

# WIPO



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WORLD INTELLECTUAL PROPERTY ORGANIZATION  
GENEVA

## INTERGOVERNMENTAL COMMITTEE ON INTELLECTUAL PROPERTY AND GENETIC RESOURCES, TRADITIONAL KNOWLEDGE AND FOLKLORE

Thirteenth Session  
Geneva, October 13 to 17, 2008

THE PROTECTION OF TRADITIONAL CULTURAL EXPRESSIONS:

OVERVIEW

*Document prepared by the Secretariat*

### I. CURRENT STATUS OF WORK

1. The WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (“the Committee”) is considering the protection of traditional cultural expressions/expressions of folklore (“TCEs”) through three related and complementary processes:

- (i) consideration of an agreed List of Issues concerning the protection of TCEs;
- (ii) consideration of a draft set of “Revised Objectives and Principles for the Protection of Traditional Cultural Expressions” (“Objectives and Principles”);
- (iii) a draft gap analysis on the protection of TCEs.

2. At its twelfth session, in considering its agenda item on TCEs, the Committee took note of documents:

- WIPO/GRTKF/IC/12/4(a), an overview of the Committee's work on protection of TCEs;
- WIPO/GRTKF/IC/12/4(b), a factual extraction of comments on the List of Issues;
- WIPO/GRTKF/IC/12/4(c), text of the draft Objectives and Principles; and
- WIPO/GRTKF/IC/12/6, an outline of practical options for addressing the international dimension.

3. The Committee also commissioned the development of a draft gap analysis on protection of TCEs, and established an intersessional review and commentary process. The draft gap analysis prepared in line with the Committee's decision is circulated as document WIPO/GRTKF/IC/13/4(b), which also summarizes the intersessional process.

## II. BACKGROUND

4. The Committee has extensively reviewed legal and policy options for the protection of TCEs. This work has built on extensive international, regional and national experience with the protection of TCEs which dates back several decades. This review has covered comprehensive analyses of existing national and regional legal mechanisms, panel presentations on diverse national experiences, common elements of protection of TCEs, case studies, ongoing surveys of the international policy and legal environment as well as key principles and objectives of the protection of TCEs that received support in the Committee's earlier sessions. This earlier foundational work is contained in the following documents:

Surveys, reports, questionnaires and comparative analyses of protection of TCEs at national, regional and international levels	WIPO/GRTKF/IC/2/7, WIPO/GRTKF/IC/3/10, WIPO/GRTKF/IC/4/3, WIPO/GRTKF/IC/5/3, WIPO/GRTKF/IC/5/INF 3, WIPO/GRTKF/IC/6/3, WIPO/GRTKF/IC/6/3 Add., WIPO/GRTKF/IC/7/INF 4
First draft Objectives and Principles	WIPO/GRTKF/IC/7/3
Second draft Objectives and Principles <i>(incorporating comments submitted between Seventh and Eighth sessions)</i>	WIPO/GRTKF/IC/8/4, WIPO/GRTKF/IC/9/4, WIPO/GRTKF/IC/10/4, WIPO/GRTKF/IC/11/4(c)
Comments submitted on second draft of Objectives and Principles	WIPO/GRTKF/IC/10/INF/2, WIPO/GRTKF/IC/10/INF/2 Add., WIPO/GRTKF/IC/10/INF/2 Add.2, WIPO/GRTKF/IC/INF/2 Add.3, WIPO/GRTKF/IC/10/INF/3, compiled as WIPO/GRTKF/IC/11/4/(b)

Policy Options and Legal Mechanisms <i>implementing the Objectives and Principles</i>	WIPO/GRTKF/IC/7/4 (first draft) WIPO/GRTKF/IC/9/INF/4 (second draft)
Comments on the List of Issues on the protection of TCEs	WIPO/GRTKF/IC/11/4(a) WIPO/GRTKF/IC/12/4(b) ( <i>factual extraction of comments</i> )
Background documents on the international dimension	WIPO/GRTKF/IC/6/6, WIPO/GRTKF/IC/8/6, WIPO/GRTKF/IC/9/6, WIPO/GRTKF/IC/10/6, WIPO/GRTKF/IC/11/6, WIPO/GRTKF/IC/12/6

5. *Member States and observers taking part in the Committee are invited to take note of this overview.*

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