

16th Session of the Intergovernmental Committee on IP and Genetic Resources, Traditional Knowledge and Folklore

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The 16th Session of the Intergovernmental Committee on IP and Genetic Resources, Traditional Knowledge and Folklore was held from May 3 to 7, 2010 in the WIPO headquarters in Geneva. In addition to the Member States delegations, several representatives of indigenous groups as well as non-governmental organizations that work with intellectual property matters also participated in the plenary sessions.

The main purpose of this Session was to start text-based discussions for the elaboration of a draft of an international legal binding document to be sent for approval of WIPO General Assembly in September 2011.

The discussions based on the Agenda prepared by the WIPO Secretariat started with the formal items and the substantive discussion on TK, TCE and GR began on Wednesday, May 5, 2010. During those two last days the delegations considered the texts prepared by the Secretariat for each one of the above subject-matters, namely documents WIPO/GRTKF/IC/16/4, WIPO/GRTKF/IC/16/5 and WIPO/GRTKF/IC/16/6.

During the debates several delegations proposed amendments to the texts that will be further evaluated and carried out by the Secretariat in the preparation of further drafts that will be brought to discussion in the future Sessions.

It should be noticed that some indigenous groups presented formal statements showing their concern with the fact that, in their opinion, both the original documents prepared by the Secretariat and the changes proposed by many delegations could lead to a final document that would still leave indigenous groups' main interests aside. More particularly, for some indigenous groups' representatives the proposed texts would still not encompass an adequate protection for their rights on TK and TCE, not only regarding commercial protection but also the maintenance and preservation thereof as far as the cultural identity of those groups is concerned.

Finally the IGC decided for the creation of 3 (three) Intersessional Working Groups (IWG) in an attempt to have more effective discussions on the elaboration of the intended draft for the international legal binding document. According to the IGC decision the IWGs will be open to Member States and

accredited observers and the following subjects shall be considered at each IWG:

IWG 1 – TCEs

IWG 2 - TK or GRs (to be decided at the 17th IGC session)

IWG 3 - GRs or TK (to be decided at the 17th IGC session)

The duration of IWG1 will be of 5 days and is scheduled for the week of July 19-23, 2010. Based on the experience of IWG1 the duration of the further IWG may be adjusted.

May 2010