



**RESOLUTION**  
**EXCO/IT04/RES/2001**

**"Proposal on Disclosure Requirements Relating to Genetic Material Resources"**

**FICPI**, the International Federation of Intellectual Property Attorneys, broadly representative of the free profession of more than eighty countries, assembled at its Executive Committee held in Venice from 4 – 6 October 2004, passed the following Resolution:

**Whereas** FICPI has previously indicated that it supports a reduced number of issues to be included in the SPLT to enable the SPLT to progress;

**Noting** that some member states of WIPO have proposed provisions requiring a declaration in a patent application of the source of any genetic material on which the invention is based; and

**Also noting** the desire of some member states to have the source of any traditional knowledge on which a patent is based acknowledged, **but observing** that traditional knowledge, as prior art, is completely different from genetic resources and should be dealt with separately;

**Urges** that if any such provisions relating to genetic resources should be adopted then the following should apply:

1. The declaration requirements must be clearly and precisely defined;
2. The applicant should be required to identify only the source from which the genetic material was actually obtained by the inventor;
3. If there is a requirement to share any benefit accruing from the invention then there must be an appropriate authority in the country from which the genetic material was obtained and which the applicant for the patent can contact in order to enter into negotiations;
4. Any such requirement should apply only to genetic material obtained after such provisions have come into force; and
5. The applicant should be entitled to an opportunity to rectify any failure to comply properly with the declaration requirements, and the consequence of any ultimate failure to meet such requirements shall not, in the absence of fraudulent intent, be invalidation or unenforceability of the patent.

6 October 2004