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JAMAICA INTELLECTUAL
PROPERTY OFFICE



WORLD INTELLECTUAL
PROPERTY ORGANIZATION

**REGIONAL EXPERT MEETING ON THE ESTABLISHMENT OF
A CARIBBEAN FRAMEWORK FOR THE PROTECTION OF
TRADITIONAL KNOWLEDGE, FOLKLORE/TRADITIONAL
CULTURAL EXPRESSIONS AND GENETIC RESOURCES**

organized by
the World Intellectual Property Organization (WIPO)

in cooperation with
the Ministry of Industry, Investment and Commerce,

through
the Jamaica Intellectual Property Office (JIPO)

Kingston, March 18 and 19, 2008

SUMMARY REPORT OF THE REGIONAL EXPERT MEETING ON THE
ESTABLISHMENT OF A CARIBBEAN FRAMEWORK FOR THE PROTECTION OF
TRADITIONAL KNOWLEDGE, FOLKLORE/TRADITIONAL CULTURAL
EXPRESSION AND GENETIC RESOURCES

prepared by the Jamaica Intellectual Property Office

Formal information

1. The opening ceremony was chaired by Ms Carol Simpson Executive Director JIPO, the welcome was extended by the Chairman of the Advisory Board of JIPO, Mr. Robert Ramsey. Remarks were given by the Hon. Minister of State in the Ministry of Industry, Investment and Commerce Mr. Michael Stern, and Mr. Alejandro Roca Campana, Director, Technical Assistance and Capacity Building Bureau for Latin American and the Caribbean, WIPO.
2. The following countries were represented at the meeting: Antigua and Barbuda, Barbados, Belize, Dominica, Guyana, Haiti, St. Lucia and Suriname and Trinidad and Tobago. The representative of St. Lucia, Mr. Albert Deterville, also represented an indigenous and local community of St Lucia. In addition, several local researchers, representatives of local communities and other interested parties participated as observers.
3. On conclusion of the opening ceremony the substantive program of the meeting commenced. Presentations were made by Ms. Mary Ann Richards, WIPO Consultant; Ms. Sharon Legall, Cambridge University; Mr. Bernard Jankee, African Caribbean Institute of Jamaica (ACIJ); Mr. Manuel Ruiz, Sociedad Peruana de Derecho Ambiental (SPDA); Mr. Emmanuel Sackey, African Regional Intellectual Property Organization (ARIPO), Mr. Stephen Etienne, Hewanorra Musical Society; Ms. Sonia Cruickshank, WIPO; Mr. Neville James Bissember, CARICOM; Ms. Gail Olsson, Pacific Islands Forum Secretariat (PIFS); Ms. Francesca Toso, WIPO; Ms. Jessyca van Weelde, WIPO and Mr. Wend Wendland, WIPO. Moderators were Ms. Mary Ann Richards, Ms. Carol Simpson and Ms. Lilyclaire Bellamy, JIPO.

Issues discussed and conclusions reached

4. The meeting examined three fundamental questions related to the protection of traditional knowledge and cultural expressions (expressions of folklore), namely (1) what is the subject matter that should be protected?, (2) why should it be protected and (3) how should it be protected? The meeting also examined possibilities for the establishment of a regional approach for the protection of traditional knowledge and cultural expressions. The WIPO Secretariat had prepared a draft Concept Note which had been made available to participants before the meeting and which was used to guide and structure the discussions (copy enclosed). The experiences of a wide range of countries and regional organizations were presented and analyzed. The meeting aimed at identifying concrete and practical steps for addressing these questions.
5. At the conclusion of the meeting there were several interventions and presentations on the best way forward. The ideas presented ultimately converged, and the summary below is a reflection of the ideas reflecting the views of the group and giving voice to the hopes and expectations of the regional experts.

Summary of views, conclusions and next steps

6. The regional experts agreed that in developing a national and/or regional approach towards intellectual property (IP) and traditional knowledge (TK) and traditional cultural expressions (TCEs), there were five main issues that needed to be addressed, namely:
- Identify what subject matter should be protected (**what?**),
 - Decide on overall goals (**why?**),
 - Survey policy, legal and practical options (**how?**),
 - Coordinate with regional and international processes, and
 - Establish a programme for effective implementation.
7. In order to address these issues, the regional experts set out the following practical steps:
- Review TK & TCEs in the region
 - Identify IP-related needs through actual cases of misappropriation
 - Develop non-binding working definitions of TK/TCE
 - Conduct an audit of legal and non legal expertise/ holders and stakeholders
 - Conduct a survey of existing IP and non IP legislation and other measures relevant to meeting needs as identified
 - Identify any ‘gaps’ in existing IP systems with reference to specific examples where possible
 - Examine policy consideration relevant to whether gaps should be filled
 - Explore which options exist or might be developed to fill gaps
 - Identify and explore options for a “regional approach” (in three possible senses: legal, administrative and sharing of information/documentation)
 - Develop and propose a roadmap/action plan and/or awareness-raising programme.
8. The regional experts also agreed that the steps above should be carried out by a small working group which would:
- a. conduct an educational (awareness building) programme before any fact-finding mission to sensitise government and non-governmental personnel and organisations about the issues,
 - b. undertake fact-finding missions that should incorporate all CARICOM countries (using the WIPO fact-finding mission to the Caribbean of 1999 as a basis),
 - c. document instances of unauthorised use or misappropriation of TK and TCEs,
 - d. make suggestions as to a system, such as an electronic resource, to facilitate easy access to information related to IP generally and the protection of TK and TCEs,
 - e. report back to the heads of the IP offices of Caribbean countries for their decisions as to next steps, including the possible reporting to relevant Ministers. and
 - f. consult with CARICOM and the Organisation of Eastern Caribbean States (OECS), members of civil society and holders of TK and TCEs.
9. Mr. Ruiz of the SPDA advised that that there were national cases on biopiracy in Peru and with the technical assistance of WIPO these reports could be translated into English and made available to Caribbean countries.

10. It was agreed that the working group referred to would comprise Albert Deterville, Mary-Ann Richards, Alhaji Tejan-Cole, Sharon Legall and Lilyclaire Bellamy. WIPO agreed to provide support to enable the working group to carry out its tasks, and that to this end terms of reference would be prepared. WIPO would organize preliminary consultations and conference calls with the working group.

11. The expediency of having a Regional Approach would depend on the will of the States and what would work best. Consultations would take place with CARICOM and the Organisation of Eastern Caribbean States (OECS), members of civil society and holders of TK and TCEs.

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