

18th Session of the Intergovernmental Committee on IP and Genetic Resources, Traditional Knowledge and Folklore

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The 18th Session of the Intergovernmental Committee on IP and Genetic Resources, Traditional Knowledge and Folklore was held from May 9 to 13, 2011 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 discussions based on the Agenda prepared by the WIPO Secretariat started with the formal items and were followed by a panel presented by the representatives of some indigenous peoples.

The substantive discussion on TK, TCE and GR began on Monday afternoon and lasted until Thursday. The main focus of those discussions were the texts prepared in the previous intersessional working groups, and during the debates in the plenary sessions several delegations proposed amendments and options to the texts which resulted in complex documents for further evaluation. In view of that, informal open-ended drafting groups also worked on those texts in the evenings with the aim of reducing the number of options and to prepare more concise texts for approval of this IGC.

Regarding traditional knowledge, the Intergovernmental Committee then approved a text already containing articles directed to the protection thereof as well as definitions of TK, beneficiaries and scope of protection. This text will be submitted to the 19th Session of the IGC.

As far as genetic resources are concerned, the original text prepared by the secretariat together with the amendments proposed during the plenary sessions was also submitted to an informal open-ended drafting group established to work on that text to reduce the several options of drafting. The resulting text refers to objectives and principles regarding GR and will be submitted to the next IGC (19th Session) for further evaluation. Relevant aspects that are still to be discussed in connection with this topic prior to reach a document with definitions and articles are, amongst others, the actual role of intellectual property in the protection of genetic resources, the mandatory disclosure of genetic resources in patent applications and prior access authorizations.

A copy of the report with the decisions adopted by the 18th ICG is enclosed for prompt reference.

Finally, it is noticed that AIPPI contributed with informal documents used as general information for the discussions of the 18th ICG by preparing copies of the document "Report on a study conducted in 2010 by AIPPI Special Committees Q-94 WTO/TRIPS and Q-166 IP and GRTKF" that were made available to all participants.

The next session of ICG on IP and Genetic Resources, Traditional Knowledge and Folklore is scheduled to take place on July 18 to 22, 2011.

May 2011

**ORIGINAL: ENGLISH
DATE: MAY 13, 2011**

**Intergovernmental Committee on Intellectual Property and
Genetic Resources,
Traditional Knowledge and Folklore**

**Eighteenth Session
Geneva, May 9 to 13, 2011**

DRAFT DECISIONS OF THE EIGHTEENTH SESSION OF THE COMMITTEE

prepared by the Secretariat

DECISION ON AGENDA ITEM 2: ✓

ADOPTION OF THE AGENDA

The Chair submitted the draft agenda circulated as WIPO/GRTKF/IC/18/1 Prov. 2 for adoption and it was adopted.

DECISION ON AGENDA ITEM 3:

ADOPTION OF THE REPORT OF THE SEVENTEENTH SESSION

The Chair submitted the revised draft report of the seventeenth session of the Committee (WIPO/GRTKF/IC/17/12 Prov.2) for adoption and it was adopted.

DECISION ON AGENDA ITEM 4:

ACCREDITATION OF CERTAIN ORGANIZATIONS

The Committee unanimously approved accreditation of all the organizations listed in the Annex to documents WIPO/GRTKF/IC/18/2 and WIPO/GRTKF/IC/18/2 Add. as *ad hoc* observers, namely: *Fondation des Oeuvres pour la Solidarité et le Bien Etre Social* (FOSBES ONG), *Forum de Povos e Comunidades Tradicionais*, *France Libertés Fondation Danielle Mitterrand*, Himalayan Indigenous Nationalities Preservation Association (HIWN), Intangible Cultural Heritage Network (ICHNet), Sámi Parliamentary Council (SPC), B.I.S.O.N. International.

DECISION ON AGENDA ITEM 5: ✓

PARTICIPATION OF INDIGENOUS AND LOCAL COMMUNITIES: VOLUNTARY FUND

The Committee took note of documents WIPO/GRTKF/IC/18/3, WIPO/GRTKF/IC/18/INF/4 and WIPO/GRTKF/IC/18/INF/6.

The Committee strongly encouraged and called upon members of the Committee and all interested public or private entities to contribute to the WIPO Voluntary Fund for Accredited Indigenous and Local Communities. The Committee noted and warmly welcomed the contributions made to the Fund by the Government of South Africa and an anonymous contributor.

The Chair proposed, and the Committee elected by acclamation, the following eight members of the Advisory Board to serve in an individual capacity: Mr. Martin GIRSBERGER, Head, Intellectual Property and Sustainable Development Swiss Federal Institute of Intellectual Property, Berne, Switzerland, Ms. Nina S. DJAJAPRAWIRA, Counsellor, Permanent Mission of Indonesia, Geneva, Dr. Emin TEYMUROV, Attaché, Permanent Mission of the Republic of Azerbaijan, Geneva, Mr. Mandixole MATROOS, Permanent Mission of South Africa, Geneva, Mrs. Zereth del Carmen TORRES MÉNDEZ, Attorney Negotiator, International Trade Negotiations Division, Ministry of Commerce and Industries, Panama, Mr. Juan Carlos JINTIACH ARCOS, Coordination of the Indigenous Organizations of the Amazon Basin, Quito, Ecuador, Mr. John Trygve SOLBAKK, SamiKopijja, Karasjok, Norway, Mrs. Ali Aii SHATU, Member of the Mbororo Social Cultural Development Association (MBOSCUDA), Bamenda, Cameroon. The Chair of the Committee nominated Mr. Vladimir Yossifov, Vice Chair of the Committee, to serve as Chair of the Advisory Board.

DECISION ON AGENDA ITEM 6: ✓

TRADITIONAL CULTURAL EXPRESSIONS/EXPRESSIONS OF FOLKLORE

The Committee took note of the text of the draft articles on traditional cultural expressions prepared by the open-ended informal drafting group established by the Committee, based on

WIPO/GRTKF/IC/18/4 Rev. The Committee requested that the text be made available as a working document for the Committee at its next session (July 18 to 22, 2011).

The Committee invited the Secretariat to re-publish the glossary on intellectual property and traditional cultural expressions (WIPO/GRTKF/IC/18/INF/7) as an information document for the next session of the Committee.

DECISION ON AGENDA ITEM 7: ✓

TRADITIONAL KNOWLEDGE

The Committee took note of the text of the draft articles on traditional knowledge prepared by the open-ended informal drafting group established by the Committee, based on WIPO/GRTKF/IC/18/7. The Committee requested that the text be made available as a working document for the Committee at its next session (July 18 to 22, 2011).

The Committee invited the Secretariat to re-publish the glossary on intellectual property and traditional knowledge (WIPO/GRTKF/IC/18/INF/8) as an information document for the next session of the Committee.

DECISION ON AGENDA ITEM 8: ✓

GENETIC RESOURCES

The Committee took note of the text of the draft objectives and principles on intellectual property and genetic resources prepared by the open-ended informal drafting group established by the Committee, based on WIPO/GRTKF/IC/18/9. The Committee requested that the text be made available as a working document for the Committee at its next session (July 18 to 22, 2011).

The Committee also discussed options for future work on intellectual property and genetic resources, based on WIPO/GRTKF/IC/18/10.

The Committee invited the Secretariat to re-publish the glossary on intellectual property and genetic resources (WIPO/GRTKF/IC/18/INF/9) as an information document for the next session of the Committee.

DECISION ON AGENDA ITEM 10: ✓

CLOSING OF THE SESSION

The Committee adopted its decisions on agenda items 2, 3, 4, 5, 6, 7 and 8, on May 13, 2011. It agreed that a draft written report, containing the agreed text of these decisions and all interventions made to the Committee, would be prepared and circulated before June 17, 2011. Committee participants would be invited to submit written corrections to their interventions as included in the draft report before a final version of the draft report would then be circulated to Committee participants for adoption at the next session of the Committee.

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