

Disclosure of origin of genetic resources and traditional knowledge in the patents regime

Name:

[REDACTED]

Email:

[REDACTED]

Organisation/Iwi:

Te Kahui Rongoa Trust (national collective of rongoa Maori practitioners)

Interest:

Te Kahui Rongoa have an interest in the protection of taonga species and the rights of their members to continue to access, protect, breed and use taonga species in their work.

X

I do not wish my name or other personal information to be included in any information about the submissions that MBIE may publish

I am happy for my submission to be placed on the MBIE website

Responses to Disclosure of origin of genetic resources and traditional knowledge in the patents regime.

1. Do you have any comments on the problem definition?

If you 'consider that the current patents regime aligns with New Zealand's international obligations' and that one of the key problems that the paper is intended to address is directly associated with the Crown's obligations under the Treaty of Waitangi, why is this not included as part of the Summary of Option's Analysis? Objectives A and B are not limited to New Zealand as country of origin, nor do they specifically identify Maori. Extending proposed options to include genetic resources and indigenous people from around the world artificially inflates the costs of the Crown meeting its Treaty obligations.

2. Do you agree with the objectives that we have identified? Do you agree with the weighting we have given the objectives?

No. It has already been stated that you 'consider that the current patents regime aligns with New Zealand's international obligations'. So why is so much effort and associated option cost analysis being given in this paper to international compliance? These objectives should explicitly consider objectives associated with meeting the Crown's obligations under the Treaty of Waitangi.

3. Do you have any comments on our preliminary assessment of the options?

Please see above 1 & 2. If the New Zealand patents office cannot grant international patents then why are we considering the costs associated with international patent compliance in our options at all?

4. What is your preferred option? Why?

If New Zealand is meeting its international patents obligations and the Disclosure of origin of genetic resources and traditional knowledge in the patents regime is genuinely intended to address the Crown's obligations under the Treaty of Waitangi then disclosure of origin should relate to natural resources and Maori knowledge of New Zealand origin only. For this to be effective disclosure must be compulsory. If there is 'difficulty identifying patent applications relevant to Maori because patent examiners are often not able to do so' then all options must ensure that the patents office be sufficiently resourced to hire appropriately qualified and culturally competent staff, anything less would render the change ineffective. This is my preferred option.