

WIPO General Assembly

Forty-Ninth (23rd Ordinary) Session
Geneva, October 2 to 11, 2017

EU PROPOSAL FOR IGC MANDATE 2018/2019

Proposal submitted by the Delegation of the European Union on behalf of the European Union and its Member States

In a communication to the Secretariat received on September 27, 2017, the Delegation of the European Union (EU), on behalf of the EU and its Member States, submitted the enclosed proposal in the framework of the agenda item “Report on the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC)”.

[Annex follows]

EU proposal for IGC mandate 2018/2019

Acknowledging the different levels of progress achieved during the 2016/2017 biennium on the issues under discussion, noting the different nature of these issues and the need to tailor outcomes accordingly, the WIPO General Assembly agrees that the mandate of the WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (Committee) be renewed, without prejudice to the work pursued in other fora, as follows:

- (a) The Committee will, during the next budgetary biennium 2018/2019, continue its work, with open and full engagement, with the objective of narrowing existing gaps concerning the protection/safeguarding of genetic resources (GRs), traditional knowledge (TK) and traditional cultural expressions (TCEs). The Committee will work to reach overall agreement on all aspects of the mandate on the basis that nothing is agreed until everything is agreed.
- (b) The primary focus of the Committee's work will be to reach a common understanding on the objectives of the Committee and the core issues such as the definitions, subject matter, objectives, beneficiaries, scope of protection/safeguarding and the relationship with the public domain, as well as the interlinkages between the subject matters of GRs, TK and TCEs, which is an essential requirement for engaging in meaningful text-based negotiations. Once agreement has been reached on core objectives and definitions, the Committee will direct its work as follows:
 - (i) On GRs, the Committee will continue to work on the basis of the Consolidated Document Relating to Intellectual Property and Genetic Resources (WIPO/GRTKF/IC/34/4), having in mind the 2005 EU proposal for a formality disclosure requirement (WIPO/GRTKF/IC/8/11);
 - (ii) On TK and TCEs, the Committee will further explore the currently available protection regimes, including existing intellectual property instruments on the protection of copyright and related rights, geographical indications and trade secrets, as well as other relevant national and international instruments, with the aim of identifying possible gaps in the protection available for TK and TCEs and the possibilities of filling those gaps by amending or improving the existing protection regimes.
- (c) In the initial phase the Committee will use an evidence-based approach, basing its work on studies and examples of national experiences, including domestic legislation and examples, outputs of any expert panel(s) established by the Committee. Once agreement has been reached on core objectives and definitions, where appropriate work can progress on the basis of text-based negotiations supplemented by seminars, workshops and roundtables on unresolved issues to take place during the Committee's sessions.

(d) In 2018, the Committee is requested to provide, for information only, a factual report to the General Assembly on its work up to that time, and in 2019, submit to the General Assembly the results of its work. The General Assembly in 2019 will take stock of progress made, and decide on whether and how to continue the work of the Committee.

(e) The General Assembly requests the International Bureau to continue to assist the Committee by providing Member States with necessary expertise and funding, in the most efficient manner, of the participation of experts from developing countries and LDCs, taking into account the usual formula for the Committee.

[End of Annex and of document]