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

Fourteenth Session
Geneva, June 29 to July 3, 2009

**ELEMENTS FOR THE NEW MANDATE – PROPOSAL BY THE EUROPEAN
COMMUNITY AND ITS MEMBER STATES**

Document prepared by the Secretariat

1. On July 3, 2009, during the fourteenth session of the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore, the Delegation of Sweden, speaking on behalf of the European Community and its Member States, tabled a written proposal related to agenda item 7 (“Future Work”) and requested that it be issued as a formal working document for the fourteenth session.
2. The said document is reproduced in the attached Annex.
3. *The Committee is invited to take note of this document and the Annex to it.*

[Annex follows]

ANNEX

ELEMENTS FOR THE NEW MANDATE – EU proposal

“The IGC reaffirms its belief that traditional knowledge and other tradition-based creations, such as traditional cultural expressions, have taken on new economic and cultural significance within a globalized information society and that genetic resources have assumed increasing economic, scientific and commercial value to a wide range of stakeholders with the emergence of modern biotechnologies. The IGC acknowledges the intrinsic value of these issues which are also important in global trade and economic development. Indigenous and local communities have the right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural heritage. In this respect, the IGC will prepare a declaration on the value of traditional knowledge, traditional cultural expressions and genetic resources and their protection against misappropriation to be adopted by the WIPO General Assembly.

In parallel,

1. Bearing in mind the Development Agenda recommendations, the IGC agrees to recommend to the next WIPO General Assembly in September 2009 that the mandate of the Committee be renewed as follows, namely that,
2. The Committee will continue its work and undertake during the next budgetary biennium (2010/2011) outcome oriented deliberations on genetic resources, traditional knowledge and traditional cultural expressions, based on their impartial treatment and noting the different levels of development in the texts.
3. The focus of its work, without prejudice to the work pursued in other fora, will build on the existing Committee texts and will in particular focus on definitions and objectives of protection, beneficiaries, prior informed consent, moral/economic rights, exceptions, limitations and durations, sui generis options for protection, disclosure of origin, and other outstanding issues. In order to increase its efficiency, the Committee will adopt at IGC 15 a clearly defined work programme and timeframe that will include holding three IGC sessions per year. These sessions will be result-oriented and focused on positive outcomes. Time will be allocated to technical matters.
4. No outcome of the Committee’s work is excluded, including the possible development of a legally-binding international instrument or instruments.
5. The General Assembly would further request the International Bureau to continue to assist the Committee by providing Member States with necessary expertise and documentation.”

[End of Annex and of document]