

## 知识产权与遗传资源、传统知识和民间文学艺术 政府间委员会

### 第十七届会议

2010年12月6日至10日，日内瓦

### 第一届闭会期间工作组会议简要报告

秘书处编拟

### 导 言

1. 第一届闭会期间工作组会议(IWG 1)于2010年7月19日至23日召开。会议结束时通过了一份“第一届闭会期间工作组会议简要报告”(WIPO/GRTKF/IC/IWG/1/2)，介绍了IWG 1开展的工作。
2. 简要报告中向知识产权与遗传资源、传统知识和民间文学艺术政府间委员会(IGC)提出了一项正式建议，即建议IGC“请秘书处编制一份关于WIPO/GRTKF/IC/17/4 Prov.中的关键词语含义的词汇表，供IGC审议”，并在此方面提出了其他一些建议，(见简要报告第7段)。在简要报告第8段中，IWG 1请秘书处为IGC下届会议编写两份文件。这两份文件已作为WIPO/GRTKF/IC/17/9(“第一届闭会期间工作组会议期间编拟的保护传统文化表现形式/民间文艺表现形式条款草案”)和WIPO/GRTKF/IC/17/INF/7(“第一届闭会期间工作组会议讨论纪要”)提供。

3. IWG 1 还要求将简要报告，包括所涉会议的与会者名单，提交 IGC 第十七届会议(见简要报告第 9 段)。本文件即为满足这一要求编写的。

4. 请委员会注意附件中的 IWG 1 简要报告，特别是其中第 7 段中提出的建议。

[后接附件]



## 知识产权与遗传资源、传统知识和民间文学艺术 政府间委员会

### 第一届闭会期间工作组会议

2010年7月19日至23日，日内瓦

### 第一届闭会期间工作组会议简要报告

秘书处编拟

## 第一届闭会期间工作组会议简要报告

### 议程第 1 项：会议开幕

1. 副总干事 Johannes Christian Wichard 先生代表总干事弗朗西斯·高锐先生为本届会议主持了开幕仪式。
2. Wend Wendland 先生(WIPO)担任第一届闭会期间工作组会议(IWG 1)的秘书。

### 议程第 2 项：选举主席团成员

3. Savitri Suwansathit 女士(泰国)当选为 IWG 1 会议主席，Ndeve Abibatou Youm Diabe Siby 女士(塞内加尔)、Norman Bowman 先生(澳大利亚)、Vladia Borissova 女士(保加利亚)和 Eduardo Tempone 先生(阿根廷)当选为副主席。

### 议程第 3 项：通过议程

4. IWG 1 通过了议程草案(WIPO/GRTKF/IWG/1/1 Prov.)，草案未经任何修改成为会议的议程。

### 议程第 4 项：传统文化表达形式/民间文艺表达形式

5. 根据文件 WIPO/GRTKF/IC/17/4 Prov.，IWG 1 讨论了以下议题和条款：目标和总指导原则，保护的客体(第 1 条)，受益人/权利的管理(第 2 条和第 4 条)，盗用行为/例外和限制/手续(第 3 条、第 5 条及第 7 条)，保护期/过渡性措施(第 6 条和第 9 条)，制裁/补救办法和行使权利(第 8 条)，与知识产权保护及其他保护、保存和促进形式之间的关系(第 10 条)，以及国际和区域保护(第 11 条)。本届会议的工作日程详见附件 A。
6. 在 IWG 1 全体会议上深入而详尽的讨论之后，成立了六个不限成员名额的非正式起草小组，以进一步讨论、交流和汇总全体会议上所发表的各种意见，并就每一组议题提出统一的案文，包括各种选项。非正式起草小组的工作成果经过汇总之后，作为 IWG 按要求须向 IGC 提供的咨询意见，提交 IWG 全体会议的所有专家。2010 年 7 月 23 日，专家们在 IWG 1 的全体会议上就非正式工作组编拟的汇总草案提出意见，一些专家还增补了新的选项。会上注意到了起草的拟议案文、发表的意见和增补的选项，但并未予以通过。
7. IWG 1 认识到，有必要在案文中收入一份关键词语的定义/词汇表，并正式建议 IGC 在下届会议上请秘书处编制一份 WIPO/GRTKF/IC/17/4 Prov.中的关键词语含义的词汇表，供 IGC 审议。还请 IGC 进一步考虑是否可以在这份词汇表的基础上，在案文中插

入一条包含词语定义的新条款。该词汇表应当尽可能借鉴联合国及其他国际文书中现有的词汇。鉴于 IGC 已在第 16 届会议上委托编制一份有关知识产权和遗传资源的词汇表, IWG 1 还请 IGC 考虑是否应编制一份关于“传统知识”的此种词汇表(可参考正在为 IGC 第 17 届会议编拟的文件 WIPO/GRTKF/IC/17/5)。

8. IWG 1 请秘书处为 IGC 下届会议编制以下文件:
  - (a) 文件(WIPO/GRTKF/IWG/1/3), 其中收入非正式起草小组编拟的条款草案以及上文第 6 段所述的 IWG1 全体会议在 2010 年 7 月 23 日发表的补充意见与选项;
  - (b) IWG 1 的会议讨论纪要(WIPO/GRTKF/IWG/1/4), 反映 IWG 1 期间就目标、总指导原则和各实质性条款提出的所有意见与建议。IWG 1 会议上提出的意见与建议应当尽可能注明是哪些以个人身份与会的专家提出的。观察员专家提出的起草建议将被纳入说明部分, 供成员国审议。
9. IWG 1 请求在本文件(WIPO/GRTKF/IWG/1/2)后加入附件 IWG 1 的与会者名单, 以及文件 WIPO/GRTKF/IWG 3 和 WIPO/GRTKF/IWG 4, 一并提交 IGC 下届会议审议。

**议程第 5 项: 任何其他事务**

10. 此项下无报告事项。

**议程第 6 项: 通过报告**

11. IWG 1 于 2010 年 7 月 23 日通过了本报告。

**议程第 7 项: 会议闭幕**

12. 主席感谢所有专家的积极参与和贡献, 并宣布会议闭幕。

[后接附件]

## 第一届闭会期间工作组会议 (IWG 1)

### 工作日程

2010 年 7 月 19 日至 23 日

- a) 星期一：目标和总指导原则/保护的客体(第 1 条)
- b) 星期二上午：受益人/权利的管理(第 2 条和第 4 条)
- c) 星期二下午和星期三上午：盗用行为/例外与限制/手续(第 3 条、第 5 条及第 7 条)
- d) 星期三下午：保护期/过渡性措施(第 6 条和第 9 条)
- e) 星期四上午：制裁/补救办法和行使权利(第 8 条)以及与知识产权保护和其他保护、保存和促进形式之间的关系(第 10 条)
- f) 星期四下午：国际和区域保护(第 11 条)
- g) 星期五上午：任何其他事务以及编写和翻译报告草案
- h) 星期五下午：审议和通过报告

[后接附件二(原文照录)]



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WIPO/GRTKF/IWG/1/INF/1 PROV. 2  
ORIGINAL: FRANÇAIS/ENGLISH  
DATE: 21 JUILLET 2010/JULY 21, 2010

## **Comité intergouvernemental de la propriété intellectuelle relative aux ressources génétiques, aux savoirs traditionnels et au folklore**

### **Premier groupe de travail intersessions**

**Genève, 19 – 23 juillet 2010**

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

### **First Intersessional Working Group**

**Geneva, July 19 to 23, 2010**

**DEUXIÈME LISTE PROVISOIRE\* DES PARTICIPANTS/  
SECOND PROVISIONAL\* LIST OF PARTICIPANTS**

établie par le Secrétariat/  
prepared by the Secretariat

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\* Les participants sont priés d'informer le Secrétariat des modifications qui devront être prises en considération lors de l'établissement de la liste finale des participants, en indiquant les corrections sur la présente liste provisoire.

\* Participants are requested to inform the Secretariat of any changes which should be taken into account in preparing the final list of participants. Changes should be requested by making corrections on the present provisional list.

## I. ÉTATS/STATES

(dans l'ordre alphabétique des noms français des États)  
(in the alphabetical order of the names in French of the States)

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Jalal NOORANI, Advisor, Ministry of Information and Culture, Kabul  
Mostainbillah BALAGH, Third Secretary, Permanent Mission, Geneva  
Akhshid JAVID, Third Secretary, Permanent Mission, Geneva

### AFRIQUE DU SUD/SOUTH AFRICA

Susanna CHUNG (Ms.), First Secretary, Foreign Affairs Department, Permanent Mission, Geneva

### ALGÉRIE/ALGERIA

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RÉPUBLIQUE DE CORÉE/REPUBLIC OF KOREA

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RÉPUBLIQUE TCHÈQUE/CZECH REPUBLIC

Pavel ZEMAN, Director, Copyright Department, Ministry of Culture, Prague

RÉPUBLIQUE-UNIE DE TANZANIE/UNITED REPUBLIC OF TANZANIA

Esteriano Emmanuel MAHINGILA, Chief Executive Officer, Business Registrations and Licensing Agency, Dar es Salaam

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SAINT-SIÈGE/HOLY SEE

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SLOVÉNIE/SLOVENIA

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TRINITÉ-ET-TOBAGO/TRINIDAD AND TOBAGO

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TUNISIE/TUNISIA

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URUGUAY

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Oswaldo REQUES OLIVEROS, Primer Secretario, Misión Permanente, Ginebra

VIET NAM

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ZAMBIE/ZAMBIA

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ZIMBABWE

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Garikai KASHITIKU, First Secretary, Permanent Mission, Geneva

II. DÉLÉGATION SPÉCIALE/SPECIAL DELEGATION

UNION EUROPÉENNE/EUROPEAN UNION

Georgios KRITIKOS, First Secretary, Permanent Delegation, Geneva

Sergio BALIBREA, First Counsellor, Delegation of the European Union to the International Organisations in Geneva, Geneva

III. ORGANISATIONS INTERNATIONALES INTERGOUVERNEMENTALES/  
INTERNATIONAL INTERGOVERNMENTAL ORGANIZATIONS

CONFÉRENCE DES NATIONS UNIES SUR LE COMMERCE ET LE DÉVELOPPEMENT  
(CNUCED)/UNITED NATIONS CONFERENCE ON TRADE AND DEVELOPMENT (UNCTAD)

Ermias BIADGLENG, Legal Expert, Division on Investment and Enterprise, Geneva

HAUT-COMMISSARIAT DES NATIONS UNIES AUX DROITS DE L'HOMME (HCDH)/OFFICE  
OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS (OHCHR)

Anne BESSON (Mlle), stagiaire, Département des peuples autochtones, Genève

ORGANISATION BENELUX DE LA PROPRIÉTÉ INTELLECTUELLE (OBPI)/  
BENELUX ORGANISATION FOR INTELLECTUAL PROPERTY (BOIP)

Edmond L. SIMON, directeur général, La Haye

ORGANISATION DE LA CONFÉRENCE ISLAMIQUE (OCI)/ORGANIZATION OF THE ISLAMIC CONFERENCE (OIC)

Naezih MAAROUF, Director, Crafts Development Program, Research Center for Islamic History, Art and Culture, Istanbul

ORGANISATION DES NATIONS UNIES POUR L'ALIMENTATION ET L'AGRICULTURE (FAO)/FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS (FAO)

Shakeel BHATTI, Secretary, Agriculture and Consumer Protection Department, International Treaty on Plant Genetic Resources for Food and Agriculture (PGRFA), Rome

ORGANISATION RÉGIONALE AFRICAINE DE LA PROPRIÉTÉ INTELLECTUELLE (ARIPO)/AFRICAN REGIONAL INTELLECTUAL PROPERTY ORGANIZATION (ARIPO)

Emmanuel SACKEY, Head, Technical Department, Harare

PROGRAMME DES NATIONS UNIES POUR L'ENVIRONNEMENT (PNUE)/UNITED NATIONS ENVIRONMENT PROGRAMME (UNEP)

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SOUTH CENTRE

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Nirmalya SYAM, Programme Officer, Innovation and Access to Knowledge Programme, Geneva

UNION AFRICAINE (UA)/AFRICAN UNION (AU)

Georges Remi NAMEKONG, Expert, Addis Ababa

IV. ORGANISATIONS INTERNATIONALES NON GOUVERNEMENTALES/  
INTERNATIONAL NON-GOVERNMENTAL ORGANIZATIONS

American Folklore Society

Steven HATCHER (Observer, Crans-Pré-Céligny)

Association Tin Hinan

Saoudata WALET ABOUBACRINE (Ms.) (President, Ouagadougou)

Association littéraire et artistique internationale (ALAI)/International Literary and Artistic Association (ALAI)

Victor NABHAN (President, Geneva)

Centre d'études internationales de la propriété intellectuelle (CEIPI)/Centre for International Intellectual Property Studies (CEIPI)

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Centre international pour le commerce et le développement durable (ICTSD)/International Center for Trade and Sustainable Development (ICTSD)

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Civil Society Coalition (CSC)

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Comisión Jurídica para el Autodesarrollo de los Pueblos Originarios Andinos (CAPAJ)

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Comité consultatif mondial des amis (CCMA)/Friends World Committee for Consultations (FWCC)

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Consejo Indio de Sud América (CISA)/Indian Council of South America (CISA)

Ronald BARNES (Representative, La Paz)

Coordination des ONG africaines des droits de l'homme (CONGAF)/Coordination of African Human Rights NGOs (CONGAF)

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Mutimanwa KAPUPU DIWA (membre, République Démocratique du Congo)

Creators Rights Alliance (CRA)

Greg YOUNGING (Professor, University of British Columbia, Vancouver)

Ethio-Africa Diaspora Union Millennium Council

Marcus GOFFE (Legal Advisor, Kingston)

Fédération ibéro-latino-américaine des artistes interprètes ou exécutants (FILAIE)/

Ibero-Latin-American Federation of Performers (FILAIE)

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Fédération internationale de l'industrie du médicament (FIIM)/International Federation of Pharmaceutical Manufacturers Associations (IFPMA)

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Fédération Internationale de l'Industrie Phonographique (IFPI)/International Federation of the Phonographic Industry (IFPI)

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Raphaël CONTEL (observateur, Genève)

Foundation for Aboriginal and Islander Research Action (FAIRA)  
Robert Leslie MALEZER (Chairperson, Woolloongabba)

Foundation for Research and Support of Indigenous Peoples of Crimea  
Nadir BEKIROV (President, Simferopol); Primo BURSİK (Member, Simferopol)

Indian Movement "Tupaj Amaru"  
Lázaro PARY ANAGUA (General Coordinator, Geneva)

Indigenous Peoples Council on Biocolonialism (IPCB)  
Debra HARRY (Ms.) (Executive Director, Nixon)

Institute for African Development (INADEV)  
Paul KURUK (Executive Director, Accra)

Institut Max Planck pour la propriété intellectuelle, le droit de compétition et de fiscalité (MPI)/Max Planck Institute for Intellectual Property, Competition and Tax Law (MPI)  
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International Council of Museums (ICOM)  
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International Federation of Reproduction Rights Organisations (IFRRO)  
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Knowledge Ecology International (KEI)  
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Third World Network (TWN)  
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Traditions pour demain/Traditions for Tomorrow

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Union internationale des éditeurs (UIE)/International Publishers Association (IPA)

Jens BAMMEL (Secretary General, Geneva); Antje SÖRENSEN (Mrs.) (Deputy Secretary  
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V. BUREAU INTERNATIONAL DE L'ORGANISATION MONDIALE  
DE LA PROPRIÉTÉ INTELLECTUELLE (OMPI)/  
INTERNATIONAL BUREAU OF THE  
WORLD INTELLECTUAL PROPERTY ORGANIZATION (WIPO)

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