



**Report on the  
INFORMATION MEETING ON INTELLECTUAL PROPERTY AND GENETIC RESOURCES  
Geneva, September 15, 2004**

by Konrad Becker, Chairman of AIPPI Special Committee Q166

This information meeting was intended to give an overview of the work of WIPO on Intellectual Property (IP) and Traditional Knowledge, Genetic Resources and Folklore (TKGRF), to inform on ongoing cooperation with other international bodies in these questions, and to particularly deal with perspectives on disclosure requirements for genetic resources and traditional knowledge in patent applications. Judging from the list of participants, invitations were sent out to all member states of WIPO, to intergovernmental organizations and to international non-governmental organizations registered with WIPO. The participant list names also some individuals which followed the meeting in their personal capacity not representing any organization.

The one-day meeting was opened and chaired by Mr. B. Kessedjian (France), chairperson of the General Assembly of WIPO.

Mr. Francis Gurry and Mr. Anthony Taubmann presented the present status of the work of WIPO on IP and TKGRF. After a period of fact finding, the General Assembly of WIPO in September 2003 commissioned the Intergovernmental Committee (IGC) on IP and TKGRF to come now to practical conclusions. The secretariat has prepared a number of documents in view of the forthcoming conference of the IGC on November 1 to 5, 2004 (and these are now available under [http://www.wipo.int/meetings/en/details.jsp?meeting\\_id=6183](http://www.wipo.int/meetings/en/details.jsp?meeting_id=6183)). As to Folklore, which is now called Traditional Cultural Expressions, corresponding earlier work such as the WIPO-UNESCO model provisions of 1982 should be taken into account. For Traditional Knowledge, defensive protection against unauthorized use and positive protection in form of a *sui generis* right are under discussion. The IGC is also asked to consider draft IP guidelines for Access and Equitable Benefit Sharing for Genetic Resources and disclosure requirements in patent applications.

WIPO study No. 3 (WIPO technical study on patent disclosure requirements related to genetic resources and traditional knowledge) was presented, which resulted from a cooperation with the

Conference of the Parties (COP) to the Convention on Biological Diversity (CBD). The study is also available in electronic form as a CBD document under (<http://www.biodiv.org/doc/meetings/cop/cop-07/information/cop-07-inf-17-en.pdf>). Study No. 4 written by Prof. Gupta, India (UNEP/WIPO study on the role of IP rights in the sharing of benefits arising from the use of biological resources and associated traditional knowledge) will be published on September 24, 2004.

Speakers from the secretariats of the CBD, the FAO Commission on Genetic Resources for Food and Agriculture, the UNEP, and the WTO presented related activities of their respective organizations. Listening to this presentations it became clear that these organizations follow their own agenda, and much more cooperation is needed to solve the problems. One could at least note that there is now cooperation in fact finding between the CBD and WIPO.

In the final part of the meeting dealing with disclosure requirements for genetic resources in patent applications, unsurmountable differences had to be noted between the position of industry representatives (E. Noehrenberg from IFPMA and T. Roberts from ICC) and representatives of third world countries and environmental non-governmental organizations (Prof. Gopalakrishnan, India, and Maria Oliva, Argentina, from CIEL). An interesting perspective was demonstrated by S. Price explaining the work of Public Interest IP advisors (Washington), which support third world countries and indigenous people in enforcing their rights and fighting against IP misappropriation (see <http://www.piipa.org>).

The general discussion was not very helpful, but revealed the difficulty in reconciling the fundamentally differing positions in questions of IP and GRTKF. As an observer one also got the impression that the 7th session of the IGC on IP and GRTKF is doomed to fail because of political reasons, in spite of the high quality of the preparations from the IGC secretariat.

September 30, 2004