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14th Session of the Intergovernmental Committee on IP and Genetic Resources, Traditional Knowledge and Folklore

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The 14th Session of the Intergovernmental Committee on IP and Genetic Resources, Traditional Knowledge and Folklore was held from June 29 to July 3, 2009 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 Agenda prepared by the WIPO Secretariat included items related to discussions on specific documents on Genetic Resources, Traditional Knowledge and Folklore followed by a particular topic on the future work of this Committee and on the recommendation to be submitted to the next WIPO General Assembly to be held in September 2009 as far as the renewal of the Committee's mandate was concerned.

In their opening statements several delegations showed their concern about the future work primarily in view of the previous sessions, the discussions of which did not reach objective results or consensus on definitions and on several important aspects of GR, TK and Folklore (Traditional Cultural Expressions).

The African Group proposed a change in the Agenda in order to give priority to the topic related to "Future Work" and on how the discussions within the Committee should move forward. The proposal was accepted and the document previously submitted by the African Group (WIPO/GRTKF/IC/14/8 Rev) was considered as the basis for this part of the discussions.

The African Group's proposal focused on three main points, namely that the IGC mandate should be renewed taking into account (1) a defined work program wherein (2) the future discussions would be held on text-based negotiations with a view of (3) providing a legally binding international instrument.

The debates on this topic took the whole week, again without reaching a consensus. Although the majority of the delegations (including some indigenous groups) which presented formal statements agreed with the core of the African Group's proposal, some delegations of developed countries still opposed the idea of having a legally binding international instrument discussed at this stage.

During the plenary sessions several delegations proposed changes in the text submitted by the African Group, some of which, however, would actually modify the three main points cited above in a substantive manner. For that reason such proposals were strongly opposed by those delegations that wished to maintain the original proposed concept. Some other delegations presented alternative texts but again those documents did not consider the main points proposed by the African Group as mandatory issues, more particularly a text-based negotiation to obtain a legally binding instrument.

Having reached the last day of discussions without an agreement, the Chairman, Ambassador Gauto Vielman, concluded that a decision on “Future Work” could not be established and that further consultations to the regional groups would still need to be carried out until the General Assembly in September.

As the discussions were concentrated on the future work topic, the remaining items and documents specifically related to GR, TK and Folklore aspects were not discussed.

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