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WIPO's new Treaty on genetic resources and associated traditional knowledge – a long-awaited and groundbreaking step towards combatting biopiracy

By Wend Wendland

WIPO's new Treaty on Intellectual Property, Genetic Resources and Associated Traditional Knowledge responds to an over 25 years' demand by developing countries to combat biopiracy. The Treaty is the first intellectual property treaty for which those countries were the proponents. While the Treaty's adoption on May 24, 2024 was a momentous milestone in the evolution of the patent system, it is critical that the Treaty's paradigm-shifting political and symbolic importance be matched by its practical effectiveness.

Le nouveau traité de l'OMPI sur la propriété intellectuelle relative aux ressources génétiques et aux savoirs traditionnels associés répond à une demande formulée depuis plus de 25 ans par les pays en développement afin de combattre la biopiraterie. Ce traité est le premier traité sur la propriété intellectuelle dont ces pays ont été les promoteurs. Si son adoption le 24 mai 2024 a marqué une étape importante dans l'évolution du système des brevets, il est essentiel que son importance politique et symbolique, qui constitue un changement de paradigme, soit à la hauteur de son efficacité pratique.

El nuevo Tratado de la OMPI sobre la Propiedad Intelectual, los Recursos Genéticos y los Conocimientos Tradicionales Asociados responde a una demanda de más de 25 años por parte de los países en desarrollo para combatir la biopiratería. El Tratado es el primer tratado en materia de propiedad intelectual promovido por esos países. Si bien la adopción del Tratado el 24 de mayo de 2024 supuso un hito trascendental en la evolución del sistema de patentes, es fundamental que la importancia política y simbólica del Tratado, que supone un cambio de paradigma, vaya acompañada de una eficacia práctica equivalente.



The World Intellectual Property Organization (WIPO) Treaty on Intellectual Property, Genetic Resources and Associated Traditional Knowledge, adopted on May 24 last year, has been hailed as “a win for greater balance in intellectual property politics”, “a historic milestone”, and a “stark signal of the strength of multilateralism”.

In short, in a bid to prevent biopiracy, this new treaty requires patent applicants to disclose the origin or source of genetic resources and associated traditional knowledge their inventions are based on.

Developing countries and Indigenous Peoples have called for such a new patent disclosure requirement for over 25 years.

A stand-out feature of the Treaty is that it is the first intellectual property treaty for which developing countries were the proponents. For one of the first times in the history of international intellectual property law, they were not policy-takers but policy-makers. This may be intellectual property's first truly pro-development treaty.

Further, language proposed by Indigenous Peoples' representatives resonates throughout the text, and they will play a role in the Treaty's implementation. In this way, the Treaty contributes to social justice and procedural equity.

The Treaty contributes to environmental justice too. It is the patent system's first step towards contributing to the conservation of biodiversity and the equitable sharing of benefits arising from its use. Its new disclosure obligation should lead to greater transparency about the commercial use of a country's biodiversity and what benefits are being created and for whom, triggering inquiries into whether national access and benefit-sharing regimes have been complied with – and, if not, this information could lead to benefit-sharing that might not otherwise have occurred. Provider countries and Indigenous Peoples may then stand to gain a greater share of the monetary and non-monetary benefits that arise from the commercialization of their resources.

Additionally, this new transparency requirement will help reduce uncertainty about the validity of patents over bio-based inventions. This will lead to higher quality patents and greater trust in the patent system.

For decades, a few industrialized countries – the United States in particular – and industry associations representing the pharmaceutical, agro-chemical, plant science and biotechnology sectors, fought against the introduction of such a new disclosure requirement.

In the end, however, following effective coordination among developing countries, the Treaty was adopted by consensus.

The Treaty's relative narrowness and pragmatism played their part too in facilitating its adoption.

The success was due as well to the meticulous preparations for the Diplomatic Conference in May 2024 at which the Treaty was adopted, the transparent and inclusive way in which the negotiations were conducted and the roles played by several key individuals, notably His Excellency Guilherme de Aguiar Patriota, Brazil's Ambassador in Geneva who presided over the Diplomatic Conference. Many observers – including the South Centre – participated effectively and valuably in the process.

The Treaty is not yet, however, in force. It will come into force three months after 15 countries have either ratified or acceded to it.

By September 2025, only two countries have so far joined the Treaty (Malawi and Uganda). Reportedly, the US, Japan and the Republic of Korea have come out against the Treaty. An attempt in February 2025 to begin work on making necessary adjustments to the international patent filing system (such as WIPO's *Patent Cooperation Treaty*) was rebuffed by developed countries. There may even be indications that some big megadiverse developing countries may not join the Treaty.

The influence of the Treaty on the continuing negotiations in WIPO on the protection of traditional knowledge (TK) more broadly and traditional cultural expressions (TCEs) is at this stage unclear, yet expectations are high.

It is too soon to make predictions about the success of the Treaty – however that may be judged.

While the Treaty's adoption on May 24, 2024 was a momentous milestone in the evolution of the patent system, it is critical that the Treaty comes into force and that its paradigm-shifting political and symbolic importance be matched by its practical effectiveness.

It is now up to policymakers, patent offices, patent applicants, Indigenous Peoples and the international community at large to bring the Treaty to life.

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The author's book "The Journey to the WIPO Treaty on Genetic Resources and Associated Traditional Knowledge: Policy, Process and People" (Edward Elgar, November 2025) provides an insider's account of the colourful and eventful journey to the Treaty's adoption from the first proposal at WIPO for a new patent disclosure requirement in 1999 to the adoption of the Treaty 25 years later. It analyzes the Treaty and its negotiating history, lifting the curtain on how its adoption by consensus was achieved, identifying the key individuals involved and providing insights into how the Treaty's ultimate success may be judged and achieved. This article draws from the book which includes all necessary citations. More information on the book is [here](#). It will be available for pre-order from early October 2025.

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