



Report Q166

Intellectual Property and Genetic Resources / Traditional Knowledge

Names and Functions of Committee Members

Chair	Konrad Becker	(Switzerland)
Co-Chair	Marlies Allan	(Nigeria)
Secretary	Andrew Bruce Massie	(Australia)
Members	Ke KE Maria Carmen de Souza Brito Daisy Machytka-Frank Willem At van Rooy Cristobal Porzio Benedetta Ubertazzi	(China) (Brazil) (Hungary) (South Africa) (Chile) (Italy)
Responsible Reporter	Kazuhiko Yoshida	(Japan)

- 1. Annual Report of Special Committee Q 166. – "Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore" by Konrad Becker.**
- 2. Summary:**
 - 2.1. Special Committee Q166 has the task of following developments concerning Genetic Resources, Traditional Knowledge and Folklore (GRTKF) in relation to Intellectual Property. SC Q166 members attended corresponding sessions of the WIPO Intergovernmental Conference (IGC). The IGC is now engaged in text-based discussions. There are still considerable differences of opinion between the delegations. The result of these discussions will be presented to the General Assembly starting September 23, 2013, which should renew the mandate of the IGC.
 - 2.2. There are no deadlines to be followed presently.
 - 2.3. No further action is recommended presently.

3. Introduction

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 Conference on IP and GRTKF and documents prepared by the WIPO secretariat for the conference, to some extent also sessions of the Committee on Development and Intellectual Property, CDIP, the PCT and other WIPO legal instruments and conferences), WTO/TRIPS (TRIPS Council documents and personal meetings with members of the TRIPS secretariat), the FAO Commission on Genetic Resources for Food and Agriculture (CGRFA), and the Conference of the Parties of the Convention on Biological Diversity (CBD) concerning the same topic.

4. Report of Committee's activities

The Special Committee did not meet since the Congress in Seoul in 2012, but exchanged documents and opinions by e-mail.

AIPPI Q166 was represented at the Intergovernmental Conferences (IGC) on IP and GRTKF, 24th session, April 22 to 26, 2013, by Maria Carmen S. Brito, and at the final 10 day conference, 25th session, July 15 to 24, 2013, by Benedetta Ubertazzi for the whole time and by Marlies Allan on July 23 and 24. The conferences all took place at the WIPO headquarters in Geneva.

The three sessions of the IGC on IP and GRTKF in 2013 were devoted to text-based discussions based on texts prepared by experts and already under discussion in 2011 and 2012. The 23rd session concentrated on Genetic Resources (GR), the 24th session on Traditional Knowledge (TK), and the final session (25th) on Traditional Cultural Expressions (TCE), a review of earlier texts prepared in 2013, and a proposal of the IGC to the General Assembly.

For each session a group of facilitators was designated with the task of preparing a consolidated paper taking into account all proposals and combine them into a single text. Plenary meetings were then set up to deal with the consolidated text, and to remove alternatives in brackets and shorten it as far as possible.

The texts as available at the end of each of the three sessions are supposed to be submitted to the General Assembly of WIPO. Although the discussions were quite constructive, vast differences in opinion between groups of delegations could not be overlooked. The sessions clearly failed in reaching agreement on a text of an international legal instrument which will ensure effective protection of GRs, TK and TCEs. As the texts stand now they are still "work in progress", and without prejudice on the outcome, i.e. binding agreement text or non-binding guideline of a general nature. The texts may be found under

http://www.wipo.int/meetings/en/doc_details.jsp?doc_id=239405 (GR)

http://www.wipo.int/meetings/en/doc_details.jsp?doc_id=239443 (TK) and

http://www.wipo.int/meetings/en/doc_details.jsp?doc_id=244043 (TCE).

In the 25th and final session the delegations could not even find a common proposal to the General Assembly with respect to continuation of the work of the IGC in the biennium 2014/2015. The proposal submitted to the General Assembly now consist of different options, see

http://www.wipo.int/meetings/en/doc_details.jsp?doc_id=244366.

5. Recommendations

If the mandate for the IGC is renewed by the General Assembly of WIPO, it is recommended to follow the IGC discussions also in 2014. Alternatively a Diplomatic Conference might be convened, but chances are very low. If such a Diplomatic Conference is convened the Committee should prepare information material for National groups of AIPPI to help them advising their governments in preparation of such a Diplomatic Conference.

Written by:

Konrad Becker
Chair of Q166

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