

## TEMPLATE FOR COMMENTS

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<b>Title of document reviewed:</b>	The Emergence and Growth of Digital Sequence Information in Research and Development: Implications for the Conservation and Sustainable Use of Biodiversity, and Fair and Equitable Benefit-Sharing – A Fact-Finding and Scoping Study Undertaken for the Secretariat of the Convention on Biological Diversity	
Comments on the draft fact-finding and scoping study		
Page #	Line #	Comment
0	0	General comment: Overall, I thought the study was extremely well done and believe it will be very helpful to the AHTEG and subsequent CBD-related users.
0	0	General comment: Though it may be too late to add to this study, it would have been very helpful to have an addendum or separate paper that discusses how countries that already address digital sequence information under their national access and benefit legislation have done so and whether they have experience in how well it is working. For example, Brazil currently has a system in place. Other countries may have already implemented legislation, as well.
11	17-18	In my view, it gives a misleading impression to state that “science is moving away from physical material”. I think the more accurate statement is that science is moving to more extensive use of digital sequence information, in addition to the direct use of “physical” (biological) material.
39	34	Though JCVI was involved in the development of the CAMERA database, CAMERA was developed by UC San Diego, with funding from the Gordon and Betty Moore Foundation
40	7-8	CAMERA used a click-through agreement, not just a user notice as stated on p.39, line 36
57	Section 8.3	General comment for Section 8.3: I think it is important to explicitly point out that the very real “challenges to benefit sharing” identified in this section are primarily applicable to <i>subsequent use</i> of digital sequence information obtained from public databases. The individual, institution, or company that initially obtained the biological material will still be bound by the original access agreement. For example, I believe that it would be very difficult to claim that because a gene used in a product can also be found elsewhere in the world, the access agreement is no longer valid. The difficulty of benefit sharing from <i>subsequent use</i> of digital information does not diminish the value of access to the <i>first</i> user, or subsequent users of the physical (biological) material.

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