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ELEMENTS FOR THE NEW MANDATE – PROPOSAL BY THE EUROPEAN
COMMUNITY AND ITS MEMBER STATES

Document prepared by the Secretariat

1. On August 31, 2009, the International Bureau of the World Intellectual Property Organization (WIPO) received a communication from the Permanent Mission of Sweden in Geneva, on behalf of the European Community and its 27 Member States, requesting that a proposal concerning the agenda item “Matters Concerning the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore” be presented to the WIPO General Assembly.
2. The proposal is reproduced in the Annex to this present document.
3. *The General Assembly is invited to take note of the contents of this document, and decide on the proposal as contained in the attached Annex.*

[Annex follows]

ANNEX

ELEMENTS FOR THE NEW MANDATE – PROPOSAL BY SWEDEN ON BEHALF OF THE EUROPEAN COMMUNITY AND ITS 27 MEMBER STATES

“The WIPO General Assembly reaffirms its belief that traditional knowledge and other tradition-based creations, such as traditional cultural expressions, have taken on new economic and cultural significance within a globalized information society and that genetic resources have assumed increasing economic, scientific and commercial value to a wide range of stakeholders with the emergence of modern biotechnologies. The General Assembly acknowledges the intrinsic value of these issues which are also important in global trade and economic development. Indigenous and local communities have the right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge and traditional cultural heritage. In this respect, the General Assembly urges the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC) to prepare a declaration on the value of traditional knowledge, traditional cultural expressions and genetic resources and their protection against misappropriation to be adopted by the General Assembly.

In parallel,

1. Bearing in mind the Development Agenda recommendations, the WIPO General Assembly approves that the mandate of the IGC be renewed as follows, namely that,

(a) The Committee will continue its work and undertake during the next budgetary biennium (2010/2011) outcome oriented deliberations on genetic resources, traditional knowledge and traditional cultural expressions, taking account of the different levels of development in these substantive issues and based on impartial treatment of each.

(b) The focus of its work, without prejudice to the work pursued in other fora, will build on the existing Committee texts and will in particular focus on definitions and objectives of protection, beneficiaries, prior informed consent, moral/economic rights, exceptions, limitations and durations, sui generis options for protection, disclosure of origin, and other outstanding issues. In order to increase its efficiency, the Committee will adopt at IGC 15 a clearly defined work programme and timeframe that will include holding three IGC sessions per year. These sessions will be result-oriented and focused on positive outcomes. Time will be allocated to technical matters.

(c) No outcome of the Committee’s work is excluded, including the possible development of a legally-binding international instrument or instruments.

2. The General Assembly further requests the International Bureau to continue to assist the IGC by providing Member States with necessary expertise and documentation.”

[End of Annex and of document]