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

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UPDATE ON LEGAL-TECHNICAL ASSISTANCE AND CAPACITY-BUILDING ACTIVITIES

Document prepared by the Secretariat

I. OVERVIEW

1. The Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (“the Committee”) has approved the provision of regular updates on the legal-technical assistance and capacity-building activities that WIPO undertakes in the field of intellectual property and genetic resources, traditional knowledge and folklore. This document is a further update, reporting on activities undertaken since the previous report, document WIPO/GRTKF/IC/5/4, was issued in April 2003.
2. The Secretariat continues to provide a wide range of technical cooperation on this topic through workshops and meetings, expert and fact-finding missions, legislative drafting and advice, and education and training. This includes activities specifically focussed on the legal protection of traditional knowledge and related genetic resources, and the legal protection of expressions of folklore (also known as Traditional Cultural Expressions (TCEs)).
3. This document provides only those activities undertaken or proposed between May 2003 and February 2004. It is only an illustrative list and may not include every relevant activity undertaken by the Secretariat. It does however demonstrate the continuing strong interest in practical and policy issues in relation to the protection of traditional knowledge and expressions of folklore.

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4. Many other activities on intellectual property (IP) more generally, such as symposiums, seminars, conferences and advisory missions undertaken by the WIPO Secretariat included traditional knowledge (TK) and expressions of folklore as a topic. Not all of these more general activities are reported on in this document, which provides an illustration of the work that is under way, rather than an exhaustive list.

II. REPORT ON ACTIVITIES

5. The activities are listed under the following general categories:

- (i) Specific Workshops and Meetings (these are workshops and meetings dealing specifically with folklore or having folklore as one of its principal themes);
- (ii) Expert and Fact-finding Missions;
- (iii) Legislative Drafting, Comments and Information;
- (iv) Education and Training.

Specific Workshops and Meetings

6. WIPO continues to receive requests for workshops and meetings that take an integral approach in providing technical assistance, and undertaking consultations on the substantive issues considered by the Committee.

7. The main objectives of the workshops are to: (i) provide Member States, Indigenous and local communities, relevant organizations and other stakeholders with a forum where they can consider and reflect on the technical, legal and policy dimensions of the issues that arise in the context of the mandate of the Intergovernmental Committee and, (ii) ensure that States, Indigenous peoples and local communities, and other stakeholders have a clear idea of the work and mandate of the IGC, so that they may contribute to its deliberations in an effective way. WIPO has financed the participation of Government officials from developing countries and nominated representatives of Indigenous and local communities.

8. Since May 2003, and up to the date of this document, the following workshops of this nature have been organized by the WIPO Secretariat:

- WIPO Sub-Regional Seminar on the Protection of Traditional Cultural Expressions, Rabat, May 20 and 21, 2003;
- WIPO Workshop on Access to Genetic Resources, Traditional Knowledge and Folklore in Latin America, Lima, Peru, from May 12 to 14, 2003;
- Sub-regional Workshop on Folklore and Traditional Knowledge for Countries of the Andean Community, Lima, May 15, 2003;
- WIPO National Workshop on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore, Guatemala, October 16 and 17, 2003;
- WIPO Interregional Seminar on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore, Isfahan (Islamic Republic of Iran), June 16 to 18, 2003 (the outcome of this meeting, known as the 'Isfahan declaration' was reported to the Committee as document WIPO/GRTKF/IC/5//14);
- WIPO International Forum on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore, Moscow, June 3 to 5, 2003;

- WIPO Regional Meeting on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore, Ottawa, September 7 to 9, 2003;
- WIPO Roundtable on Policy and Legal Options for the Protection of Genetic Resources, Traditional Knowledge and Expressions of Folklore, Kampala (Uganda), October 13 and 14, 2003;
- WIPO/South Asian Association for regional Cooperation (SAARC) Expert Workshop on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore, New Delhi, November 17 and 18, 2003;
- WIPO/OAPI Roundtable on Policy and Legal Options for the Protection of Genetic Resources, Traditional Knowledge and Expressions of Folklore, Benin, December 15 and 16, 2003.

9. A wide range of additional regional and sub-regional consultations, workshops and other forums addressing these issues are in various stages of planning and implementation. These may include diverse proposals for activities to be held in countries in each of the regional groups of WIPO Member States.

10. Apart from these workshops, genetic resources, TK and TCEs have also been a primary or principal focus of other workshops, seminars, forums and meetings organized or participated in by WIPO, such as:

- Annual General Meeting of the American Folklore Society, Albuquerque, New Mexico, USA, October 2003
- Secretariat of the Convention on Biological Diversity (CBD) Second meeting of the Ad Hoc Open-ended Working Group on Access and Benefit-Sharing, Montreal, December 1 to 5, 2003;
- Secretariat of the Convention on Biological Diversity (CBD) Third meeting of the Ad Hoc Open-ended Inter-sessional Working Group on Article 8(j) and Related Provisions of the Convention on Biological Diversity, Montreal, December 8 to 12, 2003;
- Round Table on the Protection of Traditional Chinese Medicine (TCM) and Medicinal Plants, Beijing, November 14, 2003;
- UNESCO Third Session of the Intergovernmental Meeting of Experts on the Preliminary- Draft Convention for the Safeguarding of Intangible Cultural Heritage, Paris, from June 2 to 14, 2003 (attended June 12, 2003 only);
- Conference on Intellectual Property and Biological Resources Law and Policy, Singapore, December 1 to 3, 2003.

Expert and Fact-finding Missions

11. A WIPO advisory mission was undertaken in Brasilia, May 8 and 9, 2003. Formal consultations were held with Brazilian Government Authorities on traditional knowledge, access to genetic resources and folklore. The authorities included the Ministry of Culture (Secretary of Heritage, Museums and Art and the National Institute of History and Art) and the Ministry of External Relations.

12. A fact-finding mission was undertaken in China from November 10 and 14, 2003. The terms of reference concerned the legal protection of traditional Chinese medicine (TCM). The mission visited Beijing and the Yunnan Province, and consulted with traditional healers

and TCM clinics, industrial enterprises based on TCM, including innovative TCM protected through the national and international patent systems, and administrators of the intellectual property system.

13. An expert mission was undertaken to Indonesia in December 2003, concerning the legal protection of traditional cultural expressions.

14. Consultations also took place with the American Folklife Centre, Library of Congress, and the Centre of Folklife and Cultural Heritage, Smithsonian Institution, both in Washington, D.C., in October 2003.

Legislative Drafting, Comments and Information

15. Within the context of the Secretariat's normal and ongoing Development Cooperation functions, the WIPO Secretariat has provided comments and information on the protection of expressions of folklore and traditional knowledge to many countries which have requested this as part of their drafting of IP laws or review of existing laws. Requests for such assistance continue to be received by the Secretariat. They are also received from regional intergovernmental organizations.

16. On a regional level, WIPO prepared materials concerning legal and policy options for the intellectual property protection of traditional knowledge for the African Regional Industrial Property Organization (ARIPO), as technical cooperation in the context of developing an integrated policy approach to traditional knowledge. Similar resource materials were drawn on in consultations on legal and policy options with the African Intellectual Property Organization (OAPI).

Education and Training

17. The topics of traditional knowledge and TCEs continue to be included, at the request of Member States, in many training workshops, seminars or briefings organized by WIPO, both within its program of cooperation for development (including the WIPO Worldwide Academy), and in its outreach programs dealing with industry and civil society. The numerous relevant activities are not listed in this document.

18. In July 2003, the WIPO Worldwide Academy initiated the pilot testing of a draft on-line Distance Learning course on Intellectual Property and Traditional Knowledge. Over 60 students from a wide variety of nationalities and professional backgrounds registered to take part in the pilot course. These included indigenous members of the Fellowship Program run by the Office for the High Commissioner of Human Rights (OHCHR) and the International Labour Organization (ILO), who work at the grassroots community level in their respective countries. The pilot course ran for 10 weeks, in which time students were asked to read six modules on various aspects of IP and TK, to complete a series of end-of-module questions, and to submit a final written exam paper to the dedicated course tutor. The final exam paper consisted of a series of case studies and questions related to the course work. Successful students received a WIPO Diploma. Students also submitted feedback questionnaires to WIPO on the content and structure of the pilot course. The structure, material and pedagogical approach of the course will be reviewed and revised in order to produce a finished version for general use. The English language version of the WIPO Distance Learning course on IP and TK will be formally launched once the assessment and

review process has been concluded. The course would initially be offered in the English language only, but budget permitting, it could be translated into both Spanish and French.

Practical Guides, Studies and Awareness-Raising Publications

19. At the request of certain Least Developed Countries (LDCs) and in order to provide concrete and practical advice in the form of guidelines and strategies, WIPO began extensive work on Practical Guides on Traditional Cultural Expressions (TCEs) /Folklore for selected LDC countries. Each guide is to enable Member State countries to develop and formulate appropriate national IP strategies for the legal protection of TCEs, namely the identification, recording and valuation of TCEs identified by them as requiring protection.

20. Consultations and preparations continued on the development of a draft toolkit for use by holders of traditional knowledge in identifying and protecting their interests in the context of proposals for the documentation of TK, drawing on materials contained in documents WIPO/GRTKF/IC/4/5 and WIPO/GRTKF/IC/5/5, and continuing the processes of stakeholder consultation outlined in those documents.

21. A series of background publications on the issues under consideration by the Committee Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC) and which are also the subject of parallel debates in other international forums are being published. These make maximum use of the existing IGC materials already distributed at the IGC sessions. They are developed at two levels – brief introductory booklets for a general audience and more extended briefing papers for a more specialist policy audience.

22. The Committee is invited to take note of the contents of this document.

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