



**13<sup>th</sup> Session of the Intergovernmental Committee on Genetic Resources,  
Traditional Knowledge and Folklore,**

**October 13 to 17, 2008 at WIPO in Geneva**

**Report by Konrad Becker, Chairman Q166**

The 13<sup>th</sup> session of the Intergovernmental Committee (IGC) on Genetic Resources, Traditional Knowledge and Folklore (GRTKF) was held from October 13 to 17, 2008 at the WIPO headquarters in Geneva, only 8 months after the 12<sup>th</sup> session in February of this year. The newly elected Director General of WIPO, Francis Gurry, opened the session and urged the delegates to move forward in their work, in light of the high priority given to these issues by many countries and by indigenous and local communities. It is obvious that changes at WIPO in general also positively influenced the IGC. As usual a substantial number of representatives of indigenous groups participated in the session, apart from the governmental delegates and delegates from non-governmental organisations dealing with intellectual property aspects, such as AIPPI.

The opening statements of the delegations indicated a general wish to move forward and to come to decisions, although no substantial change of position of the leading countries or group of countries was noted when compared to the previous session. The secretariat had, as always, made a great effort to prepare valuable documents for the session. The “gap analysis” for Traditional Cultural Expressions (TCE) / Expressions of Folklore (EoF) and Traditional Knowledge (TK) indicated the differences between the actual situation and the needs and proposals for change on the international level, and options to deal with these identified gaps.

The discussions in the plenary were still dominated by general statements, remarks and criticism of the positions of the delegations indicated already in the documents, but a renewed dynamic could be recognised in that the newly appointed chairman, Ambassador Gauto Vielman from Paraguay, was conducting separate briefing meetings with several sub-groups in order to move the discussions forward, and the plenary was sitting only for a limited period of time.

The discussion on both Folklore (TCE/EoF) and Traditional Knowledge (TK) was focused on the most prominent gaps indicated in the documents. There were substantial differences of opinion on the particular points. It is not even possible to find common ground for a definition of Traditional Knowledge. Whereas many delegations (including indigenous groups) asked for a binding international agreement on both Folklore and Traditional Knowledge, some leading delegations from first world countries still oppose any discussion on a binding instrument before reaching a general agreement on the most important aspects of TCE/EoF and TK. The discussion on Genetic Resources (GR) was also not indicative of any changes in the positions of the delegations.

A proposal for expert meetings between sessions of the Intergovernmental Conference was discussed, but did not find sufficient support, since some delegations insisted on open (and open-end) discussions in formal committee sessions. This was also reflected in the failure to agree on a final text on the future work program. Despite intense negotiations on the last day of the conference, delegations were not able to agree on the working procedure, albeit such

agreement is urgently required if the conference wants to reach any significant progress until the end of the current mandate of the IGC in September 2009.

The next sessions of the IGC are anticipated to take place in February and June 2009. The chairman indicated that he would pursue informal consultations in the period leading up to the next session.

Documents of the 13<sup>th</sup> session of the IGC on GRTKF may be found under:  
[http://www.wipo.int/meetings/en/details.jsp?meeting\\_id=16204](http://www.wipo.int/meetings/en/details.jsp?meeting_id=16204).

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