

Standing Committee on

**IP and GRTK**

2015



Date: 29th July 2015

## REPORT Standing Committee on

### IP and GRTK

Chair: Konrad BECKER  
Responsible Reporter: Yusuke Inui

#### 1) Report on the activities of the Standing Committee during the reporting period

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The Standing Committee did not meet since the Congress in Toronto in 2014, but exchanged documents and opinions by e-mail.

Since the WIPO General Assembly in September 2014 had not made any decision on further work in 2015 with respect to Intergovernmental Conferences (IGC) on IP and Genetic Resources, Traditional Knowledge and Traditional Cultural Expressions (GRTKF), the WIPO activities in this field were substantially reduced. In its final (28<sup>th</sup>) session in 2014 the IGC was so divided that it had not even been able to make a generally supported proposal for the continuation of the negotiations and a work program for 2015.

A seminar was held at WIPO from March 30 to April 1, 2015, so that stakeholders could nevertheless keep discussing and exchanging views, in less formal settings, on the contentious subject matter in the drafts for legal instruments. Standing Committee member Gaëlle Bourout participated in this seminar as the AIPPI representative.

A follow-up seminar was held from June 23 to June 25. In view of the non-binding character of the seminar, AIPPI decided not to be officially represented at the follow-up seminar. Both seminars were co-financed by Australia and Switzerland.

It is now up to the General Assembly to be held in October 2015 to decide on a possible extension of the negotiation mandate for another biennium 2016-2017. Whether this will happen is more than doubtful, since vast differences in opinion between groups of delegations cannot be overlooked. In addition to the differences between developing countries and first world countries, also differences between indigenous groups admitted to the negotiations and state representatives are substantial. Past sessions clearly failed in reaching agreement on a text of an international legal instrument. The actual texts may be found under

[http://www.wipo.int/meetings/en/doc\\_details.jsp?doc\\_id=276319](http://www.wipo.int/meetings/en/doc_details.jsp?doc_id=276319)[[http://www.wipo.int/meetings/en/doc\\_details.jsp?doc\\_id=276319](http://www.wipo.int/meetings/en/doc_details.jsp?doc_id=276319)] (GR)

[http://www.wipo.int/meetings/en/doc\\_details.jsp?doc\\_id=276361](http://www.wipo.int/meetings/en/doc_details.jsp?doc_id=276361)[[http://www.wipo.int/meetings/en/doc\\_details.jsp?doc\\_id=276361](http://www.wipo.int/meetings/en/doc_details.jsp?doc_id=276361)] (TK) and

[http://www.wipo.int/meetings/en/doc\\_details.jsp?doc\\_id=276220](http://www.wipo.int/meetings/en/doc_details.jsp?doc_id=276220)[[http://www.wipo.int/meetings/en/doc\\_details.jsp?doc\\_id=276220](http://www.wipo.int/meetings/en/doc_details.jsp?doc_id=276220)] (TCE).

The chairman of this Standing Committee was part of the small delegation having a fruitful exchange of information with representatives of the TRIPS secretariat at the WTO in Geneva on June 25, 2015. For the moment no further development is imminent in the Doha round discussions at WTO, and hence no immediate impact on Article 27 TRIPS (e.g. requirement of indication of source of genetic resources/traditional knowledge as part of the patentability requirements) is expected.

In the Biodiversity Convention, the Nagoya Protocol on Access and Benefit Sharing took effect in October 2014 when reaching the required number of 50 signatories having ratified, accepted, approved or accessed the protocol. Many countries have completed or started implementation of the Nagoya Protocol in their national laws.

In Europe German and Dutch associations of plant breeders had challenged corresponding EU Regulation 511/2014 implementing the Nagoya Protocol and setting out compliance measures for EU users, in order to seek its annulment. However, the General EU Court declined to hear the case for lack of standing of the challengers. The EU Regulation comes into force on October 12, 2015.

In Brazil, new legislation dealing with access and benefit sharing for genetic resources and traditional knowledge takes effect on November 17, 2015. It is now clearly defined under what circumstances of access the law applies.

- 2) Key issues/developments relevant to the Terms of Reference of the Standing Committee (arising during the reporting period or coming up)
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None

- 3) Any recommendation for AIPPI involvement/action (describe what involvement/action is recommended and why, by whom and relevant time frames)
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No further involvement/action of AIPPI in general or of this Standing Committee are recommended.

- 4) Plan for the activities of the Standing Committee for the next reporting period highlighting any priorities
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It is planned that members of this Standing Committee follow the IGC GRTKF discussions, if any, at WIPO in 2016, continue to monitor the implementation of the Nagoya Protocol, follow the discussions at the Conference of the Parties of the Biodiversity Convention to be held at Los Cabos, Mexico, in June 2016, and report on important national developments in the field.

## Names and Functions of Committee Members

Chair	Konrad BECKER	Switzerland
Co Chair(s)	Marlies ALLAN	Nigeria
Secretary	Andrew B. MASSIE	Australia
Members	Gaëlle BOUROUT	France
	Maria C. DE SOUZA BRITO	Brazil
	Ke KE	China
	Daisy MACHYTKA-FRANK	Hungary
	Martin MICHAUS	Mexico
	David MOORE	United States
	Cristobal PORZIO	Chile
	Marta REIS E SILVA	Brazil
	De Ann SMITH	United States
	Willem At VAN ROOY	South Africa
Lauso ZAGATO	Italy	
Carla ZUDDAS	Italy	