

WIPO General Assembly

Fifty-Fifth (30th Extraordinary) Session
Geneva, July 14 to 22, 2022

**PROPOSAL TO ADVANCE WIPO NORMATIVE AGENDA ON THE SUBJECTS OF
GENETIC RESOURCES ASSOCIATED WITH TRADITIONAL KNOWLEDGE, AND
THE DESIGN LAW TREATY**

submitted by the Africa Group

The Africa Group submitted the enclosed proposal in the context of Agenda Item 9, namely, Item 9(iv) “Matters Concerning the Convening of a Diplomatic Conference for the Adoption of a Design Law Treaty (DLT)” and Item 9(vi) “The Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC)”.

[Annex follows]

AFRICA GROUP PROPOSAL TO ADVANCE WIPO NORMATIVE AGENDA ON THE SUBJECTS OF GENETIC RESOURCES ASSOCIATED WITH TRADITIONAL KNOWLEDGE, AND THE DESIGN LAW TREATY AT THE FIFTY-FIFTH (30TH EXTRAORDINARY) SESSION OF THE WIPO GENERAL ASSEMBLY, 14 – 22 JULY 2022, GENEVA, SWITZERLAND

Agenda item 9(vi): The Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC).

The WIPO General Assembly, at its Fifty-Fourth (25th Ordinary) Session in October 2021, agreed on the mandate for the IGC for the 2022/2023 biennium, as set out in document WO/GA/54/10, to expedite its work, building on existing work carried out by the Committee, to narrow existing gaps and reach common understanding on core issues, with the objective of finalising an agreement on an international legal instrument(s) which will ensure the balanced and effective protection of Genetic Resources (GRs), Traditional Knowledge (TK) and Traditional Cultural Expressions (TCEs).

At its forty-second and forty-third sessions held in 2022, the IGC completed its designated sessions on GRs and associated TKs for the 2022/2023 biennium. Both sessions made considerable progress and achieved significant convergence around document WIPO/GRTKF/IC743/5 (the Chair's text on a *Draft International Legal Instrument Relating to Intellectual Property, Genetic Resources and Traditional Knowledge Associated with Genetic Resources*) as a focused, effective, and balanced basis for further engagement.

On this basis, the WIPO General Assembly:

- a) decides to convene a Diplomatic Conference to conclude an International Legal Instrument Relating to Intellectual Property, Genetic Resources and Traditional Knowledge Associated with Genetic Resources, based on document WIPO/GRTKF/IC743/5 and any agreed revisions pursuant to paragraph (4) below, to be held no later than the second half of 2023:
- b) decides to convene a Preparatory Committee in the second half of 2023, to establish the necessary modalities of the Diplomatic Conference. The Preparatory Committee will consider at this time, the draft Rules of Procedure to be presented for adoption to the Diplomatic Conference, the list of invitees to participate in the conference, and the text of the draft letters of invitation, as well as any other document or organizational question relating to the Diplomatic Conference. The Preparatory Committee will also approve the Basic Proposal for the administrative and final provisions of the Treaty:
- c) welcomes with gratitude the offer of South Africa to host the Diplomatic Conference in the second half of 2023:
- d) directs the IGC to meet in a special session for five days in the second half of 2023, preceding the Preparatory Committee, to further close any existing gaps to a sufficient level. It is understood that the Preparatory Committee will invite Observer Delegations and Observers:
- e) agrees that document WIPO/GRTKF/IC/43/5, the Chair's text of a *Draft International Legal Instrument Relating to Intellectual Property, Genetic Resources and Traditional Knowledge Associated with Genetic Resources* will constitute the substantive articles of the Basic Proposal for the Diplomatic Conference. The Preparatory Committee shall incorporate in the Basic Proposal such further agreements of the IGC as are reached pursuant to paragraph (d) above, with the understanding that any Member State and the Special Delegation of the European Union may make proposals at the Diplomatic Conference;

- f) agrees to convene an extraordinary session of the WIPO General Assembly (Hybrid), if required, to adopt the decisions and preparatory works leading to the Diplomatic Conference in the second half of 2023, and to direct the secretariat to make the resulting document as the Basic Proposal for the substantive provisions to be considered at the Diplomatic Conference.

Agenda item 9(iv): Matters Concerning the Convening of a Diplomatic Conference for the Adoption of a Design Law Treaty (DLT).

The General Assembly is invited:

- a) to consider the contents of document WO/GA/55/4:
- b) decides to convene a Diplomatic Conference to conclude and adopt a Design Law Treaty to take place no sooner than the second half of 2023:
- c) decides to convene a Preparatory Committee in the second half of 2023, to establish the necessary modalities of the Diplomatic Conference. The Preparatory Committee will consider at this time, the draft Rules of Procedure to be presented for adoption to the Diplomatic Conference, the list of invitees to participate in the conference, and the text of the draft letters of invitation, as well as any other document or organizational question relating to the Diplomatic Conference. The Preparatory Committee will also approve the Basic Proposal for the administrative and final provisions of the Treaty:
- d) welcomes with gratitude the offer **by some Member States** to host the Diplomatic Conference in the second half of 2023:
- e) directs the SCT to meet in a special session for five days in the second half of 2023, preceding the Preparatory Committee, to further close any existing gaps to a sufficient level. It is understood that the Preparatory Committee will invite Observer Delegations and Observers:
- f) agrees that documents SCT/35/2 and SCT/35/3, on draft Articles and Regulations on Industrial Design Law and Practice, will constitute the substantive articles of the Basic Proposal for the Diplomatic Conference. The Preparatory Committee shall incorporate in the Basic Proposal such further agreements of the SCT as are reached pursuant to paragraph (e) above, with the understanding that any Member State and the Special Delegation of the European Union may make proposals at the Diplomatic Conference.

*The WIPO General Assembly is invited to consider and approve the convening of a Diplomatic Conference to conclude and **adopt international legal instruments relating to Intellectual Property, Genetic Resources and Traditional Knowledge Associated with Genetic Resources, and a Design Law Treaty, no sooner than the second half of 2023.***

[End of Annex and of document]