

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

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

### BRIEF SUMMARY OF DOCUMENTS

*Document prepared by the Secretariat*

#### I. WORKING DOCUMENTS FOR THE FORTY-SEVENTH SESSION

1. The following is a brief summary of the documents prepared for the Forty-Seventh Session of the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (the “Committee” or “IGC”) as of May 30, 2023. Each of these documents, as well as any additional documents, will be posted as soon as they are finalized at:

[https://www.wipo.int/meetings/en/details.jsp?meeting\\_id=75419](https://www.wipo.int/meetings/en/details.jsp?meeting_id=75419)

#### WIPO/GRTKF/IC/47/1 Prov. 3: Draft Agenda for the Forty-Seventh 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/47/2: Accreditation of Certain Organizations

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

WIPO/GRTKF/IC/47/3: Participation of Indigenous and Local Communities: Voluntary Fund

4. The WIPO General Assembly, in 2005, established the “WIPO Voluntary Fund for Accredited Indigenous and Local Communities”. The decision was taken on the basis of document WO/GA/32/6, subsequently amended by the WIPO General Assembly in September 2010, which sets out the objectives and operation of the Fund. This document refers to the appointment of the Fund’s Advisory Board, and provides information on the fund-raising drive initiated by the Secretariat. The required information note providing details of contributions received and beneficiaries is circulated in parallel as document WIPO/GRTKF/IC/47/INF/4.

WIPO/GRTKF/IC/47/4: The Protection of Traditional Knowledge: Draft Articles

5. At its Forty-Sixth Session, which took place from February 27 to March 3, 2023, the Committee developed, on the basis of document WIPO/GRTKF/IC/46/4, a further text, “The Protection of Traditional Knowledge: Draft Articles – Facilitators’ Rev.”. The Committee decided that this text, as at the close of Agenda Item on “Traditional Knowledge/Traditional Cultural Expressions” on March 3, 2023, be transmitted to the Forty-Seventh Session of the Committee, in accordance with the Committee’s mandate for 2022-2023 and the work program for 2023. This document has been prepared for this session pursuant to this decision.

WIPO/GRTKF/IC/47/5: The Protection of Traditional Cultural Expressions: Draft Articles

6. At its Forty-Sixth Session, which took place from February 27 to March 3, 2023, the Committee developed, on the basis of document WIPO/GRTKF/IC/46/5, a further text, “The Protection of Traditional Cultural Expressions: Draft Articles – Facilitators’ Rev.”. The Committee decided that this text, as at the close of Agenda Item on “Traditional Knowledge/Traditional Cultural Expressions” on March 3, 2023, be transmitted to the Forty-Seventh Session of the Committee, in accordance with the Committee’s mandate for 2022-2023 and the work program for 2023. This document has been prepared for this session pursuant to this decision.

WIPO/GRTKF/IC/47/6: Consolidated Document Relating to Intellectual Property and Genetic Resources

7. At its Forty-Third Session, which took place from May 30 to June 3, 2022, the Committee developed, on the basis of document WIPO/GRTKF/IC/43/4, a further text, “The Consolidated Document Relating to Intellectual Property and Genetic Resources Rev. 2”. However, the Member States were unable to reach consensus on transmitting Rev. 2 to the Forty-Seventh Session of the Committee. It was decided to transmit the text in the annex to document WIPO/GRTKF/IC/43/4 to the Forty-Seventh Session of the Committee, in accordance with the Committee’s mandate for 2022-2023. Document WIPO/GRTKF/IC/47/6 has been prepared for this session pursuant to this decision.

WIPO/GRTKF/IC/47/7: Chair’s Text of a Draft International Legal Instrument Relating to Intellectual Property, Genetic Resources and Traditional Knowledge Associated with Genetic Resources

8. In April 2019, Mr. Ian Goss, the Chair of the IGC for the 2018-2019 biennium, prepared a text of a Draft International Legal Instrument Relating to Intellectual Property, Genetic

Resources and Traditional Knowledge Associated with Genetic Resources, for the consideration of the IGC. At its Fortieth Session, the Committee decided to include it as a working document of the Committee as a Chair's Text. Pursuant to this decision, document WIPO/GRTKF/IC/42/5 was prepared for IGC 42. The same document was re-issued for IGC 43 and has been re-issued for this session as document WIPO/GRTKF/IC/47/7.

WIPO/GRTKF/IC/47/8: The Protection of Traditional Knowledge: Updated Draft Gap Analysis

9. At its Twelfth Session, held in Geneva from February 25 to 29, 2008, the IGC decided that the WIPO Secretariat would, taking into account the previous work of the IGC, prepare a draft of the gap analysis on the protection of traditional knowledge, as a working document for the Thirteenth Session of the IGC. In 2017, the WIPO General Assembly requested the Secretariat to "update the 2008 gap analyses on the existing protection regimes related to TK and TCEs." Document WIPO/GRTKF/IC/37/6 was prepared for the Thirty-Seventh Session pursuant to this decision. The same document was re-issued for IGCs 38, 39, 40, 44, 45 and 46, and has been re-issued for this session as document WIPO/GRTKF/IC/47/8.

WIPO/GRTKF/IC/47/9: The Protection of Traditional Cultural Expressions: Updated Draft Gap Analysis

10. At its Twelfth Session, held in Geneva from February 25 to 29, 2008, the IGC decided that the WIPO Secretariat would, taking into account the previous work of the IGC, prepare a draft of the gap analysis on the protection of traditional cultural expressions, as a working document for the Thirteenth Session of the IGC. In 2017, the WIPO General Assembly requested the Secretariat to "update the 2008 gap analyses on the existing protection regimes related to TK and TCEs." Document WIPO/GRTKF/IC/37/7 was prepared for the Thirty-Seventh Session pursuant to this decision. The same document was re-issued for IGCs 38, 39, 40, 44, 45 and 46, and has been re-issued for this session as document WIPO/GRTKF/IC/47/9.

WIPO/GRTKF/IC/47/10: Report on the Compilation of Materials on Databases Relating to Genetic Resources and Associated Traditional Knowledge

11. The WIPO General Assembly in 2017 requested the Secretariat to "produce a report(s) compiling and updating studies, proposals and other materials relating to tools and activities on databases and on existing disclosure regimes relating to GR and associated TK, with a view to identify any gaps." Pursuant to this decision, document WIPO/GRTKF/IC/35/5 was prepared for IGC 35, and the same documents were prepared with a few updates for IGC 36, 37, 38, 39, 40, 42, 43, 44, 45 and 46. The same document has been prepared as document WIPO/GRTKF/IC/47/10.

WIPO/GRTKF/IC/47/11: Report on the Compilation of Materials on Disclosure Regimes Relating to Genetic Resources and Associated Traditional Knowledge

12. The WIPO General Assembly in 2017 requested the Secretariat to "produce a report(s) compiling and updating studies, proposals and other materials relating to tools and activities on databases and on existing disclosure regimes relating to GR and associated TK, with a view to identify any gaps." Pursuant to this decision, document WIPO/GRTKF/IC/35/6 was prepared for IGC 35, and the same documents were prepared with a few updates for IGC 36, 37, 38, 39, 40, 42, 43, 44, 45 and 46. The same document has been re-issued as document WIPO/GRTKF/IC/47/11.

WIPO/GRTKF/IC/47/12: Legal Principles related to an International Instrument

13. At its Forty-Fifth Session, the Committee “requested the Secretariat to update and streamline by IGC 47 some documents from the early years of the IGC on topics such as rights and measures-based approaches, the interplay between national and international instruments, the differences between minimum and maximum standards, and options for the legal nature of international instruments.” Pursuant to this decision, document WIPO/GRTKF/IC/46/10 was prepared for IGC 46. The same document has been re-issued as document WIPO/GRTKF/IC/47/12.

WIPO/GRTKF/IC/47/13: Report on Virtual Activities Decided by the Forty-Third Session of the Committee

14. At its Forty-Third Session, the Committee “decided that the Secretariat should organize further ad hoc virtual meetings of experts on possible disclosure requirements, and a virtual Seminar and/or other virtual technical meetings on information systems, registers and databases of genetic resources, traditional knowledge and traditional cultural expressions before the Forty-Seventh Session of the Committee, and provide written reports on such meetings to the Committee. [...] On information systems, registers and databases of genetic resources, traditional knowledge and traditional cultural expressions, the Secretariat is invited to issue an online survey which Member States and accredited observers could respond to, if they so wish.” Pursuant to these decisions, this document provides a factual report on these three virtual activities.

WIPO/GRTKF/IC/47/14: The Protection of Traditional Knowledge: Draft Articles

15. Pending the work of the Committee at its Forty-Seventh Session, and subject to any decisions that may be taken by the Committee under Agenda Item 5, this document would be the text on traditional knowledge developed by the Committee at its Forty-Seventh Session. It would be made available for the Committee to take stock of progress in accordance with its mandate for 2022/2023 and the work program for 2023.

WIPO/GRTKF/IC/47/15: The Protection of Traditional Cultural Expressions: Draft Articles

16. Pending the work of the Committee at its Forty-Seventh Session, and subject to any decisions that may be taken by the Committee under Agenda Item 5, this document would be the text on traditional cultural expressions developed by the Committee at its Forty-Seventh Session. It would be made available for the Committee to take stock of progress in accordance with its mandate for 2022/2023 and the work program for 2023.

WIPO/GRTKF/IC/47/16: Report on the International Symposium on Intellectual Property, and Traditional Knowledge and Genetic Resources

17. The Delegation of China submitted this document, which contains the report on the International Symposium on Intellectual Property, and Traditional Knowledge and Genetic Resources that took place on November 28 and 29, 2022, and was co-organized by the China National Intellectual Property Administration and the World Intellectual Property Organization.

WIPO/GRTKF/IC/47/17: Joint Recommendation on the Use of Databases for the Defensive Protection of Genetic Resources and Traditional Knowledge Associated with Genetic Resources

18. During the Twenty-Third Session of the IGC, which took place in February 2013, a joint recommendation regarding the use of databases for the defensive protection of genetic resources and traditional knowledge associated with genetic resources was co-sponsored by the Delegations of Canada, Japan, the Republic of Korea and the United States of America. This proposal was contained in document WIPO/GRTKF/IC/23/7. The Delegations of Japan, the Republic of Korea and the United States of America have resubmitted this joint recommendation with some updates as a working document for this session.

WIPO/GRTKF/IC/47/18: Traditional Cultural Expressions: A Discussion Paper

19. During the Thirty-Third Session of the IGC, which took place in February 2017, a discussion paper on traditional cultural expressions was made available by the Delegation of the United States of America. This discussion paper was contained in document WIPO/GRTKF/IC/33/5. The Delegation of the United States of America resubmitted this discussion paper with some updates as a working document at IGC 40, and has resubmitted this discussion paper for this session.

WIPO/GRTKF/IC/47/19: Identifying Examples of Traditional Knowledge to Stimulate a Discussion of what should be Protectable Subject Matter and what is not Intended to be Protected

20. During the Thirty-Second Session of the IGC, which took place in November 2016, a document identifying examples of traditional knowledge to stimulate a discussion of what should be protectable subject matter and what is not intended to be protected, was made available by the Delegation of the United States of America. This was contained in document WIPO/GRTKF/IC/32/10. The Delegation has resubmitted the same document as a working document for this session.

WIPO/GRTKF/IC/47/20: Update on the List on Non-Governmental Organizations Admitted as Observers to the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore

21. At its Forty-Fifth Session, the Committee agreed on the approach contained in document WIPO/GRTKF/IC/45/2 entitled "Update of the List of the Non-Governmental Organizations Admitted as *Ad Hoc* Observers to the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore." Document WIPO/GRTKF/IC/47/20 provides an update on the results of the process of updating the list of *ad hoc* observers to the IGC.

WIPO/GRTKF/IC/47/21: Joint Recommendation on Genetic Resources and Associated Traditional Knowledge

22. During the Twentieth Session of the IGC, which took place in February 2012, the Delegations of Canada, Japan, Norway, the Republic of Korea and the United States of America made available a "Joint Recommendation on Genetic Resources and Associated Traditional Knowledge". This was contained in document WIPO/GRTKF/IC/20/9 Rev. The

Delegations of Japan, the Republic of Korea and the United States of America have resubmitted this joint recommendation as a working document for this session.

## II. INFORMATION DOCUMENTS FOR THE FORTY-SEVENTH SESSION

### WIPO/GRTKF/IC/47/INF/1: List of Participants

23. A draft list of participants will be circulated at the Forty-Seventh Session of the Committee.

### WIPO/GRTKF/IC/47/INF/2 Rev.: Brief Summary of Documents

24. The present document has been prepared as an informal guide to the Committee's documentation.

### WIPO/GRTKF/IC/47/INF/3 Rev.: Draft Program for the Forty-Seventh Session

25. In line with the Committee's request at its Tenth Session, this document sets out a suggested program and identifies a 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/47/INF/4: Voluntary Fund for Accredited Indigenous and Local Communities: Information Note on Contributions and Applications for Support

26. 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, as approved by the WIPO General Assembly at its Thirty-Second Session and subsequently amended by the WIPO General Assembly in September 2010. In particular, it gives information on contributions received or pledged, and actual support provided to representatives of accredited indigenous and local communities.

### WIPO/GRTKF/IC/47/INF/5: Information Note for the Panel of Indigenous and Local Communities

27. Following a decision of the Committee at its Seventh Session, each subsequent session of the Committee has commenced with a panel chaired by a member of an indigenous community. The panel has been held at the commencement of the previous 38 sessions of the Committee. On each occasion, representatives of indigenous peoples and local communities gave presentations on a specific theme related to the IGC's negotiations. This document sets out the proposed practical arrangements for the panel at the Forty-Seventh Session of the Committee.

WIPO/GRTKF/IC/47/INF/7: Glossary of Key Terms Related to Intellectual Property and Genetic Resources, Traditional Knowledge and Traditional Cultural Expressions

28. At its Nineteenth Session, “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 the consolidated glossary as an information document for the next session of the Committee”. This document is made available in the same version of the consolidated glossary for the session.

WIPO/GRTKF/IC/47/INF/8: Update of the Technical Review of Key Intellectual Property-Related Issues of the WIPO Draft Instruments on Genetic Resources, Traditional Knowledge and Traditional Cultural Expressions Within the Framework of Indigenous Human Rights

29. At its Fortieth Session, the Committee requested the Secretariat to commission, within existing resources, the updating by an indigenous expert of the Technical Review of Key Intellectual Property-related Issues of the WIPO Draft Instruments on Genetic Resources, Traditional Knowledge and Traditional Cultural Expressions (“the Technical Review”), submitted to the Committee as an information document during the Twenty-Ninth Session of the Committee. Ms. Neva Collings, Board Director, NSW Aboriginal Housing Office, Department of Family and Community Services, Australia, and Mr. Elifuraha Laltaika, Senior Lecturer and Director, Research Tumaini University Makumira, Tanzania, were commissioned to update the Technical Review. This document provides an updated version of the Technical Review.

WIPO/GRTKF/IC/47/INF/9: Report of Indigenous Expert Workshop on Intellectual Property and Genetic Resources, Traditional Knowledge and Traditional Cultural

30. The *Indigenous Expert Workshop on Intellectual Property and Genetic Resources, Traditional Knowledge and Traditional Cultural Expressions*, was held from February 22 to 24, 2023, in Geneva, Switzerland. The experts identified and discussed key legal, policy and technical issues and provided commentary on these key issues, as well as specific textual proposals, where warranted. This document is a report on the discussions held during the workshop.

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