

Submission of proposals related to the Further revised draft text of an agreement under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction

Template

1. Name(s) of Delegation(s) and/or Group(s) making the proposal in the order that they should be listed in any conference room papers or other documents:

International Union for Conservation of Nature

2. Please indicate the relevant part of the Further revised draft text (as reflected in A/CONF.232/2022/5¹) that this proposal relates to, using the drop-down menu below.

PART II MARINE GENETIC RESOURCES, INCLUDING QUESTIONS ON THE SHARING OF BENEFITS

3. Please indicate the relevant article of the Further revised draft text (as reflected in A/CONF.232/2022/5¹) that this proposal relates to (if applicable) or indicate if this is a proposal for an additional article

Article 12

4. Kindly provide the amendments to the article that are being proposed in the text box below, using the "track changes" function in Microsoft Word. Please only reproduce the parts of the article that are being amended or deleted - examples are attached for reference.

Parties shall respect intellectual property rights and confidential information and implement this Agreement in a manner that is supportive of and consistent with the rights and obligations of Parties under ~~other~~the relevant international agreements ~~concluded under the auspices of the World Intellectual Property Organization and the World Trade Organization~~, and ensure that no action is taken in the context of intellectual property

rights that would undermine the sharing of benefits arising from [and the traceability of] marine genetic resources of areas beyond national jurisdiction.

5. Rationale for the proposal, if any.

This provision could work and leaves space for Parties to work through other international regimes to adopt more clear rules related to intellectual property. However, the Agreement does not specifically name other global treaties, like the CBD or UNFCCC, so to be consistent and future proof it is better to replace the specific reference to WIPO and WTO with "other relevant international agreements".