

**Intergovernmental Committee on Intellectual Property and  
Genetic Resources, Traditional Knowledge and Folklore**

**Nineteenth Session**  
**Geneva, July 18 to 22, 2011**

DECISIONS OF THE NINETEENTH SESSION OF THE COMMITTEE  
*adopted by the Committee*

DECISION ON AGENDA ITEM 2:

ADOPTION OF THE AGENDA

The Chair submitted the draft agenda circulated as WIPO/GRTKF/IC/19/1 Prov. 4 for adoption and it was adopted.

DECISION ON AGENDA ITEM 3:

ADOPTION OF THE REPORT OF THE EIGHTEENTH SESSION

The Chair submitted the revised draft report of the eighteenth session of the Committee (WIPO/GRTKF/IC/18/11 Prov. 2) for adoption and it was adopted.

DECISION ON AGENDA ITEM 4:

ACCREDITATION OF CERTAIN ORGANIZATIONS

The Committee unanimously approved accreditation of all the organizations listed in the Annex to document WIPO/GRTKF/IC/19/2 as *ad hoc* observers, namely: Botswana Khwedom Council; Center for Studies and Research in Law of the Intangible (CERDI); and Culture of Afro-indigenous Solidarity (Afro-Indigène).

DECISION ON AGENDA ITEM 5:

PARTICIPATION OF INDIGENOUS AND LOCAL COMMUNITIES: VOLUNTARY FUND

The Committee took note of documents WIPO/GRTKF/IC/19/3, WIPO/GRTKF/IC/19/INF/4 and WIPO/GRTKF/IC/19/INF/6.

The Committee strongly encouraged and called upon members of the Committee and all interested public or private entities to contribute to the WIPO Voluntary Fund for Accredited Indigenous and Local Communities.

The Chair proposed, and the Committee elected by acclamation, the following eight members of the Advisory Board to serve in an individual capacity: Mr. Sjamsul HADI, Deputy Director, Ministry of Culture and Tourism, Jakarta Pusat, Indonesia; Mr. Benny MUELLER, Legal Advisor, Legal and International Affairs, Swiss Federal Institute of Intellectual Property, Bern, Switzerland; Mr. Raúl MARTÍNEZ, First Secretary, Permanent Mission of the Republic of Paraguay, Geneva; Mr. Mandixole MATROOS, Permanent Mission of the Republic of South Africa, Geneva; Dr. Emin TEYMUROV, Attaché, Permanent Mission of the Republic of Azerbaijan, Geneva; Ms. Debra HARRY, Executive Director, Indigenous Peoples Council on Biocolonialism (IPCB), Nixon, United States of America; Mr. Les MALEZER, Chairperson, Foundation for Aboriginal and Islander Research Action (FAIRA), Woolloongabba, Australia; and, Mr. Ngwang Sonam SHERPA, Chairperson, Nepal Indigenous Nationalities Preservation Association (NINPA), Kathmandu, Nepal. The Chair of the Committee nominated Mr. Vladimir Yossifov, Vice Chair of the Committee, to serve as Chair of the Advisory Board.

## DECISION ON AGENDA ITEM 6:

## TRADITIONAL CULTURAL EXPRESSIONS

The Committee requested that document WIPO/GRTKF/IC/19/4 (“The Protection of Traditional Cultural Expressions: Draft Articles”) be transmitted as a working document to the next session of the Committee. Articles 1, 2, 3 and 5 of the document should be replaced by the options for those articles, together with their associated comments and policy considerations, as presented to the Committee during the session by the facilitator on traditional cultural expressions, Ms. Kim Connolly-Stone (New Zealand). The Committee also requested that document WIPO/GRTKF/IC/19/4, as so amended, be included as part of the Committee’s report to the WIPO General Assembly taking place from September 26, 2011 to October 5, 2011.

The Committee also requested that document WIPO/GRTKF/IC/19/9 (“Like-Minded Countries Contribution to the Draft Articles on the Protection of Traditional Cultural Expressions”) be transmitted as a working document to the next session of the Committee.

The Committee invited the Secretariat to update the glossaries available in documents WIPO/GRTKF/IC/19/INF/7 (“Glossary of Key Terms Related to Intellectual Property and Traditional Cultural Expressions”), WIPO/GRTKF/IC/19/INF/8 (“Glossary of Key Terms Related to Intellectual Property and Traditional Knowledge”) and WIPO/GRTKF/IC/19/INF/9 (“Glossary of Key Terms Related to Intellectual Property and Genetic Resources”), to combine them in a single document and to publish that glossary as an information document for the next session of the Committee.

## DECISION ON AGENDA ITEM 7:

## TRADITIONAL KNOWLEDGE

The Committee requested that document WIPO/GRTKF/IC/19/5 (“The Protection of Traditional Knowledge: Draft Articles”) be transmitted as a working document to the next session of the Committee. Articles 1, 2, 3 and 6 of the document should be replaced by the options for those articles, together with their associated comments and policy considerations, as presented to the Committee during the session by the facilitators on traditional knowledge, Ms. Andrea Bonnet López (Colombia) and Mr. Nicolas Lesieur (Canada). In addition, the “Policy Objectives” and “General Guiding Principles” appearing in document WIPO/GRTKF/IC/18/5 (“The Protection of Traditional Knowledge: Revised Objectives and Principles”) should be added to this document, in the same manner that corresponding “Policy Objectives” and “General Guiding Principles” appear in document WIPO/GRTKF/IC/19/4 (“The Protection of Traditional Cultural Expressions: Draft Articles”).

The Committee also requested that document WIPO/GRTKF/IC/19/5, as so amended, be included as part of the Committee’s report to the WIPO General Assembly taking place from September 26, 2011 to October 5, 2011.

The Committee requested that document WIPO/GRTKF/IC/19/10 (“Like-Minded Countries Contribution to the Draft Articles on the Protection of Traditional Knowledge”) be transmitted as a working document to the next session of the Committee.

## DECISION ON AGENDA ITEM 8:

## GENETIC RESOURCES

The Committee requested that document WIPO/GRTKF/IC/19/6 (“Draft Objectives and Principles Relating to Intellectual Property and Genetic Resources”) be transmitted as a working document to the next session of the Committee, as amended by the text presented to the Committee by the facilitators on genetic resources, Mr. Ian Goss (Australia) and Mr. Hem Pande (India) and incorporating the amendments thereto made by the Committee in plenary. The Committee also requested that document WIPO/GRTKF/IC/19/6, as so amended, be included as part of the Committee’s report to the WIPO General Assembly taking place from September 26, 2011 to October 5, 2011.

With reference to document WIPO/GRTKF/IC/19/7 (“Options for Future Work on Intellectual Property and Genetic Resources”), the Committee requested the Secretariat to finalize, and update regularly as required, the activities referred to in Cluster C (“Options on Mutually-Agreed Terms for Fair and Equitable Benefit-Sharing”) and to provide information thereon to the Committee at each session. The Secretariat was requested to re-issue document WIPO/GRTKF/IC/19/7, including Clusters A (“Options on defensive protection of genetic resources”) and B (“Options on disclosure requirement”), as a working document for the next session of the Committee.

The Committee also requested that document WIPO/GRTKF/IC/19/11 (“Like-Minded Countries Contribution to the Objectives and Principles on the Protection of Genetic Resources and Preliminary Draft Articles on the Protection of Genetic Resources”), be transmitted as a working document to the next session of the Committee.

## DECISION ON AGENDA ITEM 9:

## CONTRIBUTION OF THE INTERGOVERNMENTAL COMMITTEE ON INTELLECTUAL PROPERTY AND GENETIC RESOURCES, TRADITIONAL KNOWLEDGE AND FOLKLORE (IGC) TO THE IMPLEMENTATION OF THE RESPECTIVE DEVELOPMENT AGENDA RECOMMENDATIONS

The Committee held a discussion on this item. The Committee decided that all statements made on this item would be recorded in the report of the Committee and that they would be transmitted to the WIPO General Assembly taking place from September 26, 2011 to October 5, 2011, in line with the decision taken by the 2010 WIPO General Assembly related to the Development Agenda Coordination Mechanism.

## DECISION ON AGENDA ITEM 10:

## FUTURE WORK

The Committee agreed to recommend the following decision to the WIPO General Assembly meeting from September 26, 2011 to October 5, 2011:

“Bearing in mind the Development Agenda recommendations, the WIPO General Assembly agrees that the mandate of the WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore be renewed as follows:

- (a) The Committee will, during the next budgetary biennium (2012/2013), and without prejudice to the work pursued in other fora, expedite its work on text-based negotiations with the objective of reaching agreement on a text(s) of an international legal instrument(s) which will ensure the effective protection of GRs, TK and TCEs.

- (b) The Committee will follow, as set out in the [table below], a clearly defined work program, based on sound working methods, for the 2012/2013 biennium. This work program will make provision initially for four sessions of the IGC, three of which will be thematic, as detailed in the future work program of the IGC, taking into account sub paragraph (d) with regard to the possible consideration by the General Assembly in 2012 of the need for additional meetings.
- (c) The focus of the Committee's work in the 2012/2013 biennium will build on the existing work carried out by the Committee and use all WIPO working documents, including WIPO/GRTKF/IC/19/4, WIPO/GRTKF/IC/19/5, WIPO/GRTKF/IC/19/6 and WIPO/GRTKF/IC/19/7, which are to constitute the basis of the Committee's work on text-based negotiations, as well as any other textual contributions by Members.
- (d) The Committee is requested to submit to the 2012 General Assembly the text(s) of an international legal instrument(s) which will ensure the effective protection of GRs, TK and TCEs. The General Assembly in 2012 will take stock of and consider the text(s), progress made and decide on convening a Diplomatic Conference, and will consider the need for additional meetings, taking account of the budgetary process.
- (e) The General Assembly requests the International Bureau to continue to assist the Committee by providing Member States with necessary expertise and funding, in the most efficient manner, of the participation of experts from developing countries and LDCs, taking into account the usual formula.
- (f) With a view to enhancing the positive contribution of observers, the General Assembly invites the Committee to review its procedures in this regard. To facilitate this review, the General Assembly requests the secretariat to prepare a study outlining current practices and potential options".

Date	Activity
February 2012	IGC 20 (GRs). Undertake text based negotiations with a focus on considering options for a draft legal text as detailed in WIPO/GRTKF/IC/19/7. In developing this text, the IGC should also carefully consider texts already submitted by Members. Duration 8 days, including Saturday.
April/May 2012	IGC 21 (TK). Focus on 4 key Articles viz Subject Matter of Protection, Beneficiaries, Scope of Protection and Limitations and Exceptions.
July 2012	IGC 22 (TCEs). Focus on 4 key Articles viz Subject Matter of Protection, Beneficiaries, Scope of Protection and Limitations and Exceptions
September 2012	WIPO General Assembly
2013	IGC 23. Consider decision of General Assembly and take stock of further work required to finalize the text/s.

DECISION ON AGENDA ITEM 11:

ANY OTHER BUSINESS

There were no interventions under this item.

DECISION ON AGENDA ITEM 12:

CLOSING OF THE SESSION

The Committee adopted its decisions on agenda items 2, 3, 4, 5, 6, 7, 8, 9 and 10 on July 22, 2011. It agreed that a draft written report, containing the agreed text of these decisions and all interventions made to the Committee, would be prepared and circulated before September 30, 2011. Committee participants would be invited to submit written corrections to their interventions as included in the draft report before a final version of the draft report would then be circulated to Committee participants for adoption at the next session of the Committee.

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