

# Table of contents

Foreword	4
Preface	5
List of boxes and figures	6
List of acronyms	7
1. Introduction	8
2. Background and concept	10
What are patent disclosure requirements related to GRs and TK?	10
How do new PDRs related to GRs and TK differ from conventional disclosure requirements under established patent law principles and procedures?	11
What is the relationship between new PDRs and ABS obligations?	13
What are the main critiques and opposing views?	13
3. Objectives	14
Why have several countries introduced new patent disclosure requirements related to genetic resources and traditional knowledge?	14
4. Complementary and competing interests and objectives	17
What other interests and objectives may need to be balanced when shaping an appropriate disclosure obligation?	17
5. Legal nature	20
What is the difference between voluntary and compulsory PDRs?	20
6. Formal and substantive requirements	23
What role might the patent office play in checking the fulfillment of new formal or substantive PDRs?	23
7. Placement	24
Where should new disclosure requirements be introduced?	24
Is it possible to introduce new disclosure requirements in legislation other than patent and/or IP law?	24
8. Subject matter	26
What is the subject matter covered by these new PDRs?	26
9. Content	31
What might be the possible content of disclosure?	31
10. Geographical scope	33
What is the geographical scope of disclosure?	33
11. Exclusions	35
What exclusions from the material scope of application of a new PDR might be envisaged?	35
12. Triggers	36
What relationship or link between the subject matter of disclosure and the claimed invention will trigger the application of a new PDR?	36
13. Remedies and sanctions	39
What kinds of remedies and sanctions are available to address issues of non-compliance with any new PDRs?	39
14. Evidence	44
What evidence might be submitted in the context of new PDR-related compliance mechanisms and procedures?	44
15. Standing	45
Who might have a right to take legal action for non-compliance with a new PDR?	45
16. Capacity	47
What legal, institutional and policy capacities might be needed to implement a new PDR?	47
17. Relationship with other instruments	50
Under the Nagoya Protocol, is there an obligation to provide for PDRs in order to monitor users' compliance with domestic ABS requirements?	50
What are the main implications of establishing the patent/IP office as a designated checkpoint under the Nagoya Protocol?	50
What is the possible relationship between a new PDR and ABS obligations under the FAO International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA)?	50
18. Other measures	53
Are there alternative and/or complementary measures or mechanisms that can be used to promote PDR-related objectives?	53
19. Patent disclosure requirements – a checklist for policymakers	56
Endnotes	58
Annex: Disclosure requirements table	62