



Report Q166

Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore

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As a result of extensive discussions on Intellectual Property and Genetic Resources at WIPO between September 1999 and July 2003, the Bureau of AIPPI is interested to monitor, study and advise on the development of the Genetic Resources, Traditional Knowledge and Folklore, in order to formulate and with the approval of the Bureau, to submit and represent AIPPI's standpoint at WIPO meetings.

Q166 will have the task to prepare Questionnaire(s), analyse the Comments of National and Regional Groups and prepare Resolutions if necessary.

This Special Committee has as Chairman Mr. William Pickering from Australia and as new Members Mrs. Maria Thereza Wolff from Brazil, who is the Secretary of Q166 and Mrs. Marlies Allan from Nigeria. The responsible Reporter are Ian Karet, Deputy Reporter General, and Thierry Calame, Assistant to the Reporter General.

In the Report of Thierry Calame of June 07, 2002 in the EXCO Lisbon 2002, the three first sessions of the Intergovernmental Committee of WIPO which deals with this issue were very good described. In the meantime two more sessions were held in Geneva: the fourth session from December 9 to 17, 2002 and the fifth session from July 7 to 15, 2003.

The fourth session was very broad in its context as 14 documents prepared by WIPO, were discussed during this meeting. The basic aim of this session was to present evidences that there were already existing mechanisms to protect IP, both in the context of Traditional Knowledge as outside of this context, which could form already a "sui generis" system to protect Traditional Knowledge. A tool kit for the documentation of the TK was drafted and the elements of a sui generis system for the protection of TK were also provided.

The fifth session has consolidated the legal protection of traditional cultural expressions, has made an overview in the policy context, in the tradition as a source of creativity, in the meaning of "protection" and has given a special emphasis to the cultural heritage and IP protection, to the new definitions of "public domain" to the needs and expectations of indigenous and local communities and to the property rights over public domain in the traditional cultural expressions as a "sui generis" system.

You may find an extensive Report on the fifth Session of the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore on the AIPPI Website.