodiversity (CBD)</a> Article 15 requires Contracting Parties, to put in place legislative, administrative or policy measures to facilitate access to genetic resources and ensure fair and equitable sharing of any benefits arising from their use.</li> <li>• <a href="#">The Nagoya Protocol</a> Article 12(1) calls on Parties to consider the customary laws, community protocols, and procedures of ILCs.</li> <li>• <a href="#">The Cartagena Protocol</a> Article 2(1) states that each Party shall take necessary and appropriate legal, administrative and other measures to implement its obligations</li> <li>• <a href="#">International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA)</a></li> <li>• <a href="#">Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)</a></li> <li>• <a href="#">Agreement on Trade-Related Aspects Intellectual Property Rights (TRIPS)</a></li> </ul>
<p>3. Does any information system(s) of GRs, TK and/or TCEs exist in your country (whether IP-related or not)? <i>If so, please provide a description of such information system(s).</i></p>	<p>While there is no specific information system of GRs, TK and TCEs in Uganda, a number of institutions are charged with putting in place systems to store information on such heritage like Uganda Museum, National Environment Management Authority, Ministry of Tourism, Wildlife and antiquities, Ministry of Gender, Labour and Social Development, Ministry of Agriculture, Animal Industry and Fisheries, Uganda National Council for Science and Technology.</p>
<p>The following questions relate specifically to information systems that have an IP-related purpose or function.</p> <p>4. Which IP-related objectives are sought to be achieved through this information system(s)?</p>	<p>N/A</p>
<p>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?</p>	<p>N/A</p>
<p>6. What are the roles of various stakeholders in the establishment of the information system(s):</p> <ul style="list-style-type: none"> <li>• who characterizes and documents GRs?</li> <li>• who writes down, films, records, translates and compiles TK and/or TCEs?</li> <li>• who administers the information system/database /register(s)</li> <li>• who can add new entries/registrations?</li> <li>• what role do Indigenous Peoples, as well as local communities as appropriate, play?</li> </ul>	<p>N/A</p>
<p>7. Which are the principles and modalities regulating access to relevant information:</p> <ul style="list-style-type: none"> <li>• who retains control of the information system?;</li> </ul>	<p>N/A</p>

<ul style="list-style-type: none"> <li>• who is authorized to access the content?; and</li> <li>• are there tiered levels of access to different categories of content?</li> </ul>	
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?	There are no mechanisms established to address this.
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?	The establishment of information systems is an expensive venture and may affect the sacred and secret nature of TK of indigenous communities, and therefore information systems should play a complimentary role in the protection and utilization of GRs, TK and TCEs.

Dated 12<sup>th</sup> May 2023