

## **Peru presents successful results in the defense of its genetics resources and of traditional knowledge of indigenous people**

Peru is the world leader in the protection of genetic resources and traditional knowledge of indigenous peoples because of their progress in legislation and legal work and innovation that takes place in this regard. In this context it has submitted to the economies that integrate APEC, the results of the work carried out by the National Anti-Biopiracy Commission, chaired by the National Institute for the Defense of Competition and Protection of Intellectual Property (Indecopi).

The Commission, which performs a task of tracking and identification of cases of biopiracy, has developed a system of prevention and protection of Peruvian biological resources and traditional knowledge of indigenous peoples in the patent system. The goal is not to stop the use of those resources, but the use is legal and benefits the sustainable development of the country, specially the native communities.

So far, the Commission has succeeded in resolving 15 biopiracy cases related to traditional knowledge of indigenous peoples used to treat and to cure various diseases, based on native species, such as maca, yacon, sacha inchi, camu camu, pasuchaca . They pretended be patented by foreign companies as if they were their own discoveries, constituting proven cases of biopiracy.

Thus the Commission invalidated six applications related to maca insomnia (native specie of the departments of Junin and Cerro de Pasco) that were registered in Japan, Korea and Europe, for the production of drugs to treat osteoporosis, increased testosterone and as a food supplement.

Furthermore, the Commission obtained the abandonment of a patent application registered in Japan, for use yacon. A similar case occurred with the patent on the use of pasuchaca, native of the Andes, also used for the treatment of diabetes.

Regarding the species sacha inchi (originally from the jungle areas of Iquitos, Tarapoto and Pucallpa), the National Anti-Biopiracy Commission, achieved the withdrawal of patent applications registered in Japan, Korea, the United States and France for cosmetic purposes and dermatological. The same occurred with a patent application for the use of camu camu as preserves.

The president of the National Commission, Andrés Valladolid Cavero , during his presentation at the APEC, said that the National Commission has identified 23 cases of biopiracy realated to peruvian biological resources and collective knowledge. He explained that the Peruvian State has

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### **About APEC**

The Asia-Pacific Economic Cooperation (APEC), founded in November of 1989, is a forum of 21 economies in the Asia-Pacific region, which seeks to promote the liberalization of trade and investment, facilitate business and promote economic cooperation, achieve prosperity among member economies: Australia; Brunei Darussalam; Canada; Chile; People's Republic of China; Hong Kong, China; Indonesia; Japan; Malaysia; Mexico; New Zealand; Papua New Guinea; Peru; the Philippines; Russia; Singapore; Korea; Chinese Taipei; Thailand; United States and VietNam.



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sovereign rights over their genetic resources; while indigenous peoples have rights to the collective knowledge they have created, developed and preserved through the centuries.

Among other actions taken by the National Commission, he said that 68 resources of Peruvian origin (tara, yacon, maca, cat's claw, husks, purple maize, soursop, muña, chancapiedra, manayupa, lucuma, sangre de grado) are monitored in databases of the main patent offices in the World (US, WIPO, EPO, China, Korea, Germany, Japan).

The National Anti-Biopiracy Commission was created by law on 1 May 2004. It is located under the Presidency of the Council of Ministers. It is integrated by the Ministry of Foreign Affairs, Ministry of Foreign Trade and Tourism (Mincetur), Ministry of Environment (MINAM), Commission for the Promotion of Peru (Prom Peru), National Forest Direction and Wildlife Ministry of Agriculture (Ex INRENA), National Institute of Agrarian Innovation (INIA), International Potato Center (CIP), etc.

### **What is Biopiracy?**

Is the unauthorized and uncompensated access and use of biological resources or traditional knowledge of indigenous peoples, in contravention of the principles established in the Convention on Biological Diversity and the existing rules on the subject, such as:

- DECISION 391- Common Regime on Access to Genetic Resources in force in the 5 countries of the Andean Community of Nations since 1996, the regulation has entered into force in February 2009.
- LAW No. 27811- law establishing the system of protection of the collective knowledge of indigenous peoples related to biological resources, in force since August 2002.

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