

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, and 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? – **Swakopmund Protocol**

- A specific law for the protection of TK and/or TCEs? - **Section 33 of the Constitution of Zimbabwe**

- Access and benefit-sharing legislation or legislation dealing with biodiversity, the environment-- **Convention on Biological Diversity (Ministry of Environment Climate Tourism & Hospitality Industry)**, intangible cultural heritage, publicly-funded research, food and agriculture?

- Customary laws and practices? – **Customary Marriages Act, Chapter 501**

- 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 – **The Trade Secrets Act, Chapter**

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 – **The Swakopmund Protocol (regional)**.

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)

– There is a **Traditional Medical Practitioners Council (TMPC) Register**. 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)? – **Lead patients to where they can get appropriate treatment especially in traditional matters.**

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 information is exclusively known by the right holders.**

6. What are the roles of various stakeholders in the establishment of the information system(s): • who characterizes and documents GRs? – **The right holders own the information system** • who writes down, films, records, translates and compiles TK and/or TCEs? – These are the **right holders` publishers who respect the economic and moral rights of the TK and TCEs owners** • who administers the information system/database/register(s) - **The Traditional Medical Practitioners `Council** • who can add new entries/registrations? – **The Traditional Medical Practitioners `Council** • what role do Indigenous Peoples, as well as local communities, as appropriate, play? – **They treat the sick, perform rituals and often speak with God**

7. Which are the principles and modalities regulating access to relevant information: • who retains control of the information system? – **The Traditional Medical Practitioners Council** • who is authorized to access the content? – **Permitted persons**; and • are there tiered levels of access to different categories of content? – **Yes.**

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)? – **They have the upper say in everything that will be done.**

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? – **IP right protection or Suis generis protection**

10. How are disputes resolved (for example, competing claims by more than one community to a certain body of GRs, TK or TCEs)? - **Disputes are dealt with under the common law.** How are trans-boundary GRs, TK and/or TCEs dealt with? - **Under the common law.**

11. Are there interoperability standards between the existing information systems in your country and other information systems or services? – **No.** 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. – **No.**

12. Do you have any other views or experiences relating to the establishment, functioning and management of information systems? – **No.**

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? _