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## PH PLAYS KEY ROLE IN THE ADOPTION OF HISTORIC TREATY ON GENETIC RESOURCES AND ASSOCIATED TRADITIONAL KNOWLEDGE



*(l-r) Philippine delegation members Minister Felipe Carino III, Atty. Adrienne Dunuan, Director Ann Edillon, WIPO Director General Darren Tang, IPOPHL Director General and co-Head of Delegation Rowel Barba, Atty. Willie Ann Angsiy and Ms. Via Perez, not in photo are Ambassador and Permanent Representative Carlos D. Sorreta (Head of Delegation) and DA Undersecretary Alvin Balagbag; Ambassador and Deputy Permanent Representative Kristine Leilani Salle delivered the Philippine National Statement at the beginning of the conference.*

**22 May 2024, Geneva** – In a treaty that upholds the protection of the intellectual property rights of Indigenous Peoples and Local Communities over their genetic resources and associated traditional knowledge, the Philippine delegation, led by Permanent Representative Carlos D. Sorreta and IPOPHL Director General Rowel Barba and composed of representatives of IPOPHL and the Philippine Permanent Mission in Geneva, played a significant role in a historical process bringing together 193 member states of the World Intellectual Property Organization (WIPO) and representatives of Indigenous Peoples and local communities.

Delivering the PH National Statement, Deputy Permanent Representative Kristine Leilani Salle said that the Philippines believed and participated in the IGC process (Intergovernmental Committee on Genetic Resources), which is rooted in a transparent and sound multilateral platform to address the imbalance in the Intellectual Property system, in particular, the patent system through the introduction of measures to prevent the erroneous grant of patents and ensure the efficacy of the patent system, yet mindful not to unduly burden the applicants and patent offices.

She added that the Philippines supports the promotion of cultural inclusivity embodied in the instrument in recognition of the rights of local communities and indigenous peoples over their genetic resources and associated traditional knowledge, considered to be national cultural treasures by many countries.

Over a two-week period, PH negotiators, led by IPOPHL Director Ann Edillon worked tirelessly and played a key role in the debates on key articles to preserve the rights of contracting parties that gave policy space to domestic legislators to impose calibrated

sanctions in case of non-disclosure of the source of the GR/ ATK that are accompanied by fraud. (The legal instrument contains a critical Mandatory Disclosure requirement that will be globally enforced by contracting parties to compel patent applicants, guided by patent offices, to disclose the source or country of origin of genetic resource or associated traditional knowledge used in the claimed invention).

The Philippines, represented by the Permanent Mission's Minister Felipe F. Cariño III, was elected as Vice President of Main Committee I. He subsequently chaired the *ad hoc* contact group that facilitated a member-driven agreement by consensus involving the instrument's Mandatory Disclosure Requirement related to indigenous peoples and local communities.

Ambassador Carlos D. Sorreta believes that the parties to the treaty should be given sufficient policy space through domestic legislation based on national circumstances in the implementation of treaty provisions. He also advocated for a balanced approach by states and intellectual property offices in the promotion of patent rights and protection against cultural misappropriation.



**(l-r) Brazilian Ambassador Guilherme de Aguiar Patriota, President of the Diplomatic Conference, expressed optimism for a positive outcome of the Diplomatic Conference before delegates attending the two-week Diplomatic conference at WIPO Headquarters in Geneva.**

Ambassador Sorreta underscored that the treaty represents the national and cultural aspirations of people in the Global South who claim recognition of their rights and call for redress of grievances arising from misappropriation of genetic resources and associated traditional knowledge through multilateral cooperation. The treaty is a testament of our collaborative spirit that empower the marginalized sectors, beyond national borders, while upholding a balanced intellectual property system, he added.

Since 2001, member parties of the World Intellectual Property Organization had begun discussions for increasing protective measures to prevent misappropriation or the erroneous grant of patents related to genetic resources and associated traditional knowledge of Indigenous Peoples and Local Communities.

It was only in July 2022 when the General Assemblies of WIPO issued a decision to send the draft legal instrument called the Chair's text to a Diplomatic Conference in 2024. By then, the conditions and state of negotiations among parties had sufficiently

narrowed the gaps to arrive at a common understanding of the instrument that allowed the text to be a subject of a diplomatic conference based on treaty making practice.

In case of Philippines accession, the instrument will either be treated as an executive agreement to be signed by the President without need of Senate concurrence or if considered a treaty, it will be subjected to Senate ratification after the President signs it. As part of the treaty making process and pursuant to E.O. No. 459, the determination of the nature of the instrument will be undertaken under the exclusive mandate of the Department of Foreign Affairs. **END**