

Comments on the draft study				
Organisation	Page #	Line #	Comment	Action taken or comments
DFG	0	0	<p>The extent of the investigation and the methods applied are convincing (in spite of the moderate response of the countries' authorities, e.g. to the written survey, P 9, L 19). In principle, the results are very interesting. Lack of responses could mean, that most of the countries have not yet decided about DSI or have not yet developed an ABS implementation system. The differentiation between the legal measures with respect to combining DSI with access to GR or benefit sharing from its use or with both, and the association of DSI with a physical GR, or considering DSI as the only matter to be used, as well as the differentiation between juridical measures and compliance measures (PIC, MAT and MTA) and ABS implementation tools (Para 4) is easily comprehensible and thus very worthwhile (Chapters 3.1 -3.3). During a time-period when the term DSI is not yet defined in a legal sense (see also Para 1.3.3, P 9), it is important to realize the differences of interests in, and interpretations of DSI by the parties to the CBD and the Nagoya Protocol. It is interesting to notice the different ways how DSI is associated with or interpreted as GR, e.g. via "genetic heritage", intangible components, or treated equivalent to TK. The results of the study are not encouraging with respect to a harmonization or standardization of the handling of DSI-related issues in the Nagoya Community. One of the additional problems is that a differentiation between the different kinds of research (according to the OECD Frascati Manual, 2015) is not applied by many parties (an exception is e.g. Namibia, where basic research is not explicitly mentioned, P.14). See also footnote 3 on page 7.</p> <p>What we are miss in the entire study, is information on the dates of the entry into force of the measures and, where applicable, since when sovereignty over DSI in the databases is claimed. One exception is South Africa (P. 17) which requests benefit sharing from all uses of any kind of information on GR since 2013. The study clearly shows the opposing positions of the net user and the net provider countries against open access as a form of non-monetary benefit sharing (P. 27). To our</p>	<p>NAR (No action required)</p> <p>Entry into force is subject to a variety of factors and difficult to determine. We have provided the dates of the relevant legislation/regulations in Annex A.</p>

			<p>understanding it is comforting that many countries do not address “DSI” in their legislative, administrative, or policy ABS measures (for quite different reasons, Para 5). These are the hopes for a constructive harmonization of the entire issue. The Conclusions contain a lot of repetitions, but might be useful for those who cannot read the entire document and wish more information as in the Executive Summary. But worthwhile conclusions are also presented (P. 30, L. 17 -39, and P. 31, the last paragraph). The executive summary is very helpful. Annex A is comprehensive and in principle informative, but due to its dimensions it does not show a concise take-home message. For political discussions, however it is useful, to have the data of the study compiled in one file. The other annexes are of particular interest to lawyers showing details to be thought of, when MAT or MTA is being established.</p>	
Euroseeds	0	0	<p>General comments:</p> <ul style="list-style-type: none"> <li>• The study is informative, brief and easy to read and provides relevant knowledge on existing approaches to inform the discussion.</li> <li>• The study has analysed the current situation and is reporting on currently existing approaches. It would be important though to note it more clearly in the study that this is not an exhaustive list of possible approaches but there could be others. Further on, the classification that has been used to put the existing measures into four categories may not necessarily reflect accurately the current state of affairs. It is merely an interpretation of the authors of the current situation.</li> <li>• It is to be noted that there is some repetition in the study and it would be advisable to cut these to make the study more concise.</li> <li>• The affiliation of the authors should be mentioned. – yes!</li> </ul>	<p>The study clearly states that this is a first glimpse of a dynamic and evolving landscape.</p> <p>NAR</p> <p>Yes, affiliations will be added</p>
JBA	0	0	<p>We are fully aware that views of Contracting Parties are highly polarized on the DSI issue.</p> <p>Nevertheless, it is imperative that Fact-finding studies be impartial. According to this principle, the CBD Secretariat should improve this draft report as much as possible, on the basis of fact, not assumption.</p>	NAR
NHM	0	0	<p>The authors certainly provided more than just a “first glimpse” on the landscape of measures addressing “DSI”, they collected a comprehensive</p>	

			<p>amount of information, which probably has not yet been fully unlocked. The text may gain additional value from a few meaningful figures, and from replacing tentative language for the number of countries sharing certain features (e.g. “many Parties”, “remaining countries”, “some countries”, “other countries”, “in some cases”, etc.) with numbers and footnotes naming these countries. Such tentative language can be found on (page#line): 6#26-26, 8#27-28, 11#19-20, 11#20-22, 11#22-23, 12#17, 12#19-20, 14#31, 18#8, 18#10, 21#19, 24#11, 25#25, 27#4, 27#7-8, 27#10, 27#13, 27#20, 27#21, 27#23, 28#5, 28#14, 28#18, 29#10, 29#22, 29#23, 29#25, 30#6, 30#31, 30#42, 31#3, 31#7, 31#15. Additionally, it would be informative to explain the process of, and reasons for selecting the examples mentioned in this study, e.g. on 22#21, 23#8, 23#23, 25#26-27</p>	<p>Tentative language is necessary and appropriate in this case</p> <p>Examples are difficult to come by in relation to this subject matter. The authors included examples of which they were aware and which they uncovered during the course of the study.</p>
NHM	5	24-25	<p>If possible, provide numbers on how many countries (a) adopted explicit “DSI”-related language, (b) interpreted their ABS framework to cover “DSI”, (c) regulate ABS without measures on “DSI”, (d) have no ABS framework yet because it is still under development</p>	<p>NAR, this data is already provided in the study, to the extent it was ascertainable</p>
DFG	5	30-34	<p>Could you provide information on the geopolitical group to which these countries belong also in the summary?</p>	<p>NAR</p>
Euroseeds	5	35 -44	<ul style="list-style-type: none"> <li>• Regarding the first approach (line 36), it may be advisable to put the word “physical” between brackets given the CBD definition.</li> <li>• The authors do not list an important fifth approach to DSI access and benefit sharing (page 6 line 25-30 calls these open-access or “non-measures”): when access to genetic resources is granted, the party may use the material for breeding and research, and time-limited intellectual property can be generated and non-confidential data generated can or should be freely shared so that society receives benefits from use and re-use of DSI. Likewise, a number of Parties support use of publicly-supported databases because their policies recognize that use and re-use of DSI will result in major benefits for society and for conservation and sustainable use of biological resources.</li> </ul>	<p>“physical” is being placed in quotation marks.</p> <p>This information is provided in section 5 of the study. It is not a domestic measure, but rather a non-measure.</p> <p>NAR. Reference to societal benefits is a political statement.</p>

			<ul style="list-style-type: none"> <li>A sixth approach is also missing whereby DSI is not considered in scope as per the CBD definition.</li> </ul>	NAR. Not a domestic measure.
JBA	6	13-16	<p>The sentence “Although contracts might facilitate ... is published in publicly accessible databases” should be deleted.</p> <p>(Reasons) This sentence originated from the paragraph of Page 30, lines 17-29. However, as mentioned in our comment for the paragraph on Page 30, line 17-29, we have rewritten the paragraph. As a result, the new para no longer covers the context relevant to this sentence on Page 6, lines 13-16.</p>	NAR. Rewrite not accepted.
DFG	6	25-30	These might be the typical Net User Countries, please give example	NAR. This is the Executive Summary. More detailed information is in the body of the study.
Euroseeds	6	31-37	To mention that countries do not regulate because of the ongoing international discussion and that it may be temporary, is merely one possible assumption. The decision not to regulate may also be linked to the difficulty to track and trace “DSI”.	Not an assumption – this stems from interviews and the survey
RMIB-LAC	6	35	Add Capacity building for Indigenous Peoples and Local Communities including women and youth	No, not within the scope of the study.
TWN	7	1-16	It should be recalled here that it is a very early juncture in the process of regulation of use of DSI. This means that DSI is not something that should necessarily be expected to already be regulated at the national level, and that many countries are likely waiting for the international discussion to advance before turning to domestic legislation and policy. The paper makes these points elsewhere, but it would be useful for them to be made here at the outset, so the impression is not generated that domestic regulation of DSI is something that Parties “should” have already done.	NAR. P. 7 provides factual information on purpose and objectives of the study
DFG	7	15	Here it reads as if only “research and development” is addressed, meaning that basic, non-monetary research is not included.	NAR. This is from the language of the Decision.
NHM	7	15	Mentioning benefit sharing here indicates that you should mention access, too, i.e. “benefit-sharing from, and access to ‘DSI’”	We are making direct reference to the TOR. NAR.

TWN	8	18-26	It should be noted that the degree to which different measures are obligatory for users is variable. A “best practice”, for instance, hasn’t the weight of binding regulation. These distinctions should always be borne in mind in evaluating significance.	NAR. The different types of domestic measures are explained in the introduction and we did bear this issue in mind, which is why the bulk of the coverage on domestic measures focuses on national laws and regulations. That ‘best practice’ does not have the weight as ‘binding regulation’ is self-evident.
RMIB-LAC	8	21	Add: customary law and bio-cultural community protocols	No. Not a domestic measure.
RMIB-LAC	8	23	Add: consultation and Free, prior and informed consent	No. Not in this study.
RMIB-LAC	8	29	Add with full and effective participation of IPLCs	No, not necessarily.
TWN	9	2-5	Perhaps the term “analysis” captures use of DSI in commercial product development, but it would be better for it to be explicitly stated (if true) that the authors’ understanding of use of DSI included all commercial use. If the author’s understanding of use of DSI excluded some potential commercial uses, then that would be a significant limitation of the study that should be explicitly identified.	Commercial and non-commercial use is covered. Put back in.
Euroseeds	9	5	Regarding the word “use”, it would be better if the authors mentioned that they have taken in consideration what seems to be the broad interpretation made by some Parties of the notion of use and they could note that it goes far beyond the strict definition of the Nagoya Protocol.	Use is undefined. Use is the term used in the TORs. Noted.
NHM	9	7-32	Section 1.4: seven different sources of information are mentioned in this section – if you numbered them, it would not only facilitate easy reading, you could also use these numbers throughout the study to indicate which of your statement is supported by which source of information. This would be especially welcome for the statements/indications on 14#1, 22#16, 24#19, 24#26, 25#21-24, 28#23-30, 29#6, 29#8-9, 29#13-14, 30#1-2	Helpful suggestion but not feasible in the time allotted for revisions.
NHM	9	17	Please, provide a link to the webpage hosting this survey, or add the survey as Annex	Re-added to the annex.
Euroseeds	9	17-19	It is noted that the survey was sent to all CBD and ABS National Focal Points but only 36 Parties responded. It would be interesting to understand why others did not and to what extent the information in the study can be considered complete (also taking into account the other methods of collecting information).	We can only speculate. NAR.

Euroseeds	9	24-29	If obtaining ABS information is difficult for a team of global experts one implication could be acknowledged: how difficult it must be for small and mid-sized users (whether parties, companies, or individuals) of genetic resources who might not even have one expert on staff. Without a more transparent ABS system, it is a fact ABS on DSI will favour compliant access and use by only the largest institutions and parties and discourage access and use by smaller institutions.	NAR
TWN	10	2-3	This sentence could be misconstrued as suggesting that Parties do not have the right to address the use of DSI in MAT. It should be rephrased to be clear that countries that do choose to address use of DSI in MAT are acting within their sovereign rights	Revised.
Euroseeds	10	12-24	See comments for page 5: lines 35 - 44	
DFG	10,11	18-19 8-9	The following is just a comment to illustrate the significance of such policies for projects (e.g. data mining and data analysis) funded by the German Research Foundation (GRF): GRF cannot accept restrictions in sequencing or in the use of sequences in projects funded with public money. Such projects cannot be funded in future.	Mentioned in footnote.
TWN	11	7-9	By only referring to sequencing here, the authors are (inadvertently?) suggesting a narrow vision of the scope of “DSI”. It should be made clear that the scope of DSI may well, should well, go beyond genomic sequences and extend to, for example, protein structures	Refer to EK’s case study, which notes the type of sequencing (full genome sequencing vs. 16S rRNA and mRNA).
Euroseeds	11	13-14	It is noted that no countries have reported having received monetary benefits so far from DSI. It would be relevant to understand what the expectations actually are.	NAR. Beyond scope.
NHM	12	16	“as explained above” – to which section or bullet point are you referring?	Revised.
NHM	12	28	Please name the seven countries in a footnote	Added.
NHM	12	footnotes 24-26	Why not expanding the footnotes: provide not only examples, but all countries with the respective type of framework?	Not feasible to conduct additional research for all countries in time allotted for revision; also beyond scope.
DFG	12-13	28-30/1-9	Comment: It is interesting to learn that countries produce their own definitions of DSI prior to an internationally elaborated definition; this will cause severe problems for an international harmonization (e.g. China, P. 15).	NAR
NHM	15	4	What are the reasons for including only “some examples” although domestic measures are a main objective of the study?	Detailed information not available for all countries. Some countries

				indicated in the survey that they have domestic DSI measures but did not provide details.
DFG	15	4-6	In this case it is important what DSI means, whether e.g, access to data in a data base is also included.	Clarified to the extent possible.
DFG	15	13	What is meant with “research and/or development”? What about basic research? Is it included? In the following “any research and development on derivatives” obviously does not apply to basic research.	NAR
DFG	15	25-26	Comment: We think that a country cannot dispose of data in a public database; is there a legal explanation to that idea, provided by Andean Decision 391?	Clarified.
NHM	16	17	Is Andean Decision 391 an international treaty? Which countries implemented it?	Beyond scope.
DFG	16	23	Is there a definition of utilization (R&D, or which kind of research)?	Rephrase
DFG	17	7-9	“disclosing in scientific circles” apparently means publication and requires registering in the SisGen online system. Brazil seems to forego on benefits from non-monetary research; is this really the case?	Based on info from NFP. NAR.
DFG	17	17	Comment: Case by case decisions are always problematic because they are not predictable.	NAR
NHM	17	17-18	“even if it is obtained...” – is this the authors’ assumption or are there cases documenting it – which ones?	Reference to source added.
NHM	18	2	“The majority of measures...” – is it possible to provide a percentage?	NAR. All of the measures described in Sections 3.1 and 3.2 relate to ABS
NHM	18	9	“that are net users of genetic resources” – please refer to the source of this information	The sources are in the footnotes in that section for the EU, Switzerland and Japan.
DFG	19	Footnote 69	It is not clear whether sequencing companies, which only sequence without keeping the sequence in their files or pass them to data bases, are "third parties". This must be clarified	NAR. Not possible to clarify with certainty. There would be a service contract between the user of the genetic resource and the sequencing company, which would require them to carry out a service for the person contracting them, and return the information. They would have obligations as a third party, but

				perhaps not the same obligations as the user.
TWN	20	6-11	In patent applications, there are sequences that are claimed (or referenced in claims), there are also other sequences submitted, which do not form part of claims, that are used to illustrate the invention. Further, there are potentially many more sequences utilized by the inventor (e.g. in the development of a “consensus” sequence) that may not be submitted or explicitly referenced in the patent document at all. What proportion / types of these sequences are captured / submitted / reviewed in the Indian and South African models? It seems to me that some, but not all, are reviewed. Undoubtedly, the approach described is useful, but its limitations should be noted as well.	The study is intended to provide a factual summary of domestic measures, not an analysis of advantages and limitations of the varying approaches.
JBA	20	12-18	<p>Create a new stand-alone paragraph for “Japan” as given below, and delete the word “Japan” in the existing para on line 12 and line 14:</p> <p>“Japan  Japan issued ABS Guidelines as compliance measures in 2017(refer to the current ABS-CH). The Guidelines provide in Chapter 1, No.3 Scope of application, 1 (1): “These Guidelines do not apply to the following and other genetic resources to which the Protocol does not apply ... (1) Information concerning genetic resources, such as nucleic acid base sequences (excluding those that qualify as traditional knowledge associated with genetic resources). Japan recognizes that MAT concluded at the time of access to genetic resources may cover benefit-sharing form utilization of “DSI”, and allows the confidentiality such negotiated terms, on the bases of the Nagoya Protocol, article 17, 1. (a), (iii)”.</p> <p>(Reasons)  (1) Japan has compliance measures put in place. It clearly stipulates that the “information concerning genetic resources, such as nucleic acid base sequences” is outside the scope of application. This is because it does not fall under the category of genetic resources to which the Protocol applies. Therefore, the description about Japan is modified and moved to Page 20, line 12 within the section “3.3.1 Compliance measures”, from Page 28, line 10 – 13 in the section “5.1 Domestic “Non-Measures” on “DSI” for Research and Development”.</p>	Revised as noted in government comments.

			<p>(2) “Protection of confidential information” in this context is endorsed by the Nagoya Protocol, Article 17, 1. (a), (iii).</p> <p>This paragraph should be deleted.</p> <p>(Reasons)</p> <p>(1) Relevant contents of this paragraph have been moved to Page 20, line 12-18, as mentioned in our comment for Page 20, line 12-18.</p> <p>(2) Japan already put in place compliance measures in 2017 (refer to our comment for Page 20, line 12-18).</p>	
TWN	20	17-18	It is certainly more than the drawing of insights that the system described prevents. Such an approach to DSI effectively prevents a transparent and enforceable system, as real recourse to enforcement would only be available to the most sophisticated and deep pocketed (to pay lawyers for discovery, etc) providers. As such, this system generally places providers at a disadvantage (in addition to being utterly non-transparent).	NAR
DFG	20	19 and further	Para 3.3.2 Upon application for a patent, monitoring of any information worldwide is the task of the patent advocates, so it is not new. All kinds of DSI are checked whenever a new patent is applied for. Are Peru, Costa Rica and India special cases?	Monitoring whether genetic information mentioned in a patent application has been obtained in compliance with ABS laws is not a normal task of patent examiners or a requirement normally found in patent laws. The study is not describing simply checking to ensure the patent novelty requirement is met.
DFG	19-20	Para on eu	The treatment of the measures by the EU including the large footnotes appears a bit too extensive as it goes beyond DSI. According to our knowledge the EU has not yet decided about the treatment of DSI.	Clarified and shortened.
NHM	21	1-2	The sentence before this (i.e. p.20, line#30-32) is on approval for patent applications. Here, you refer to approvals again, “Over 1068 approvals have so far been granted...”, but without mentioning that these are different approvals, i.e. NOT on patent applications	Clarified
TWN	21	6-7	P. vivax is a protozoa.	Amended

Euroseeds	21	8-11	It is mentioned that with the ABS-Monitoring System it may become possible to capture evidence of utilization of DSI. It is not clear however how this tool could capture evidence of utilization if such utilization is not taking place on public machines but on private ones following downloading of data from public databases to local servers.	It cannot - it can only monitor utilization through the intellectual property system. It has its limitations. However, we're just describing what exists, not entering into a debate on all possible use cases and how they are/are not possible to monitor to ensure compliance. We've clarified to note it may assist in capturing some, not all evidence.
DFG	21	10 and further	It should be mentioned whether the ABS Capacity Implementation Initiative is done in collaboration with the big databases. If so, this appears to become a useful tool.	NAR
DFG	21	Para 4	This is a very important paragraph as many research projects receive permits which are referring to the intention and methods of the studies. Many studies, particularly in basic research do not include gene sequencing or the utilization of sequences and restrictions of DSI may not hamper the project. For taxonomic studies such restrictions may be detrimental and therefore differentiations may be desired with respect to the type of the studies. The information about the permits again shows the problems arising from the lack of a legal definition of the term DSI and the frequently recognizable misunderstanding of the term by policy makers (P. 30, L. 30 and further, see e.g. the report of the sequence of molecular markers in advance to a publication). Would the Technical Office of CONAGEBIO (P. 22, L. 13-14) refuse the publication	NAR  NAR
NHM	21	11	Explain the acronym GIZ	Added
TWN	21	12-22	Potential limitations of such systems to access all relevant data should be noted	NAR. Analysis of benefits and limitations of approaches is beyond the scope of the study.
NHM	21	19	“Several African countries are likely to implement” – provide a number, names and the source of this information	Number not available; statement based on interviews and survey responses.
NHM	22	8	Why do you select this specific permit – is it the only permit from Costa Rica? Is it the only permit with restrictions from Costa Rica?	NAR. It is the permit for which the study authors were able to obtain information.
NHM	22	21	Kenyan access permits – how many are hosted on ABSCH?	NAR, beyond scope.

NHM	23	8	IRCCs from Peru – how many are listed on ABSCH?	NAR, beyond scope.
TWN	24	30-36	This example is of limited relevance, and mixes in ex-situ issues, as Belarus is not the country of the origin of the samples described.	NAR. We are only cataloguing examples of where DSI is addressed, not assessing relevance.
NHM	24	Footn. 86	Please indicate in which year these countries started using MTAs	NAR. Information not collected.
RMIB-LAC	25	19	Add: in a culturally appropriate way regarding IPLCs	NAR. List in study is illustrative, not exhaustive.
Euroseeds	25	21	The sentence “This lack of monetary benefit sharing.....” is speculation and not a fact, so it should be deleted.	Not pure speculation – this came from some comments to the survey. Provide source
DFG	26	7-8	Brazil as the only country proposes actual rates of monetary benefits of annually 1% of the net revenues. There is a reduction to 0.1 % however, the conditions are not presented. Are there more details available?	Information not provided by Brazil. Our understanding is that there is a reduction to 0.1 is if there's a sectoral agreement, otherwise the default applies.
NHM	26	15	When did the system start to operate?	Year of legislation provided in Annex A.
NHM	26	18-19	This seems to contradict the statement on 25#31-32, informing that a notification triggers benefit-sharing (but not access registration)	Clarified.
TWN	26 27	29-33 1-3	The “prevailing scientific model”, based on agreements between scientists, publishers, and policies of funders and non-governmental entities is not to be treated as immutable or as having the weight of law, or a decision of the COP. “Mandatory” publication of sequence data in an “open access” database, pursuant to the policy of the AAAS or similar entity that violates a legally binding ABS contract or national law of the provider opens the uploader to legal action and liability. The “prevailing scientific model” is not fair and equitable and does not take into account national sovereignty. The “prevailing scientific model” can change to take into account legal realities (and fairness and equity). The way this paragraph is written, however, suggests that nothing can be done about the “prevailing scientific model”, and that is false.	Point added.
TWN	27	1-17	It should be recognized here that there are alternatives to “open access” that maintain data and information in a <b>publicly accessible</b> form (see TWN comments in response to SCBD/ NPU/DC/VN/KG/RKi/87804). It should also be noted that there is variability in the understanding of what	Point Point added.

			“open access” means, and that it may be possible to incorporate terms and conditions for use of DSI into databases that are “open access”.	
NHM	27	4	Which information source identifies “net users of genetic resources”, using which methodology?	Source added.
NHM	27	13	Which information source identifies “net providers of genetic resources”, using which methodology?	“
NHM	27	16	Which countries are “employing”, and which are “putting in place”?	NAR. Study already distinguishes between countries that have measures vs. those that are still in the process of putting measures in place.
NHM	28	2	Many countries=>Seven countries (compare footnote)	Clarified that list in footnote is not intended to be exhaustive.
TWN	28	7-8	The drafting seems to suggest that by imposing ABS obligations that research and development would be impaired. It should be noted that this is not necessarily the case	Clarified.
NHM	28	25-30	These issues seem to be restricted to African countries (except Nepal) – do you have any explanation for this?	Clarified that list is not exhaustive.
TWN	29	10-15	See first comment.	Clarified.
TWN	30	4-5	In our understanding, as benefits from DSI are benefit arising from the use of biodiversity, it is not necessary for DSI to be “a category of genetic resources or per se” in order for benefit sharing to be required on its use when it is downloaded from a database or shared by some other “virtual” (or even paper) means. This sentence seems to suggest otherwise, that DSI would have to be deemed a “genetic resource” in order for benefit sharing to be due for its ongoing use when it circulates in databases, et cet. The sentence should be rewritten to avoid potentially making this incorrect suggestion	That is not what the sentence says, but we clarified.
JBA	30	17-29	This paragraph should be rewritten as follows:  “Taking contract-based approaches is fully endorsed by the CBD (Article 15, paragraph 7) and the Nagoya Protocol (Article 18). We will be able to address the needs of stakeholders (users and providers of genetic resources) by a case-by-case and step-by-step approaches, depending on different situations. Note that we are still at an early stage of the discussion regarding the DSI matter. Mutually agreeable solutions will emerge as we	NAR. Conclusions have been substantially revised as noted in responses to government comments.

			<p>accumulate more experiences in this matter. Capacity building is one of the tools with significant potential to meet the challenges.”</p> <p>(Reasons)</p> <p>(1) Contract-based approaches should be pursued in accordance with the CBD and the Nagoya Protocol. We need more experiences in the DSI matter.</p> <p>(2) The latter half of the original paragraph should be deleted for the following reasons:</p> <p>(a) This part is wrongly placed in the “Conclusions” section, because what this paragraph covers is a discussion of hypothetical situations. Hypothetical discussion cannot be part of the conclusion.</p> <p>(b) Even as a discussion, this kind of discussion of hypothetical situations is not appropriate for our “Fact-finding Study”. Discussion should be based on facts.</p>	
JBA	30-31	42-4	<p>Two sentences from page 30, line 42 to page 31, line 4 should be combined and modified as follows:</p> <p>“However, some countries have raised concerns that, once “DSI” is published or uploaded onto open access databases, it becomes freely accessible and certain countries may lose both control and the potential for benefit-sharing.”</p> <p>(Reasons)</p> <p>The CBD Article 15, paragraph 1 states that “Recognizing the sovereign rights of States over their natural resources, the authority to determine access to genetic resources rests with the national governments and is subject to national legislation”. The sovereign rights of State are recognized over their natural resources but not over “DSI”. Therefore, the first sentence is not correct.</p> <p>Additionally, because the subsequent sentences specify examples of the concerns referred to in the first sentence, these parts should be combined and modified for clarity as given above.</p>	NAR. Conclusions have been substantially revised as noted in responses to government comments.

JBA	31	13-16	<p>The sentence “The fact that ... as a non-monetary benefit” should be deleted.</p> <p>(Reasons)  No substantiated contents relevant to this statement are found in any parts of the main text of the draft report.  Additionally, in our understanding, the disclosure of DSI is necessitated by patent laws.</p>	NAR. Status as non-monetary benefit comes from submissions and results of literature search.
JBA	31	17-20	<p>This paragraph should be deleted.</p> <p>(Reasons)  GMBSM is referred to only in the ANNEXES for the surveys and interviews done, but no substantiated contents relevant to this paragraph are given in any parts of the main text of the draft report.</p>	Addressed by including mention of GMBSM earlier.
NHM	47	26	What kind of permits were necessary?	“including obtaining permits to conduct the project and work in Namibia as well as a series of 26 MTAs”
NHM	49	23+26	Is it clause 8 or clause 9?	Add a footnote here indicating which collections received the strains
TWN	Annexes	All	We are not submitting comments on the annexes (though some are quite useful).	NAR

Please submit your comments to [secretariat@cbd.int](mailto:secretariat@cbd.int) or by fax at +1 514 288 6588.