



25TH NAVAJO NATION COUNCIL

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Council Delegate Carl R. Slater urges U.S. to sign and implement WIPO Treaty on Intellectual Property and Indigenous Rights



On Wednesday, March 19, Council Delegate Carl R. Slater testified before the USPTO Tribal Consultation.

WINDOW ROCK, Ariz. – Council Delegate Carl R. Slater testified on Wednesday before the United States Patent and Trademark Office Tribal Consultation calling on the United States to sign and implement the World Intellectual Property Organization (WIPO) Treaty on Intellectual Property, Genetic Resources, and Associated Traditional Knowledge (TK).

Speaking on behalf of the Navajo Nation, the largest federally recognized tribe in the U.S., Slater emphasized the Treaty's importance in safeguarding Indigenous rights, protecting genetic resources, and ensuring cultural expressions are not exploited by corporations without consent.

"The United States must sign and implement this Treaty to honor our inherent sovereign rights and authority as the guardians of our cultures," Council Delegate Slater declared. "This Treaty recognizes the critical role of Indigenous peoples in bio-innovation, prevents the misappropriation of our cultural knowledge, and provides the transparency that our communities have long sought in the patent system."

The WIPO Treaty, which aims to enhance the patent system's transparency and prevent the wrongful granting of patents related to genetic resources and associated traditional knowledge, mandates that patent applicants disclose the origin of any genetic resources or TK used in their inventions. If the origin is unknown, applicants must declare this, with patent offices offering guidance but no obligation to verify the information. Sanctions may apply for

failure to disclose, but applicants can correct unintentional omissions, except in cases of fraud.

Council Delegate Slater highlighted the Treaty's potential to help protect the Navajo Nation's rich genetic biodiversity and cultural heritage. "The Navajo people have fought hard to preserve our culture in the place of our ancestors," he said. "With the implementation of this Treaty, we can protect the true nature of Indigenous peoples' contributions to bio-innovation and prevent the ongoing exploitation that has marred our history."

The Treaty also proposes the creation of information systems, such as databases, to assist patent offices in tracking and examining patents linked to genetic resources and associated TK. These systems would be developed in consultation with Indigenous communities to ensure their perspectives are included. A review mechanism will evaluate the Treaty's effectiveness after four years and consider expanding its scope to other areas of intellectual property.

In closing, Delegate Slater urged that the implementation process actively involve Indigenous stakeholders, not only in creating information systems but also in shaping national laws, regulations, and policies related to the Treaty's application. He concluded, "This Treaty is a considered step in recognizing the history of Indigenous peoples and ensuring our rights are respected in the future of bio-innovation."

The U.S. is now at a critical juncture, with the Treaty set to enter into force once 15 countries have ratified it. Council Delegate Slater's testimony underscores the urgency for the U.S. to demonstrate leadership in protecting the rights of Indigenous peoples by signing and fully implementing the WIPO Treaty.

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