

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

**Forty-Seventh Session
Geneva, June 5 to 9, 2023**

DECISIONS OF THE FORTY-SEVENTH 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/47/1 Prov. 3 for adoption and it was adopted.

DECISION ON AGENDA ITEM 3:

ACCREDITATION OF CERTAIN ORGANIZATIONS

The Committee unanimously approved the accreditation of Action pour le Respect et la Protection de l'Environnement (ARPE), Indigenous Knowledge and Wisdom Centre Ltd and WhyWeCraft Association as *ad hoc* observers.

The Committee took note of document WIPO/GRTKF/IC/47/20.

DECISION ON AGENDA ITEM 4:

PARTICIPATION OF INDIGENOUS AND LOCAL COMMUNITIES

The Committee took note of documents WIPO/GRTKF/IC/47/3 and WIPO/GRTKF/IC/47/INF/4.

The Committee strongly encouraged and called upon members of the Committee and all interested public and 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. Dietrix Jon Ulukoa Duhaylonsod, Representative, Adviser, KA'UIKIOKAPŌ; Mr. Pablo Latorre, First Secretary, Permanent Mission of Chile; Ms. June Lorenzo, Representative, International Indian Treaty Council; Mr. Allan Ndagije Mugarura, Third Secretary, Permanent Mission of Uganda; Mr. Rodrigo Eduardo Paillalef Monnard, Representative, Fundación Empresas Indígenas; Mr. Thomas Reitingner, Senior Patent Examiner, Patent Division, German Patent and Trademark Office, Federal Ministry of Justice, Germany; Mr. Uzair Zahid Shaikh, First Secretary, Permanent Mission of Pakistan, Geneva; Ms. Lucie Zamykalová, Head, International Affairs Unit, International and Legal Affairs Department, Industrial Property Office of the Czech Republic, Czech Republic.

The Chair of the Committee nominated Mr. Yonah Seleti, a Vice-Chair of the Committee, to serve as Chair of the Advisory Board.

DECISION ON AGENDA ITEM 5:

TRADITIONAL KNOWLEDGE/TRADITIONAL CULTURAL EXPRESSIONS

The Committee developed, on the basis of document WIPO/GRTKF/IC/47/4, a further text, "The Protection of Traditional Knowledge: Draft Articles – Facilitators' Rev.", and on the basis of document WIPO/GRTKF/IC/47/5, a further text, "The Protection of Traditional Cultural Expressions: Draft Articles – Facilitators' Rev.". The Committee decided that these texts, as at the close of this agenda item on June 7, 2023, be considered by the Committee under Agenda Item 6 (Taking Stock of Progress and Making a Recommendation to the General Assembly), in accordance with the Committee's mandate for 2022-2023 and the work program for 2023.

The Committee took note of and held discussions on documents WIPO/GRTKF/IC/47/8, WIPO/GRTKF/IC/47/9, WIPO/GRTKF/IC/47/10, WIPO/GRTKF/IC/47/11, WIPO/GRTKF/IC/47/12, WIPO/GRTKF/IC/47/16, WIPO/GRTKF/IC/47/17, WIPO/GRTKF/IC/47/18, WIPO/GRTKF/IC/47/19, WIPO/GRTKF/IC/47/21, WIPO/GRTKF/IC/47/INF/7, WIPO/GRTKF/IC/47/INF/8 and WIPO/GRTKF/IC/47/INF/9.

DECISION ON AGENDA ITEM 6:

TAKING STOCK OF PROGRESS AND MAKING A RECOMMENDATION TO THE GENERAL ASSEMBLY

The Committee took stock of progress made during the 2022-2023 biennium, and confirmed that the texts contained in the annexes to documents WIPO/GRTKF/IC/47/14 and WIPO/GRTKF/IC/47/15 be transmitted to the 2023 WIPO General Assembly, in accordance with the Committee's mandate for 2022-2023 and the work program for 2023.

The Committee agreed to recommend to the 2023 WIPO General Assembly that the mandate of the Committee be renewed for the 2024-2025 biennium. The Committee further agreed to recommend to the 2023 General Assembly that the terms of the mandate and work program for 2024-2025 be as follows:

"Bearing in mind the Development Agenda recommendations, reaffirming the importance of the WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (Committee), noting the different nature of these issues and acknowledging the progress made, the WIPO General Assembly agrees that the mandate of the Committee be renewed, without prejudice to the work pursued in other fora, as follows:

- (a) The Committee will, during the next budgetary biennium 2024/2025, in a Member State driven process, continue its work on the protection of genetic resources (GRs), traditional knowledge (TK) and traditional cultural expressions (TCEs), with the objective of finalizing an agreement on an international legal instrument(s), without prejudging the nature of outcome(s), relating to intellectual property, which will ensure the balanced and effective protection of TK and TCEs.
- (b) Noting that a Diplomatic Conference will be convened to conclude an International Legal Instrument Relating to Intellectual Property, Genetic Resources and Traditional Knowledge Associated with Genetic Resources no later than 2024, the Committee will, during the next budgetary biennium 2024/2025, continue to discuss intellectual property issues concerning GRs as they relate to the mandate of the Committee.
- (c) The Committee's work in the 2024/2025 biennium will build on the existing work carried out by the Committee, including text-based negotiations, with a primary focus on narrowing existing gaps and reaching a common understanding on core issues¹.
- (d) The Committee will follow, as set out in the table below, a work program based on open and inclusive working methods for the 2024/2025 biennium, including an evidence-based approach as set out in paragraph (f). This work program will make provision for 4 sessions of the Committee in 2024/2025, including thematic, cross-cutting, and stocktaking sessions.
- (e) The Committee may establish *ad hoc* expert group(s) to address specific legal, policy, or technical issues². The results of such *ad hoc* expert group(s) shall be submitted to the Committee for its consideration.
- (f) The Committee will use all WIPO working documents, including WIPO/GRTKF/IC/47/14 (The Protection of Traditional Knowledge: Draft Articles) and WIPO/GRTKF/IC/47/15 (The Protection of Traditional Cultural Expressions: Draft Articles), as well as any other contributions of Member States, such as conducting/updating studies covering, inter alia, examples of national experiences,

¹ Core issues include, as applicable, inter alia, definitions, beneficiaries, subject matter, objectives, scope of protection, and what TK/TCEs are entitled to protection at an international level, including consideration of exceptions and limitations and the relationship with the public domain.

² The expert group(s) will have a balanced regional and gender representation and use an efficient working methodology. Accredited representatives of Indigenous Peoples as well as local communities will be invited to participate, in line with past practice of the Committee.

including domestic legislation, impact assessments, databases, and examples of protectable subject matter and subject matter that is not intended to be protected; and outputs of any expert group(s) established by the Committee and related activities conducted under the capacity-building and technical assistance program of the Secretariat (the Traditional Knowledge Division). The Secretariat is requested to continue to update studies and other materials relating to tools and activities on databases and on existing disclosure regimes relating to GRs and associated TK, with a view to identifying any gaps and continuing to collect, compile and make available online information on national and regional *sui generis* regimes for the intellectual property protection of TK and TCEs. Studies or additional activities are not to delay progress or establish any preconditions for the negotiations.

- (g) In 2025, the Committee is requested to submit to the General Assembly the results of its work in accordance with the objective reflected in paragraphs (a) and (b). The General Assembly in 2025 will take stock of progress made on GRs, in light of the Diplomatic Conference and IGC 48, TK and TCEs, and based on the maturity of the text(s) on TK and TCEs, including levels of agreement on objectives, scope, and nature of the instrument(s), decide on whether to convene a diplomatic conference and/or continue negotiations.
- (h) The General Assembly requests the Secretariat 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 for the IGC.
- (i) The Secretariat is also requested to facilitate the effective participation of Indigenous Peoples as well as local communities in WIPO's normative work related to GRs, TK and TCEs.

WORK PROGRAM – 4 SESSIONS

Indicative Dates	Activity
October/November 2024 (IGCs 48 and 49 will be held back-to-back)	IGC 48 Take stock of the progress made on GRs and TK associated with GRs and discuss any issues arising from the Diplomatic Conference. Duration 1 day (this one day session on GRs creates no precedence for future sessions of the Committee). IGC 49 Undertake negotiations on TK and/or TCEs with a focus on addressing unresolved and cross-cutting issues and considering options for a draft legal instrument(s). Duration 5 days.
March 2025	IGC 50 Undertake negotiations on TK and/or TCEs with a focus on addressing unresolved and cross-cutting issues and considering options for a draft legal instrument(s). Duration 5 days.

June 2025	IGC 51 Undertake negotiations on TK and/or TCEs with a focus on addressing unresolved and cross-cutting issues and considering options for a draft legal instrument(s). Stocktaking on GRs/TK/TCEs and making a recommendation Duration 5 days.
July 2025	WIPO General Assembly will take stock of the progress made, consider the text(s) and make the necessary decision(s).”

DECISION ON AGENDA ITEM 7:

ANY OTHER BUSINESS

There was no discussion under this item.

DECISION ON AGENDA ITEM 8:

CLOSING OF THE SESSION

The Committee adopted its decisions on agenda items 2, 3, 4, 5 and 6 on June 9, 2023.

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