

WIPO



WO/GA/36/3 Rev.
ORIGINAL: English
DATE: September 18, 2008

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WORLD INTELLECTUAL PROPERTY ORGANIZATION
GENEVA

WIPO GENERAL ASSEMBLY

Thirty-Sixth (18th Extraordinary) Session Geneva, September 22 to 30, 2008

PROGRESS REPORT ON THE INTERGOVERNMENTAL COMMITTEE ON INTELLECTUAL PROPERTY AND GENETIC RESOURCES, TRADITIONAL KNOWLEDGE AND FOLKLORE: REVISION

prepared by the Secretariat

1. At the Thirty-Fourth (18th Ordinary) Session of the WIPO General Assembly, under its agenda item concerning the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC), the Assembly:

“(a) noted the agreement of the IGC that progress had been made on its substantive work to date, and that the IGC had agreed to work towards further convergence;

(b) welcomed the successful launch of the WIPO Voluntary Fund, called for further contributions to the Fund and encouraged further initiatives to ensure the effective participation of representatives of local and indigenous communities in the work of the IGC;

(c) approved the renewal of the IGC’s mandate in the terms recommended by the IGC and set out in paragraph 9 of WO/GA/34/9, in particular:

- the Intergovernmental Committee will continue its work for the next budgetary biennium on questions included in its previous mandate;

- its new work will focus, in particular, on a consideration of the international dimension of those questions, without prejudice to the work pursued in other fora; and

- no outcome of its work is excluded, including the possible development of an international instrument or instruments.

(d) urged the IGC to accelerate its work and to present a progress report to the session of the General Assembly in September 2008; and

(e) requested the International Bureau to continue to assist the IGC by providing Member States with necessary expertise and documentation.”

2. The IGC has met on one occasion since this decision, for its Twelfth session, from February 25 to 29, 2008. This document constitutes the report required in paragraph (d) of the Assembly’s decision cited above.

3. The main developments at the Twelfth session were:

- The election as IGC Chair of Mr. Jaya Ratna of Singapore, and as Deputy Chairs Mr. Abdellah Ouadrhiri of Morocco and Mr. Lu Guoliang of China, in each case unanimously, by acclaim and for the duration of the current IGC mandate for the biennium 2008-2009.
- The accreditation to the IGC of *Abantu* for Development Uganda (AFOD), *Association Internationale de la Promotion et de la Défense de la Propriété Intellectuelle/* International Association for the Promotion and Defense of Intellectual Property (AIPDPI), BAL’LAME, *Boomalli* Aboriginal Artist Cooperative, Egyptian Society for Folk Traditions, Ethio-Africa Diaspora Union Millennium Council, The Foundation of Support of Iranian Elites (F.S.I.E), The Global Coalition for Biocultural Diversity, *Grupo de Investigación en Política y Legislación sobre Biodiversidad, Recursos Genéticos y Conocimientos Tradicionales/*Policy and Legislation on Biodiversity, Genetic Resources and Traditional Knowledge (PLEBIO), International Society of Ethnobiology (ISE), *Kadazandusun* Cultural Association Sabah, New England Conservatory of Music (NEC), Sarawak Kayan Association, Vibe and *Yamatji Marlpa Barna Baba Maaja* Aboriginal Corporation, bringing to over 200 the list of observers accredited to the IGC, the majority representing indigenous and local communities or other holders of traditional knowledge, traditional cultural expressions and genetic resources.
- The successful further implementation of the WIPO Voluntary Fund for Indigenous and Local Communities, which had sufficient funds to support the participation of all community representatives that were recommended by an independent panel which included indigenous representation.
- Further strengthening of the indigenous consultative forum and the indigenous panel which now form part of the IGC process, assisted in part by the greater and more diverse representation.

4. Concerning its future work, the IGC agreed that the WIPO Secretariat should make available in draft form two documents constituting gap analyses on the protection of traditional cultural expressions/expressions of folklore (TCEs/EoF) and on the protection of traditional knowledge (TK). Participants in the Committee then had the opportunity to comment on the drafts. Further drafts of the gap analyses, with amendments and additions as

required, were then circulated as documents WIPO/GRTKF/IC/13/4(b) and WIPO/GRTKF/IC/13/5(b) respectively for the further review of Member States and observers at the Thirteenth session of the IGC, which will take place from October 13 to 17, 2008.

5. In line with the Committee's decision, the draft gap analyses on the protection of TCEs/EoF and on the protection of TK:

(a) describe what obligations, provisions and possibilities already exist at the international level to provide protection;

(b) describe what gaps exist at the international level, illustrating those gaps, to the extent possible, with specific examples;

(c) set out considerations relevant to determining whether those gaps need to be addressed;

(d) describe what options exist or might be developed to address any identified gaps, including legal and other options, whether at the international, regional or national level;

(e) contain an annex with a matrix corresponding to the items mentioned in sub-paragraphs (a) to (d), above.

The draft gap analyses make explicit the working definitions or other bases upon which its analysis is conducted.

6. Concerning its future work on genetic resources, the IGC agreed that the Secretariat will reissue document WIPO/GRTKF/IC/12/8(a) and update document WIPO/GRTKF/IC/12/8(b) for full in-depth discussion at the thirteenth session.

7. The IGC also agreed, concerning its future work, that:

(i) With a view to accelerating the work of the Committee in accordance with its mandate, at its thirteenth session the Committee will consider taking a decision on proposed modalities and terms of reference for the establishment of intersessional mechanisms or processes, as well as other possibilities, to continue and to build on the progress achieved so far, in a structured and focused manner, the technical work of the Committee on the three substantive items between its sessions, on the basis of proposals submitted by Committee participants to be circulated prior to the thirteenth session.

(ii) At its thirteenth and subsequent sessions, including any intersessional sessions, all three substantive items of the Committee's mandate should be discussed in depth and the time allotted to each should be balanced.

8. *The General Assembly is invited to note the contents of this document.*

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