Digital Sequence Information

Outcomes of WGDSI 2
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What is DSI?

- Digital sequence information: sequenced genetic resources

- No need to cross borders as physical sample, before being uploaded and internationally available

- Product development: Often no direct line between one sequence and one product, especially when new sequences are created digitally based on database entries coming from natural resources

- There is a product and service industry around creating and working with DSI, incl. analytical software and proprietary algorithms

Decision 15/9

A multi-lateral mechanism (MLM)
to share monetary and non-monetary benefits
and a Global Fund

Annex, para 1:

"[All] [commercial] users
of digital sequence information on genetic resources
[held in [public] databases]
[are encouraged to][will][should][shall]
share [monetary or non-monetary] benefits
arising from its use
in a fair and equitable manner. "

5 questions

- Who should pay into the Global Fund?

- Who should receive money?

- How to share non-monetary benefits?

- How does the MLM relate to national measures?

- What about the databases?

1. Who should pay?

- all those who benefit directly or indirectly
- all users
- all from specific sectors (individual exemptions possible)
- only those users who heavily rely on DSI
- only those users who make a lot of money from it
- only those who self-identify as relevant DSI user
- only companies from developped countries
- everybody buying a product made using DSI or from biological resources

2. Who should receive money?

- Parties based on a fixed formula
- Project based
- Hybrid of Party allocation and projects
- all Parties and/or IPLCs
- only Parties and IPLCs in developing countries

3. Non-monetary benefits

- not shared through the Global Fund

- must not replace monetary benefits

- there's no list (yet) on what these non-monetary benefits could be

- users of DSI should somehow find others with whom to share non-monetary benefits, but based on mutually agreed terms

4. Relationship to other measures?

- "No double payments" and "No jurisdiction shopping"

- If a sequence is in a Public database, then it should not also be regulated by a national measure.

- If a user already paid to another instrument , then they should *not* pay to the Global Fund (for example International Treaty on Plant Genetic Resource)

- MLM and national measures can be harmonized.

- Parties should be able to choose which sequences or genetic resources fall under national measures and which fall under the MLM

5. What about the databases?

- The assumption is that DSI will somehow show up in public databases.

- There is no definition of "public database"

- DSI can be uploaded to public and private databases, with additional information, but it differs whether what or whether it's required.

- Generally, there is no check whether sequences have be obtained legally.

- Sequences in public databases are generally available to researchers, but no guaranteed rights to access.

- The entities who maintain and manage public databases
  - can be outside the influence of the CBD
  - can receive funding etc. by Parties, their ministries, their research projects etc.

Public Databases

- [should] inform users about benefit sharing, but don't have to collect money for the Global Fund

- [should] have good governance

- Parties
  - only want to encourage databases "because the have no control over them"
  - funding databases "shall ensure" that the entities operating them ensure the effective implementation of the DSI decision

- The CBD
  - should operate it's own centralized database.
  - could operate or use a Clearing House

Open issues?

- Who should pay?

- Who should receive?

- How should the money be distributed?

- Does the CBD wants to tell the database operators what to do?

- Is the MLM the default process for DSI, or can sequences be kept under national control?

- What to do about non-monetary benefits?

- Should the CBD operate a centralized DSI database, a Clearing House?

Will the MLM for DSI be a strong instrument?

Or a way to postpone any benefit-sharing until all genetic resources are sequenced and uploaded?