



Australian Government

IP Australia

NEW WIPO GRATK TREATY AND INDIGENOUS KNOWLEDGE (IK)

Edwina Lewis

Director - Policy and International Affairs
IP Australia





What is Indigenous Knowledge?

Traditional Knowledge (TK) – includes know-how and practices, including about plants and animals (genetic resources), ecology, medicine, architecture and more

Traditional Cultural Expressions (TCEs) - includes arts, crafts, symbols, music, stories and dance.



WIPO GRATK Treaty

- WIPO IGC is the long-standing international forum for discussion of IP, TK and TCEs.
- Successful Diplomatic Conference in May resulted in new GRATK Treaty on patent disclosure of source.
- Patent applicants to disclose where they got genetic resources or associated traditional knowledge used in their claimed invention.
 - Creates greater transparency in the patent system.
 - Recognition and Respect of GR and associated TK used.
 - Assist Prior Art identification.



GRATK Treaty – Key Elements

- **Trigger** – When is disclosure required?
 - 'based on'
- **Content** – What information should be disclosed?
 - Country of Origin
 - Indigenous Peoples or local community
 - Other source of GR or aTK
- **Measures** – What is appropriate for if requirements not met?
 - remedies and sanctions



Indigenous Knowledge and IP

- IP rights system designed with individual ownership, commercial exploitation and time-limited protections in mind.
- No dedicated legal framework, meaning IK protections are incidental and insufficient.
- Limited mechanisms for consent in accordance with cultural norms.
- Aboriginal and Torres Strait Islander peoples told us they want:
 - **Control**
 - **Recognition**
 - **Protection**
 - **Respect**



Policy Development Initiatives

- Proposals for enhancements for Trade Marks and Designs to prevent misappropriation and misuse
- Proposals for disclosure of source for Patents, and PBRs, to increase transparency, attribution and recognition.
- Establish an Indigenous Knowledge Panel Pilot within IP Australia
- Cross-Government work on stand-alone legislation to protect IK.



WORKING WITH TK and TCEs

Growing interest in IK protection increases the importance of:

- Professional support and advice for traditional owners, Indigenous businesses and others wanting to engage
- Working respectfully with IK and in a culturally appropriate manner
- Encouraging best practice approaches and use of principles such as free, prior, informed, consent



Australian Government

IP Australia

Contact us

1300 65 1010 (9am – 5pm)

www.ipaustralia.gov.au

-  facebook.com/ipaustralia.gov.au
-  twitter.com/IPAustralia
-  linkedin.com/company/ip-australia
-  youtube.com/user/ipaustralia



Patents



Trade Marks



Designs



Plant Breeder's
Rights