UNDERSTANDINGS REGARDING
BIODIVERSITY AND TRADITIONAL KNOWLEDGE

November 22, 2006

The Governments of the United States of America and the Republic of Colombia have reached
the following understandings concerning biodiversity and traditional knowledge in connection
with the United States – Colombia Trade Promotion Agreement signed this day:

The Parties recognize the importance of traditional knowledge and biodiversity, as well
as the potential contribution of traditional knowledge and biodiversity to cultural,
economic, and social development.

The Parties recognize the importance of the following: (1) obtaining informed consent
from the appropriate authority prior to accessing genetic resources under the control of
such authority; (2) equitably sharing the benefits arising from the use of traditional
knowledge and genetic resources; and (3) promoting quality patent examination to ensure
the conditions of patentability are satisfied.

The Parties recognize that access to genetic resources or traditional knowledge, as well as
the equitable sharing of benefits that may result from use of those resources or that
knowledge, can be adequately addressed through contracts that reflect mutually agreed
terms between users and providers.

Each Party shall endeavor to seek ways to share information that may have a bearing on
the patentability of inventions based on traditional knowledge or genetic resources by
providing:

(a) publicly accessible databases that contain relevant information; and

(b) an opportunity to cite, in writing, to the appropriate examining authority
prior art that may have a bearing on patentability.

FOR THE GOVERNMENT OF THE FOR THE GOVERNMENT OF THE
UNITED STATES OF AMERICA: REPUBLIC OF COLOMBIA:

______________________________ ________________________________