

# WIPO



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WORLD INTELLECTUAL PROPERTY ORGANIZATION  
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## INTERGOVERNMENTAL COMMITTEE ON INTELLECTUAL PROPERTY AND GENETIC RESOURCES, TRADITIONAL KNOWLEDGE AND FOLKLORE

**Fifteenth Session**  
**Geneva, December 7 to 11, 2009**

### BRIEF SUMMARY OF WORKING DOCUMENTS

*Document prepared by the Secretariat*

#### I. DOCUMENTS FOR THE FIFTEENTH SESSION

1. The following is a brief summary of the documents prepared or due to be prepared for the fifteenth session of the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (the “Committee”) as at November 26, 2009. Each of these documents, as well as any additional documents, will be posted as soon as they are finalized at [www.wipo.int/tk](http://www.wipo.int/tk).

#### WIPO/GRTKF/IC/15/1 Prov. 2: Draft Agenda for the fifteenth session

2. This document contains the proposed items to be dealt with by the Committee, and is submitted to the Committee for possible adoption.

#### WIPO/GRTKF/IC/15/2: Accreditation of Certain Organizations

3. This document sets out the names, contact details and aims and objectives of organizations which have applied to the Committee for accreditation as *ad hoc* observers to future sessions of the Committee.

WIPO/GRTKF/IC/15/3: Participation of Indigenous and Local Communities: Voluntary Contribution Fund

4. The WIPO General Assembly has established a “WIPO Voluntary Fund for Accredited Indigenous and Local Communities”. The decision was taken on the basis of document WO/GA/32/6, which sets out the objectives and operation of the Fund. This document refers to the appointment of the Fund’s Advisory Board. The required information note providing details of contributions received and beneficiaries is circulated in parallel as document WIPO/GRTKF/IC/15/INF/4.

WIPO/GRTKF/IC/15/4: Arrangements for the Intersessional Working Group Sessions

5. The WIPO General Assembly in September 2009 agreed to renew the mandate of the Committee. The new mandate refers to “a clearly defined work program” and makes provision for three intersessional working groups (IWG) to be held in the 2010-2011 biennium. This document seeks to identify the main issues and questions relevant to the organizational arrangements for sessions of the IWG. In certain cases, the document provides additional factual background information on each issue for consideration by the Committee. The document does not, however, make any specific proposals or pre-empt or anticipate decisions which are for the Committee to take.

*Selected documents from previous sessions*

WIPO/GRTKF/IC/9/4: The Protection of Traditional Cultural Expressions/Expressions of Folklore: Revised Objectives and Principles

6. This document sets out draft “Revised Objectives and Principles for the Protection of Traditional Cultural Expressions” (“Objectives and Principles”), being considered by the Committee together with an agreed List of Issues concerning the protection of TCEs and the draft gap analysis on the protection of TCEs.

WIPO/GRTKF/IC/9/5: The Protection of Traditional Knowledge: Revised Objectives and Principles

7. This document sets out draft “Revised Objectives and Principles for the Protection of Traditional Knowledge” (“Objectives and Principles”), being considered by the Committee together with an agreed List of Issues concerning the protection of TK and the draft gap analysis on the protection of TK.

WIPO/GRTKF/IC/11/8(a): Genetic Resources

8. This document lists options for continuing or further work, including work in the areas of the disclosure requirement and alternative proposals for dealing with the relationship between intellectual property and genetic resources; the interface between the patent system and genetic resources; and the intellectual property aspects of access and benefit-sharing contracts.

## II. INFORMATION DOCUMENTS FOR THE FIFTEENTH SESSION AND OTHER DOCUMENTS OF CONTINUING INTEREST

### WIPO/GRTKF/IC/15/INF/1: List of Participants

9. A draft list of participants will be circulated at the fifteenth session.

### WIPO/GRTKF/IC/15/INF/2: Brief Summary of Working Documents

10. The present document, prepared as an informal guide to the Committee's documentation.

### WIPO/GRTKF/IC/15/INF/3: Draft Program for the Committee Session

11. In line with the Committee's request at its tenth session, this document sets out a suggested program, identifying possible timing for each agenda item. This draft program is indicative only, and the actual organization of work of the Committee would be determined by the Chair and its members in line with the rules of procedure.

### WIPO/GRTKF/IC/15/INF/4: Voluntary Fund for Accredited Indigenous and Local Communities: Information Note on Contributions and Applications for Support

12. This document sets out information required to be reported to the Committee on the operation of the Voluntary Fund for Accredited Indigenous and Local Communities. The rules are set out in the Annex to document WO/GA/32/6 which was approved by the General Assembly at its 32nd session. In particular, it gives information of contributions received or pledged, and actual support provided to representatives of accredited indigenous and local communities.

### WIPO/GRTKF/IC/15/INF/5: Information Note for the Panel of Indigenous and Local Communities

13. Following a decision of the Committee at its seventh session, each session of the Committee now commences with a panel chaired by a member of an indigenous community. The panel was held at the commencement of the previous seven sessions of the Committee. On each occasion, representatives of indigenous and local communities gave presentations on their communities' experiences and concerns in relation to TCEs, TK and genetic resources. This document sets out the proposed practical arrangements for the panel at the fifteenth session.

### WIPO/GRTKF/IC/13/10: Intersessional Procedures: Proposed Modalities and Terms of Reference

14. At the twelfth session of the Committee, the Committee invited Member States to make proposals on "proposed modalities and terms of reference for the establishment of intersessional mechanisms or processes, as well as other possibilities, to continue and to build on the progress achieved so far, in a structured and focused manner, the technical work of the Committee on the three substantive items between its sessions . . .". This document is the proposal of the African Group in response to this invitation.

WIPO/GRTKF/IC/11/9: Overview of Activities and Outcomes of the Intergovernmental Committee

15. This document provides an update of earlier documents prepared for the Committee (WIPO/GRTKF/IC/5/12) and for the General Assembly (WO/GA/31/5, WO/GA/32/7 and WO/GA/33/7) to provide a synthesized overview of the main activities and outcomes of the Committee. It also describes the interaction between the various components of the Committee's work and related program activities of WIPO, to facilitate consideration of future work and to provide background on the work of the Committee.

### III. HISTORICAL OVERVIEW OF DOCUMENTS ON THE THREE SUBSTANTIVE SUBJECT MATTERS

#### *Traditional cultural expressions/expressions of folklore*

16. The Committee's work on the protection of traditional cultural expressions/expressions of folklore ("TCEs") comprises:

(i) a draft set of "Revised Objectives and Principles for the Protection of Traditional Cultural Expressions" (document WIPO/GRTKF/IC/9/4). At its tenth session, the Committee agreed that a compilation of comments on the draft Objectives and Principles, which were submitted between the ninth and tenth sessions, be prepared and this compilation was issued at the eleventh session as working document WIPO/GRTKF/IC/11/4(b);

(ii) an outline of policy options and legal mechanisms for the protection of TCEs. Working document WIPO/GRTKF/IC/9/INF/4 is a revised draft requested by the Committee. This document provides information on the policy options and legal mechanisms that national and regional legal systems have employed to give effect to the kind of draft objectives and principles developed in WIPO/GRTKF/IC/9/4. An outline of policy options and legal mechanisms may serve as an information resource to assist in the choice of appropriate mechanisms to achieve policy objectives and to implement principles such as those set out for consideration in WIPO/GRTKF/IC/9/4;

(iii) an agreed List of Issues concerning the protection of TCEs. At its tenth session, the Committee agreed to hold a commentary process between its tenth and eleventh sessions, in which participants were invited to submit comments on the List of Issues. A collation of comments submitted on the List was consequently prepared and issued at the eleventh session as working document WIPO/GRTKF/IC/11/4(a). Following the eleventh session, the Secretariat prepared a factual extraction, with attribution, which consolidated the viewpoints and questions of participants on the List of Issues. This factual extraction was issued at the twelfth session as working document WIPO/GRTKF/IC/12/4(b). At the thirteenth session, the African Group submitted a proposal comprising the Group's comments and recommendations on the factual extractions. This proposal was issued as working document WIPO/GRTKF/IC/13/9;

(iv) a draft gap analysis on the protection of TCEs. As agreed by the Committee at its twelfth session, the Secretariat prepared and issued at the thirteenth session a draft gap analysis as working document WIPO/GRTKF/IC/13/4(b) Rev. Comments on the first draft of this document are available online at [www.wipo.int/tk/en/igc/gap-analyses.html](http://www.wipo.int/tk/en/igc/gap-analyses.html).

*Traditional knowledge*

17. The Committee's work on the protection of traditional knowledge ("TK") comprises:

(i) a draft set of "Revised Objectives and Principles for the Protection of Traditional Knowledge" (document WIPO/GRTKF/IC/9/5). At its tenth session, the Committee agreed that a compilation of comments on the draft Objectives and Principles, which were submitted between the ninth and tenth sessions, be prepared and this compilation was issued at the eleventh session as working document WIPO/GRTKF/IC/11/5(b);

(ii) an outline of policy options and legal mechanisms for the protection of TK. Working document WIPO/GRTKF/IC/9/INF/5 is a revised draft requested by the Committee. The document provides information on the policy options and legal mechanisms that national and regional legal systems have employed to give effect to the kind of draft objectives and principles developed in WIPO/GRTKF/IC/9/5. An outline of policy options and legal mechanisms may serve as an information resource to assist in the choice of appropriate mechanisms to achieve policy objectives and to implement principles such as those set out for consideration in WIPO/GRTKF/IC/9/5;

(iii) an agreed List of Issues concerning the protection of TK. At its tenth session, the Committee agreed to hold a commentary process between its tenth and eleventh sessions, in which participants were invited to submit comments on the List of Issues. A collation of comments submitted on the List was consequently prepared and issued at the eleventh session as working document WIPO/GRTKF/IC/11/5(a). Following the eleventh session, the Secretariat prepared a factual extraction, with attribution, which consolidated the viewpoints and questions of participants on the List of Issues. This factual extraction was issued at the twelfth session as working document WIPO/GRTKF/IC/12/5(b). At the thirteenth session, the African Group submitted a proposal comprising the Group's comments and recommendations on the factual extractions. This proposal was issued as working document WIPO/GRTKF/IC/13/9;

(iv) a draft gap analysis on the protection of TK. As agreed by the Committee at its twelfth session, the Secretariat prepared and issued at the thirteenth session a draft gap analysis as working document WIPO/GRTKF/IC/13/5(b) Rev. Comments on the first draft of this document are available online at [www.wipo.int/tk/en/igc/gap-analyses.html](http://www.wipo.int/tk/en/igc/gap-analyses.html).

*Genetic Resources*

18. Recent working documents on intellectual property and genetic resources prepared for previous sessions of the Committee, in line with its decisions, have comprised:

(i) WIPO/GRTKF/IC/13/8(a), a "List of Options" for continuing or further work on intellectual property and genetic resources;

(ii) WIPO/GRTKF/IC/13/8(b), a factual update of international developments relevant to the genetic resources agenda item. This document is the further update of WIPO/GRTKF/IC/11/8(b) and WIPO/GRTKF/IC/12/8(b) that was requested by the Committee;

(iii) WIPO/GRTKF/IC/13/8(c), a compilation of comments received on these documents following the invitation of the Committee at its last session.

*Other relevant documents*

WIPO/GRTKF/IC/8/11: Disclosure of Origin or Source of Genetic Resources and Associated Traditional Knowledge in Patent Applications: document submitted by the European Community and its Member States

19. This document provides the text of a proposal submitted on behalf of the European Community and its Member States.

WIPO/GRTKF/IC/8/12: Patent System and the Fight Against Biopiracy - The Peruvian Experience

20. This document provides the text of a submission by the Permanent Mission of Peru.

WIPO/GRTKF/IC/8/13: Ministry of Agriculture, Rural Development and Fisheries, Decree-Law No. 118/2002: document submitted by Portugal

21. This document provides information on and the text of this Portuguese law concerning protection of traditional knowledge.

WIPO/GRTKF/IC/11/10: Declaration of the Source of Genetic Resources and Traditional Knowledge in Patent Applications: Proposals by Switzerland

22. This document provides the text of a proposal by Switzerland.

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