

Standing Committee on

IP and GRTK

2016



Date: 14th July 2016

REPORT Standing Committee on

IP and GRTK

Chair: Konrad BECKER

Responsible Reporter: Yusuke Inui

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

Please provide a general overview of the activities of your Standing Committee over the last 12 months, but please include at least:

- a) meetings of the Standing Committee during the reporting period
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The Standing Committee on IP and Genetic Resources / Traditional Knowledge (GRTK) did not meet since the Congress in Rio de Janeiro in 2015, but exchanged documents and opinions by e-mail. At the Congress in Rio the composition of a future leadership team of this Committee had been discussed. The changes will be implemented after the Milano Congress.

- b) any external representation on behalf of AIPPI by any member of your Standing Committee
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Since the WIPO General Assembly in October 2015 had renewed the mandate of the Intergovernmental Conference (IGC) on IP and Genetic Resources, Traditional Knowledge and Traditional Cultural Expressions (GRTKF) for another biennium, the WIPO activities in this field were resumed in 2016.

IGC 29 took place from February 15 to 19, 2016, and IGC 30 from May 30 to June 3, 2016, both in Geneva. No member of our Standing Committee could participate in these meetings. However, since the plenary meetings were broadcast live, essential parts could be followed by interested persons. Videos are still available on the WIPO website.

Both IGCs in the first half of 2016 were dedicated to the subject matter of IP and Genetic Resources. The next IGC (IGC 31 from September 19 to 23, 2016, actually overlapping with the AIPPI Milano Congress) will then deal with Traditional Knowledge.

The IGCs on IP and Genetic Resources were concentrating on a list of core issues, trying to narrow the gap between the widely differing positions of the national delegations (and the positions of the indigenous communities and national delegations). Facilitators were used to prepare updated texts. Although the meeting in February had started with a lot of optimism, the outcome is still far from satisfactory, since the diverging positions could not really be aligned. The facilitators' text now available still contains a lot of brackets, demonstrating large differences. Relevant documents may be found on the WIPO website of IGC 30: http://www.wipo.int/meetings/en/details.jsp?meeting_id=39724

- c) any contribution by your Standing Committee to any external consultations
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In the TRIPs discussions, no further development concerning IP and GRTK is noted.

In the Biodiversity Convention, the Nagoya Protocol on access to genetic resources and the fair and equitable sharing of benefits arising from their utilization is now in effect since October 2014. Many countries have started implementation of the Nagoya Protocol into their national laws. Members of our Committee monitored the implementation and its impact on IP.

- d) any studies or analyses undertaken or position papers prepared by your Standing Committee, with a brief summary of the outcome(s)
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None

- e) involvement of your Standing Committee in any other activities of AIPPI, eg Panel Sessions, contribution to Study Guidelines, etc
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None

- f) any other relevant activities
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None

- 2) Key issues/developments relevant to the Terms of Reference of your Standing Committee during the reporting period

Please include a short summary of any significant case law, legislative or regulatory developments, or policy initiatives, including their relevance and/or any implications for the work of your Standing Committee or for AIPPI more generally

AIPPI, based on the Resolution Q166 in Göteborg 2006 and based on the input from AIPPI National Groups to a questionnaire distributed in 2010, could contribute to a fact-based discussion on pending or implemented legislation and other aspects of the requirement of indicating the source and/or country of origin of genetic resources and traditional knowledge in patent applications, thereby supporting the text-based work done at WIPO in view of potential international agreements or guidelines for IP and GRTK.

On request of the RGT team, our committee together with the Standing Committee on TRIPs prepared a follow-up questionnaire to the 2010 questionnaire on the requirement of indicating the source and/or country of origin of genetic resources and traditional knowledge in patent applications, now putting special weight on the practical experiences with the requirement and the impact of the Nagoya Protocol.

- 3) Any recommendation for AIPPI involvement/action for the next 12 months

This need not be limited to recommendations for your Standing Committee but can be recommendations for AIPPI more broadly. In each case, please explain why such involvement/action is recommended, by whom it should be undertaken and any relevant time frames. For example, please include:

- a) any recommendation for involvement/action in relation to any upcoming or foreshadowed case law, legislative or regulatory developments, or policy initiatives
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No further involvement/action of AIPPI in general or of this Standing Committee are recommended.

- b) any other recommendation(s) for AIPPI involvement/action
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None

- 4) Outline of the work programme of your Standing Committee for the next 12 months

Please set out specific activities and priorities having regard to the matters in 1) - 3) above, including any relevant time frames

The responses to the up-dated questionnaire to the AIPPI National Groups on the requirement of indicating the source and/or country of origin of genetic resources and traditional knowledge in patent applications will be collected and analysed, and a summary report prepared for the Milano Congress.

It is further planned that members of this Standing Committee follow the IGC discussions on IP and GRTK at WIPO in 2016 and 2017, continue to monitor the implementation of the Nagoya Protocol, and report on further national and regional developments in the field.

AIPPI

Names and Functions of Committee Members

Chair	Konrad BECKER	Switzerland
Co Chair(s)	Marlies ALLAN	Nigeria
Secretary	Andrew 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
	DeAnn SMITH	United States
	Willem At VAN ROOY	South Africa
Lauso ZAGATO	Italy	
Carla ZUDDAS	Italy	