



# Cabinet Economic Policy Committee

## Summary

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### World Intellectual Property Organization Diplomatic Conference May 2024: Negotiating Mandate

<b>Portfolios</b>	<b>Māori Development / Commerce and Consumer Affairs</b>
<b>Purpose</b>	This paper seeks agreement for the negotiating mandate to participate in Diplomatic Conference negotiations at the World Intellectual Property Organization (WIPO).
<b>Previous Decisions</b>	In 2019, the previous government agreed to support a disclosure of origin in the international patents system [DEV-19-MIN-0145].
<b>Proposal</b>	<p>New Zealand has been participating in negotiations for an instrument relating to Genetic Resources and associated Traditional Knowledge at a specialised agency of the United Nations, the WIPO, for 15 years. The WIPO General Assembly has scheduled a Diplomatic Conference intended to conclude an International Legal Instrument Relating to Intellectual Property (IP), Genetic Resources and Traditional Knowledge Associated with Genetic Resources (the instrument).</p> <p>The key proposal in the instrument is a “disclosure of origin” requirement. This would require states that choose to adopt the instrument to implement a mandatory requirement that patent applicants disclose the sources of genetic resources and/or traditional knowledge used in their inventions. The instrument focuses on the source or origin of the Genetic Resource and/or the Traditional Knowledge, rather than the ownership of it.</p> <p>A new mandate is required so officials can continue to negotiate.</p> <p>The proposed mandate is detailed in <b>paragraph 18, pages 3-4</b>. An article-by-article guideline set out in <b>Annex One</b> is based on 2018 analysis and consultation, recent targeted engagement with stakeholders, and considerations around maximisation of benefits for New Zealand.</p> <p>If the Diplomatic Conference has a successful outcome, the instrument is adopted. Officials will then provide advice on whether New Zealand should adopt the instrument and how that would done.</p>

<b>Impact Analysis</b>	Not required.
<b>Financial Implications</b>	None for this paper.
<b>Legislative Implications</b>	There are no legislative implications directly arising from this paper. If New Zealand decides to fulfil the obligations under the proposed international instrument, and therefore ratify or accede to the instrument, an amendment to existing New Zealand Patent Law is required.
<b>Timing Matters</b>	The Diplomatic Conference will take place in Geneva from 13 to 24 May 2024.
<b>Communications</b>	None planned.
<b>Consultation</b>	<p>Paper prepared by TPK and MBIE (Commerce and Consumer Affairs). MCH, MBIE, DoC, MfE, MFAT (Foreign Affairs and Trade), DIA, Statistics, MPI (Agriculture, Forestry, Oceans and Fisheries) and Te Arawhiti were consulted. DPMC (Prime Minister, Deputy Prime Minister) and the Treasury were informed.</p> <p>The Minister for Māori Development and the Minister of Commerce and Consumer Affairs indicate that all Ministers and Parliamentary Under-Secretaries were consulted.</p>

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**The Minister for Māori Development and the Minister of Commerce and Consumer Affairs recommend that the Committee:**

1 note that New Zealand officials require a mandate to participate in Diplomatic Conference negotiations intended to conclude an International Legal Instrument Relating to Intellectual Property (IP), Genetic Resources and Traditional Knowledge Associated with Genetic Resources, happening in Geneva, Switzerland, from 13 to 24 May 2024;

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**9(2)(j)**

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invite the Minister for Māori Development and the Minister of Commerce and Consumer Affairs, should the conclusion of the instrument be successful, to report back to Cabinet with a National Interest Analysis on whether New Zealand should work towards ratifying the resultant international legal instrument.

Vivien Meek  
Committee Secretary

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RELEASED BY THE MINISTER FOR MĀORI DEVELOPMENT