

WIPO



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WORLD INTELLECTUAL PROPERTY ORGANIZATION
GENEVA

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

Fourteenth Session
Geneva, June 29 to July 3, 2009

PROPOSAL OF THE AFRICAN GROUP ON THE MANDATE OF THE
INTERGOVERNMENTAL COMMITTEE

Document prepared by the Secretariat

1. In a *note verbale* dated June 22, 2009, the Permanent Mission of Senegal submitted, on behalf of the African Group, a proposal entitled “Elements for the New Mandate – African Group Proposal”, with the request that it be circulated as a working document for the fourteenth session of the WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (“the Committee”). This working document was published as WIPO/GRTKF/IC/14/8, dated June 24, 2009.
2. In an email received by the WIPO Secretariat from the Permanent Mission of Senegal on June 25, 2009, the Permanent Mission requested, on behalf of the African Group, that an amendment be made to the proposal, as follows: the fourth paragraph of the proposal originally published as WIPO/GRTKF/IC/14/8 read “The Committee is requested to submit to the 2011 GA a text for a draft instrument/instruments on TCEs, TK and GR and recommend a date for the Diplomatic Conference as agreed in its work program.” This paragraph has been amended by the African Group to read “The Committee is requested to submit to the 2011 GA a text for an internationally legally binding instrument/instruments on TCEs, TK and GR and recommend a date for the Diplomatic Conference as agreed in its work program.”

3. The revised proposal is reproduced in the Annex, to this present document.

4. *The Committee is invited to take note of this document and the Annex to it.*

[Annex follows]

ELEMENTS FOR THE NEW MANDATE – AFRICAN GROUP PROPOSAL

“Bearing in mind the Development Agenda recommendations, agreed to recommend to the WIPO General Assembly that the mandate of the Committee be renewed as follows, namely that,

The Committee will undertake during the next budgetary biennium (2010/2011) text-based negotiations on genetic resources, traditional knowledge and traditional cultural expressions.

It will adopt, as set out in the Annex, a clearly defined work program and timeframe, including the holding of intersessional work sessions. The focus of its work, without prejudice to the work pursued in other fora, will build on the existing work carried out by the Committee and use WIPO documents WIPO/GRTKF/IC/9/4, WIPO/GRTKF/IC/9/5 and WIPO/GRTKF/IC/11/8A (TCE, TK, and GR) which is to constitute the basis of the Committees’ work on text based negotiations.

The Committee is requested to submit to the 2011 GA a text for an internationally legally binding instrument/instruments on TCEs, TK and GR and recommend a date for the Diplomatic Conference as agreed in its work program.

The General Assembly would further request the International Bureau to continue to assist the Committee by providing Member States with necessary expertise, funding of the participation of experts from developing countries and LDCs.”

ANNEX TO MANDATE
PROPOSED WORK PROGRAMME AND TIMELINE

DATE	ACTIVITY
September 2009	GA - Adoption of new mandate with clearly defined work program for biennium
October 2009	Informal Consultation by Chair to approve Terms of References for intersessional work
7-11 December 2009	IGC 15 – approve intersessional work and substantive text as basis of negotiations
February 2010	First intersessional working group (IWG) - Definitions and Object of Protection
March 2010	Second intersessional working group - Beneficiaries
May 2010	IGC 16 – consider recommendation by First and Second intersessional Working groups and continue text-based negotiations on articles and provisions.
June 2010	Third Intersessional working group - PIC, Rights-Moral/Economic
July 2010	Fourth Intersessional working group - Exceptions, Limitations and Durations
September 2010	General Assemblies
October 2010	IGC 17– consider recommendation by Third and Fourth Working groups and continue text-based negotiations on articles and provisions.
November 2010	Fifth Intersessional working group - <i>Sui Generis</i> Options for Protection
February 2011	IGC 18 - consider recommendation by Fifth Working group and continue text-based negotiations on articles and provisions.
March 2011	Sixth Intersessional working group - Other outstanding issues
April 2011	IGC 19 consider other outstanding issues
September 2011	GA – renewal of mandate and set date for Diplomatic Conference
2012	Diplomatic Conference

[End of Annex and of document]