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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

THE PROTECTION OF TRADITIONAL KNOWLEDGE:

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 knowledge (“TK”) through three related and complementary processes:

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

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

- (i) WIPO/GRTKF/IC/13/5(a), an overview of the Committee's work on the protection of TK;
- (ii) WIPO/GRTKF/IC/13/5(b), the gap analysis, describing the protection already available to TK at the international level, gaps that may exist in such protection, considerations relevant to whether or not those gaps ought to be filled, and options for filling the gaps;
- (iii) WIPO/GRTKF/IC/13/6, an outline of practical options for addressing the international dimension;
- (iv) WIPO/GRTKF/IC/13/7, recommendations for taking account of TK in patent search and examination; and
- (v) WIPO/GRTKF/IC/13/9, the African Group Proposal on the Protection of Traditional Knowledge, Traditional Cultural Expressions and Genetic Resources.

III. BACKGROUND

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

Surveys, reports and comparative analysis of protection of TK at national, regional and international levels	WIPO/GRTKF/IC/3/7, WIPO/GRTKF/IC/3/8, WIPO/GRTKF/IC/3/9, WIPO/GRTKF/IC/4/7, WIPO/GRTKF/IC/4/8, WIPO/GRTKF/IC/5/7, WIPO/GRTKF/IC/5/8, WIPO/GRTKF/IC/6/4
First draft Objectives and Principles	WIPO/GRTKF/IC/7/5
Second draft Objectives and Principles (<i>incorporating comments submitted</i>)	WIPO/GRTKF/IC/8/5, WIPO/GRTKF/IC/9/5, WIPO/GRTKF/IC/10/5, WIPO/GRTKF/IC/11/5(c), WIPO/GRTKF/IC/12/5(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, <i>compiled as</i> WIPO/GRTKF/IC/11/5/(b)
Policy Options and Legal Mechanisms <i>implementing Objectives and Principles</i>	WIPO/GRTKF/IC/7/6 (first draft) WIPO/GRTKF/IC/9/INF/5 (second draft)
Comments on the List of Issues on the protection of TK	WIPO/GRTKF/IC/11/5(a) WIPO/GRTKF/IC/12/5(b) (<i>factual extraction of comments</i>)
Background documents on addressing 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. WIPO/GRTKF/IC/13/6.
Gap analysis	WIPO/GRTKF/IC/13/5(b)

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

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