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**The Protection of the Traditional Knowledge of
Indigenous People Related to Biological Resources
– Law 27811**

Submitted by: Peru



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The protection of the traditional knowledge of indigenous people related to biological resources – Law 27811

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Law N°27811

- ✓ The Law N°27811, was enacted on August 10, 2002, since when the Peruvian State recognizes the rights and faculty of indigenous peoples and communities to dispose of their collective knowledge as they see fit, as there are part of their **intellectual property**.
- ✓ “**Collective knowledge**” means the accumulated, transgenerational knowledge evolved by indigenous peoples and communities, understood as **Traditional Knowledge**, concerning the properties, uses and characteristics of biological resources.

Law N°27811

- ✓ The Peruvian State recognizes the rights and power that indigenous peoples have to decide on their collective knowledge.
- ✓ Collective knowledge is part of the cultural heritage of indigenous peoples, and therefore their rights over said knowledge are inalienable and imprescriptible.
- ✓ It will not affect the traditional exchange between indigenous peoples of the collective knowledge protected under this regime.

Law N°27811

- ✓ The Indigenous People that possesses collective knowledge are protected against the disclosure, access or use of such knowledge by a third party, without having requested their prior information consent and that they have done so in unfair way.
- ✓ Knowledge that is not in the public domain is protected: popular knowledge or that has been disclosed in the mass media as widely distributed publications can be used without the prior informed consent.

Why is it considered a *sui generis* law?

- ✓ It considers that the indigenous people are the holder of the rights over their collective knowledge, and not a single person.
- ✓ Indigenous Peoples have rights over their collective knowledge without the need to have it registered.
- ✓ The confidentiality of their Registry is considered.
- ✓ The rights on their collective knowledge do not last for a certain time, they are forever.

Tools of the Law 27811

1. Prior informed consent.
2. Distribution of benefits derived from the use of Collective Knowledge (Mutually agreed terms): License agreement for the use of collective knowledge and Fund for the development of Indigenous Peoples Registros de conocimientos colectivos.
3. Registries of Collective Knowledge .
4. Actions for Infringement of the rights of indigenous peoples over their collective knowledge.

