



**WIPO**

**Seminar on Intellectual Property  
and Genetic Resources, Traditional Knowledge and Traditional Cultural  
Expressions: Regional, National and Local Experiences**

from March 30 to April 1, 2015

Geneva, Switzerland

**R E P O R T**

by Gaëlle Bourout – Member of the Standing Committee on GRTK

**Introduction**

WIPO's Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (**IGC**) was not convened to meet in 2015.

Absent any IGC meeting scheduled for 2015, WIPO organized a seminar, so that stakeholders may nevertheless keep discussing and exchanging, in less formal settings, so as to possibly initiate a shift in perception regarding items that are found contentious within the IGC.

Parties represented at this seminar reflected IGC meeting attendance and included representatives of WIPO member states, of observers, of international intergovernmental organizations, of international non-governmental organizations, as well as WIPO representatives. A full list of participants and attendees is available online: [http://www.wipo.int/meetings/en/details.jsp?meeting\\_id=35602](http://www.wipo.int/meetings/en/details.jsp?meeting_id=35602)

The undersigned attended as an observer from AIPPI (Zürich).

**Summary of meeting**

The seminar comprised roundtables on the below topics.

- Opening address: Intellectual Property and Genetic Resources, Traditional Knowledge and Traditional Cultural Expressions, based on the experience from New Zealand
- Roundtable 1: Experiences with Regional and National Systems for the Protection of Traditional Knowledge and Traditional Cultural Expressions

- Roundtable 2: Commercial and Non-Commercial Uses of Traditional Knowledge and Traditional Cultural Expressions - Examples and Lessons Learned
- Roundtable 3: Regional, National and Local Experiences with the Meaning and Relevance of the “Public Domain” in the Context of Traditional Knowledge and Traditional Cultural Expressions
- Roundtable 4: National Experiences with Disclosure Requirements related to Genetic Resources and Associated Traditional Knowledge

For each roundtable, a speaker made a presentation, followed by comments by so-called ‘respondents’. Copies of the presentations are available online:

[http://www.wipo.int/meetings/en/details.jsp?meeting\\_id=35602](http://www.wipo.int/meetings/en/details.jsp?meeting_id=35602)

## **Conclusions / observations**

Presentations addressed **regional, national and local experiences** regarding some of the core issues at stake within the IGC:

- State of play of legal instruments: examples were given of local, national and regional initiatives for providing legal instruments to protect Genetic Resources (GR), Traditional Knowledge (TK) and Traditional Cultural Expressions (TCEs). Presentations included very specific examples, notably from Peru, the Caribbean Islands and the Pacific Islands.
- Interplay of IP rights and commercial or non-commercial use of TK and TCEs. Concrete examples were given from different jurisdictions, regarding trademark, design, patent and copyright issues, with concrete examples of cases from the US or Australia amongst others.
- The issue of the disclosure requirement relating to genetic resources in patent applications remains highly debated. This issue is tied to the notions of access to the resources and benefit sharing (so-called ABS).

These provided with concrete examples of legal instruments (whether IP or non-IP) and of situations where issues of GR, TK and TCE are raised.

The observation that such GR, TK and TCE are sometimes shared over several member states (crossed-border shared TK) highlighted the requirement for regional / international instruments.

## **Actions / matters to be considered by the Bureau**

The interplay between IP and Genetic Resources, Traditional Knowledge and Traditional Cultural Expressions remains a very current, if disputed, topic.

The IGC discussions appear to be in a stalemate situation. However, this WIPO seminar constituted an alternate forum for discussing core issues in a less formal environment, and provided a picture of the state of play in various jurisdictions.

## **Actions / matters to be considered by other parties**

For consideration by the Standing Committee SC166:

At the end of the seminar, WIPO announced a follow-up seminar (WIPO/IPTK/GE/2/15) to be held from June 23 to June 25, 2015 in Geneva. The program does not appear to be available yet:  
[http://www.wipo.int/meetings/en/details.jsp?meeting\\_id=36502](http://www.wipo.int/meetings/en/details.jsp?meeting_id=36502)

**Date of report**

April 07, 2015

Gaëlle Bourout, member of Standing Committee on GRTK (SC166)