



## Comparison of CBD Treaty Obligations with Domestic Implementation of Mandatory Patent Disclosure

Provisions	Brazil	India	China*	South Africa
<b>CBD Treaty Limits</b>				
Plant/Animal GR (non-human)	✓	NO	NO	NO
Post-1994 GR	NO	NO	NO	NO
In-Situ GR	NO	NO	NO	NO
Prior Informed Consent	Mandatory#	#	NO	#
Proof of Benefit Sharing	Mandatory#	#	Unclear	#
<b>Other GR/TK Patent Dilution</b>				
Source or Origin	Origin	Origin	Source	Unclear
Condition of Patentability	✓	✓	✓	✓
Grounds for Patent Revocation	✓	✓	unclear	✓
Open-ended Challenge Grounds	✓	✓	unclear	✓
Inclusion of TK	✓	✓	GR Only	✓
Inclusion of derivatives	✓	✓	GR Only	✓

\*China currently is considering proposed patent amendments that would impose mandatory disclosure of source of genetic resource inventions.

# India seeks proof of benefit sharing and proof of prior informed consent as a condition of patentability in ongoing WTO negotiations; Brazil, China, and South Africa support this position.