Subject: Digital Sequence Information on Genetic Resources: Submission of Views and Information and Call for Expression of Interest to Undertake Studies
(Ref.: SCBD/NPU/DC/VN/KG/RKi/87804)

In response to Notification 2019-012, Japan would like to submit its views as follows:

(1) Views and information to clarify the concept, including relevant terminology and scope, of digital sequence information on genetic resources and if and how domestic measures on access and benefit-sharing consider digital sequence information on genetic resources (decision 14/20, paragraph 9 (a))

(i) Terminology

Japan believes that the term "genetic sequence data" (GSD) is most appropriate for discussion under the Convention for the reasons stated below.

- The term GSD is widely used by the scientific community, thus entailing scientific validity. Furthermore, GSD is an established term under the World Health Organization's (WHO) Pandemic Influenza Preparedness (PIP) Framework.
- GSD imposes clarity on the scope of the terminology, thus easily lending itself to a common understanding among Parties, helping to remove ambiguity within the discussions. We can refer to the definition and use of the term "genetic sequences" under the WHO PIP Framework --- which states that "the order of nucleotides found in a molecule of DNA or RNA. They contain the genetic information that determines the biological characteristics of an organism or a virus".
- The term GSD is consistent within the context of paragraph 4 and paragraph 7 of decision 14/20. Those paragraphs indicate that, in most cases, digital sequence information (DSI) on genetic resources is generated during the process of, or, as a result of the utilization of genetic resources accessed. GSD is, in most cases, generated through determination of nucleotide sequence of genetic resources that is regarded as a case of "research and development on the genetic and/or biochemical composition of genetic resources" (Article 2 (c) of the Nagoya Protocol).

(ii) Scope

The discussion on DSI/GSD should not affect the physical and temporal scope of the Convention. In addition, it is a matter of course that DSI/GSD on human genetic resources is excluded from the scope of the discussion, since it was reaffirmed at COP2 that human genetic resources are not included within the framework of the Convention.

Likewise, the scope of the terminology should also exclude matters that have already been or

supposed to be addressed by other intergovernmental organizations, such as the WHO and the International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA).

(iii) If and how domestic measures on access and benefit-sharing consider digital sequence information on genetic resources

Japan does not take measures on access and benefit-sharing as a provider country of genetic resources. However, Japan harbors the following views on this topic, based on its legal interpretation of the Convention and the Nagoya Protocol:

- "Genetic resources" defined in Article 2 of the Convention refer to tangible materials, and thus do not include DSI/GSD and any other information.
- As such, access to DSI/GSD is not subject to prior informed consent (PIC).

(2) Views and information on benefit-sharing arrangements from commercial and non-commercial use of digital sequence information on genetic resources (decision 14/20, paragraph 9 (b))

Mutually agreed terms (MATs), concluded at the time of access to a genetic resource for its utilization, may theoretically cover benefit-sharing from the use of DSI/GSD on the genetic resource, as written in paragraph 7 of decision 14/20. However, given that MATs are negotiated between a provider and user of the genetic resource, their content is usually confidential to other parties. As such, Japan does not have any specific insights/ information on benefit-sharing arrangements resulting from the use of DSI/GSD.

Nonetheless, Japan believes that open access to DSI/GSD is a form of benefit-sharing, as it actually contributes to the conservation and sustainable use of biodiversity as well as to other important areas such as food security and human/ animal/ plant health (see the previous submission from Japan in September, 2017: https://www.cbd.int/abs/DSI-views/JAPAN-DSI.pdf) . We should avoid taking the discussion on DSI/GSD toward a direction that may hinder such benefits from an open access to DSI/GSD.

We should also discuss what "the use of DSI/GSD" actually refers to before considering this matter further.

(3) Information on capacity-building needs regarding the access, use, generation and analysis of digital sequence information on genetic resources, in particular for the three objectives of the Convention (decision 14/20, paragraph 10)

From Japan's experiences of supporting developing countries, we perceive the needs for capacity-building in the following areas, among others:

- the use of DSI/GSD for the analysis of environmental DNA (DNA samples of organisms and their parts extracted from environmental samples such as soil and water) for *inter alia*

identifying and monitoring the species composition in an environment;

- the generation and use of DSI/GSD for taxonomical works, whose capacity is needed when establishing a culture collection of microorganisms, for example.

We also believe ensuring open access to DSI/GSD is essential in capacity-building efforts.