

# WIPO



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WORLD INTELLECTUAL PROPERTY ORGANIZATION  
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## WIPO GENERAL ASSEMBLY

**Thirty-Eighth (19<sup>th</sup> Ordinary) Session**  
**Geneva, September 22 to October 1, 2009**

AUSTRALIAN PROPOSAL FOR EXTENSION OF THE MANDATE OF THE  
INTERGOVERNMENTAL COMMITTEE ON INTELLECTUAL PROPERTY, GENETIC  
RESOURCES, TRADITIONAL KNOWLEDGE AND FOLKLORE

*Document prepared by the Secretariat*

1. On September 25, 2009, the International Bureau of the World Intellectual Property Organization (WIPO) received a communication from Australia, requesting that a proposal concerning the agenda item “Matters Concerning the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore” be presented to the WIPO General Assembly.
2. The proposal is reproduced in the Annexes to this present document.
3. *The General Assembly is invited to take note of the contents of this document, and decide on the proposal as contained in the attached Annexes.*

[Annexes follow]

ANNEX I

Australian proposal for extension of the mandate of the Intergovernmental Committee on Intellectual Property, Genetic Resources, Traditional Knowledge and Folklore.

1. The 14<sup>th</sup> session of the Intergovernmental Committee on Intellectual Property, Genetic Resources, Traditional Knowledge and Folklore (IGC) considered possible recommendations for a future mandate for consideration by the WIPO General Assembly. Notwithstanding agreement on the extension of the mandate, Member States were unable to agree on a recommendation to the General Assembly about the future work of the IGC.
2. At the 14<sup>th</sup> session, Australia welcomed an African Group proposal for future work as a basis for moving forward discussion within the IGC. Australia sees value in intensified progress towards the thoughtful development of practical policy mechanisms for the protection of genetic resources, traditional knowledge, and folklore.
3. Australia proposes an extension to the mandate of the IGC, directed towards the development of such policy mechanisms. (Annex to this document).
4. The mandate includes:
  - A commitment to text based negotiations towards a real and practical outcome, including the possibility of a legally binding instrument;
  - Provision for intersessional work sessions to accelerate progress.
  - Focussed work building on the existing work of the Committee and guided by the full array of WIPO documents.
  - Submission of text for an international instrument to the 2011 General Assembly.
5. Australia presents this mandate as the basis for progress in the important norm setting work of the Committee, and WIPO in general. The proposed mandate retains key elements sought by the African Group and commits the Committee to intensifying work towards the development of an international instrument for presentation to 2011 General Assembly. At the same time, it seeks to broaden the possible outcomes of an intensified work program.
6. This proposal is intended to strike a compromise between the interests of Member States and provides a way forward for continued work in the IGC on these issues.

[Annex II follows]

ANNEX II

Extension of the Mandate for the IGC

“Bearing in mind the Development Agenda recommendations, the mandate of the IGC will be renewed as follows, namely that,

The Committee will undertake during the next budgetary biennium (2010/2011) text-based negotiations, without prejudice to the outcome, including a possible legally binding instrument on genetic resources, traditional knowledge and traditional cultural expressions.

It will adopt a clearly defined work program and timeframe, including the holding of intersessional work sessions. The focus of its work, without prejudice to the work pursued in other fora, will build on the existing work carried out by the Committee and use all WIPO working documents, including WIPO/GRTKF/IC/9/4, WIPO/GRTKF/IC/9/5 and WIPO/GRTKF/IC/11/8A (Traditional Cultural Expressions, Traditional Knowledge and Genetic Resources), which are to constitute the basis of the Committee’s work on text based negotiations.

The Committee is requested to submit to the 2011 General Assembly a text for an international instrument/instruments on Traditional Cultural Expressions, Traditional Knowledge, and Genetic Resources and recommend a date for a Diplomatic Conference, if appropriate.

The General Assembly would further request the International Bureau to continue to assist the Committee by providing Member States with necessary expertise and funding of the participation of experts from developing countries and Least Developed Countries.”

[End of Annex II and of document]