



A I P P I

ASSOCIATION INTERNATIONALE  
POUR LA PROTECTION DE LA PROPRIETE INTELLECTUELLE

INTERNATIONAL ASSOCIATION  
FOR THE PROTECTION OF INTELLECTUAL PROPERTY

INTERNATIONALE VEREINIGUNG  
FÜR DEN SCHUTZ DES GEISTIGEN EIGENTUMS

# **Congress**

## **Gothenburg, Sweden**

**October 8 to 12, 2006**

# Report

## Special Committee Q166

Intellectual Property and Genetic Resources, Traditional  
Knowledge and Folklore

La Propriété Intellectuelle relative aux ressources  
génétiques, aux savoirs traditionnels et au folklore

Geistiges Eigentum und genetische Ressourcen,  
traditionelles Wissen und Folklore

## **Report Q166**

### **Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore**

#### **Composition of the Committee**

Chairman:	Konrad BECKER (Switzerland)
Secretary:	Maria Thereza WOLFF (Brazil)
Members:	Marlies ALLAN (Nigeria) Gabriela PAVIA HANTKE (Chile) Andrew Bruce MASSIE (Australia) Yong CHENG (China) Daisy MACHYTKA-FRANK (Hungary)

Special Committee Q166 has the task of following developments concerning Genetic Resources, Traditional Knowledge and Folklore (GRTKF) in relation to Intellectual Property. Sources of information are primarily WIPO (Intergovernmental Conferences on GRTKF and documents prepared by the WIPO secretariat for that work, but also the PCT and other legal instruments), WTO/TRIPS and the Conference of the Parties of the Convention on Biological Diversity (CBD) concerning the same topic.

The Special Committee did not meet since the Executive Committee Meeting in Berlin in 2005, but exchanged documents and opinions by e-mail.

The most prominent point from the topics of Q166 is the question whether the source and/or country of origin of Genetic Resources (GR) and Traditional Knowledge (TK) should be indicated in patent applications relying or building on GR or TK, and incidental questions of prior informed consent (PIC) and access and benefit sharing (ABS). This question is discussed not only in the WTO/TRIPS, the WIPO (including PCT and the harmonisation discussions in the Standing Committee on Patents), the CBD and other fora, but has also found its way into national legislation.

Although the discussion is highly political, it seems advisable that AIPPI evaluates the position of its membership on this question and makes its position heard by taking a Resolution at the Congress in Gothenburg. A Questionnaire was prepared for that purpose and sent out to the National Groups in July 2006.

AIPPI Q166 was represented through its Chairman at a Chatham House workshop on "Disclosure of Origin in IPR applications: Options and perspectives of users and providers of genetic resources" in February 2006. This workshop was directed to experts in the field, analyzed the positions of the stakeholders and tried to evaluate workable solutions for such a requirement.

AIPPI Q166 was also represented through its Chairman at the 9<sup>th</sup> session of the IGC on GRTKF on April 24 to 28, 2006 at the WIPO headquarters in Geneva. A report on the IGC may be found in AIPPI Newsletter 20/2-06. This session confirmed the deplorable situation that discussions on GRTKF in WIPO are more or less stalled due to substantial differences in opinion, although the Intergovernmental Conference is supposed to come forward with proposals within the two year period of its mandate extended recently by the WIPO General Assembly.