



Food and Agriculture
Organization of the
United Nations



The International Treaty
ON PLANT GENETIC RESOURCES
FOR FOOD AND AGRICULTURE

**Views, Experiences and Best Practices as an example of possible options for
the national implementation of Article 9 of the International Treaty**

Note by the Secretary

At its [second meeting](#) of the Ad hoc Technical Expert Group on Farmers' Rights (AHTEG), the Expert Group agreed on a revised version of the [template](#) for collecting information on examples of national measures, best practices and lessons learned from the realization of Farmers' Rights

This document presents the updated information on best practices and measures of implementing Article 9 of the International Treaty submitted by the Philippines on 27 July 2019.

The submission is presented in the form and language in which it was received.



Template for submission of

Measures, Best Practices and Lessons Learned from the Realization of Farmers' Rights as set out in Article 9 of the International Treaty

Basic information

- Title of measure/practice: IPOPhl-NCIP Joint Administrative Order No. 01-2016 (Rules and Regulations on Intellectual Property Rights Application and Registration Protecting the Indigenous Knowledge Systems and Practices of Indigenous Peoples (IPs) and Indigenous Cultural Communities (ICCs))
- Responsible institution/organization (name, address, website (if applicable), e-mail address, telephone number(s) and contact person):

Intellectual Property Office-Philippines (IPOPhl)
dittb@ipophil.gov.ph
Office Address: 28 Upper McKinley Road,
McKinley Hill Town Center
Fort Bonifacio, Taguig City 1634, Philippines

National Commission on Indigenous Peoples (NCIP)
2nd Floor N. dela Merced Building
West corner Quezon Avenues, Quezon City
575-1200

- Type of institution/organization (categories): Government

Description of the examples

Mandatory information:¹

The IPOPhl-NCIP Joint Administrative Order No.1-2016 was signed by both heads of office of the Intellectual Property Office (IPOPhil) and the National Commission on Indigenous Peoples (NCIP) on 28 October 2016.

Considering certain limitations of protection and requirements for registration which ICCs/IPs may not be able to comply with under the IP Code and which are not consistent with the concept of community intellectual rights under the Indigenous Peoples Rights Act (IPRA), the NCIP and IPOPhl came up with the joint policy in order to at provide an initial measure for the recognition and protection of this ICC/IPs' right. While the joint policy is in place, both agencies are still continuing the endeavour to level-off on policy issuances and implementation.

The joint policy primarily provides for the recognition of full ownership and control and protection of ICC/IPs community intellectual rights. To further protect this right under the intellectual property system, the policy also provides for the requirement of disclosure of the use of any indigenous knowledge systems and practice (IKSP) whenever an intellectual property rights application is filed with

¹ This mandatory information is required in order for the measure/practice to be included in the Inventory.



the IPOPhil. Indigenous Knowledge and practices relating to genetic resources include indigenous knowledge associated with wild / indigenous plants and food, traditional varieties, and land races of ICCs and IPs. The joint policy also provides for the compliance by the intellectual property right applicant with the free and prior informed consent process.

The NCIP is also responsible under the policy to establish an IKSP registry which shall be made available to the IPOPhil for use in the examination of intellectual property rights applications.

Finally, the Joint Administrative Order also provides for an institutional arrangement to undertake activities for capability building of ICC/IPs to enhance the protection and management of their intellectual property rights and IKSPs.

- **Brief history (including starting year), as appropriate:**
The administrative order was the result of previous discussions between the two agencies on how community intellectual rights shall be recognized and protected vis-à-vis the Indigenous Peoples Rights Act (IPRA) and the Intellectual Property Code of the Philippines (IP Code).

- **Core components of the measure/practice (max 200 words)**
When application for an intellectual property right is filed with the IPO-Phil, the applicant shall disclose the use of any indigenous system and practice. The application shall be forwarded by the IPOPhil to the NCIP for clearance.

Description of the context and the history of the measure/practice is taking place (political

- To which provision(s) of Article 9 of the International Treaty does this measure relate

- Art. 9.1
- Art. 9.2a
- Art. 9.2b
- Art. 9.2c
- Art. 9.3

Other information, if applicable

- Please indicate which category of the Inventory is most relevant for the proposed measure, and which other categories are also relevant (if any):

No.	Category	Most relevant ²	Also relevant ³
1	Recognition of local and indigenous communities', farmers' contributions to conservation and sustainable use of PGRFA, such as awards and recognition of custodian/guardian farmers	*	

² Please select only one category that is most relevant, under which the measure will be listed.

³ Please select one or several categories that may also be relevant (if applicable).



2	Financial contributions to support farmers conservation and sustainable use of PGRFA such as contributions to benefit-sharing funds		
3	Approaches to encourage income-generating activities to support farmers' conservation and sustainable use of PGRFA		
4	Catalogues, registries and other forms of documentation of PGRFA and protection of traditional knowledge	*	
5	In-situ/on-farm conservation and management of PGRFA, such as social and cultural measures, community biodiversity management and conservation sites		*
6	Facilitation of farmers' access to a diversity of PGRFA through community seed banks ⁴ , seed networks and other measures improving farmers' choices of a wider diversity of PGRFA.		
7	Participatory approaches to research on PGRFA, including characterization and evaluation, participatory plant breeding and variety selection		
8	Farmers' participation in decision-making at local, national and sub-regional, regional and international levels		*
9	Training, capacity development and public awareness creation		
10	Legal measures for the implementation of Farmers' Rights, such as legislative measures related to PGRFA.		
11	Other measures / practices		

- In case you selected 'other measures', would you like to suggest a description of this measure, e.g. as a possible new category? _____
- Objective(s): to protect the indigenous knowledge associated with community resources of ICCs/IPs including indigenous knowledge associated with wild/indigenous plants and other plant genetic resources
- Target group(s) and numbers of involved and affected farmers⁵: The joint policy affords protection of all ICC and IP groups in the Philippines, but while it does not specifically categorize what particular sector (e.g. farmer), ICC and IP groups cover farmers, as relevant.
- Location(s) and geographical outreach: Nation-wide
- Resources used for implementation of the measure/practice: Agency budget
- How has the measure/practice affected the conservation and sustainable use of plant genetic resources for food and agriculture? The measure intends to strengthen the conservation and sustainable use of plant genetic resources
- Please describe the achievements of the measure/ practice so far (including quantification) (max 200 words) So far, the NCIP has to disseminate and explain the policy to stakeholders

⁴ Including seed houses.

⁵ Any classification, e.g. of the types of farmer addressed, may be country-specific.



- Other national level instruments that are linked to the measure/practice : (i) Republic Act 8371, An Act to Reorganize, Protect and Promote the Rights of Indigenous Cultural Communities/Indigenous Peoples, Creating a National Commission on Indigenous Peoples, Establishing Implementing Mechanism , Appropriating Funds Therefor, and For Other Purposes (1987); (ii) Republic Act 8293, “ An Act Prescribing the Intellectual Property Code and Establishing the Intellectual Property Office Providing for Its Powers and Functions and for Other Purposes (1997)
- Are you aware of any other international agreements or programs that are relevant for this measure/practice?
 - Convention on Biological Diversity
 - International legal instrument(s) on intellectual property (IP) and genetic resources (GRs), traditional knowledge (TK) and traditional cultural expressions (TCEs) under negotiation at the World Intellectual Property Organization’s Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC)
 - FAO Voluntary Guidelines on the Conservation and Sustainable Use of Wild Crops and Wild Food
- Other issues you wish to address, that have not yet been covered, to describe the measure/practice

Lessons learned

- Describe lessons learned which may be relevant for others who wish to do the same or similar measures/practices (max 250 words).

In order to fully implement the policy, the same has not yet been thoroughly disseminated and fully explained to all stakeholders. Its application to a pending intellectual property rights application has also not yet been tested as of yet, thus its effectiveness cannot be assessed.

- What challenges encountered along the way (if applicable) (max 200 words)
 - There is limited budget and lack of support for the documentation of IKSPs of ICCs/IPs. These documentations are necessary for the establishment of a registry and may be used as additional proofs of ownership of the IKSPs by the ICC/IPs.
- What would you consider conditions for success, if others should seek to carry out such a measure or organize such an activity? (max 100 words)

The NCIP should be provided additional resources for implementation

Further information

- Link(s) to further information about the measure/practice

www.ncip.pgv.ph



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