

# 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**

### BRIEF SUMMARY OF WORKING DOCUMENTS

*Document prepared by the Secretariat*

#### I. DOCUMENTS FOR THE FOURTEENTH SESSION

1. The following is a brief summary of the documents being prepared for the fourteenth session of the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (the “Committee”) as at June 26, 2009. Each of these documents, as well as any additional documents, are posted as soon as they are finalized at [www.wipo.int/tk](http://www.wipo.int/tk).

#### WIPO/GRTKF/IC/14/1 Prov. 2: Draft Agenda for the fourteenth session

2. This document contains the proposed items to be dealt with by the Committee, and is submitted to the Committee for its possible adoption.

#### WIPO/GRTKF/IC/14/2: Accreditation of Certain Organizations

3. This document sets out the names, contact details and aims and objectives of organizations which have applied to the Committee for accreditation as *ad hoc* observers to future sessions of the Committee.

WIPO/GRTKF/IC/14/3: Participation of Indigenous and Local Communities: Voluntary Fund: Appointment of Advisory Board

4. The WIPO General Assembly has established a “WIPO Voluntary Fund for Accredited Indigenous and Local Communities”. The decision was taken on the basis of document WO/GA/32/6, which sets out the objectives and operation of the Fund. This document refers to the appointment of the Fund’s Advisory Board. The required information note providing details of contributions received and beneficiaries is circulated in parallel as document WIPO/GRTKF/IC/14/INF/4.

WIPO/GRTKF/IC/14/4: The Protection of Traditional Cultural Expressions/Expressions of Folklore: Overview

5. The Committee’s current work on the protection of traditional cultural expressions/expressions of folklore (“TCEs”) comprises 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.

This document provides a brief summary of this work, including descriptions of key documents.

WIPO/GRTKF/IC/14/5: The Protection of Traditional Knowledge: Overview

6. The Committee’s current work on the protection of traditional knowledge (“TK”) comprises 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”);
- (iii) a draft gap analysis on the protection of TK.

This document provides a brief summary of this work, including descriptions of key documents.

WIPO/GRTKF/IC/14/6: Summary of Options for the International Dimension of the Committee’s Work:

7. The Committee has decided to address the international dimension integrally with other substantive items on its agenda, notably the items on TK, TCEs and genetic resources. This document supplements substantive documents, by providing technical background information on questions such as the interplay between the international dimension and

national legal systems, the preferred manner of recognition of foreign right holders, and the appropriate relationship with other international instruments and processes.

This document in particular reviews possible approaches concerning the format or status of an outcome of the Committee's work as including: a binding international instrument or instruments; a non-binding statement or recommendation; guidelines or model provisions; authoritative or persuasive interpretations of existing legal instruments; and, an international political declaration espousing core principles and establishing the needs and expectations of TCE/TK holders as a political priority.

WIPO/GRTKF/IC/14/7: Genetic Resources:

8. Recent working documents on intellectual property and genetic resources prepared for previous sessions of the Committee, in line with its decisions, have comprised:

- WIPO/GRTKF/IC/13/8(a), a document listing options for continuing or further work, including work in the areas of the disclosure requirement and alternative proposals for dealing with the relationship between intellectual property and genetic resources; the interface between the patent system and genetic resources; and the intellectual property aspects of access and benefit-sharing contracts. This document exactly reproduces the text of the corresponding documents from recent sessions, WIPO/GRTKF/IC/11/8(a) and WIPO/GRTKF/IC/12/8(a), in line with the Committee's decisions on this item.
- WIPO/GRTKF/IC/13/8(b), a factual update of international developments relevant to the genetic resources agenda item. This document is the further update of WIPO/GRTKF/IC/11/8(b) and WIPO/GRTKF/IC/12/8(b) that was requested by the Committee.
- WIPO/GRTKF/IC/13/8(c), a compilation of comments received on these documents following the invitation of the Committee at its last session.

The present document provides a brief summary of this work, including descriptions of the key documents, as a reference for the Committee.

WIPO/GRTKF/IC/14/8 Rev.: Proposal from the African Group on the Mandate of the Intergovernmental Committee

WIPO/GRTKF/IC/14/9: African Group Submission on Document WIPO/GRTKF/IC/13/9

WIPO/GRTKF/IC/14/10: African Group Submission on Document WIPO/GRTKF/IC/13/10

## II. INFORMATION DOCUMENTS AND OTHER DOCUMENTS OF CONTINUING INTEREST

### WIPO/GRTKF/IC/14/INF/1: List of Participants

9. A draft list of participants will be circulated at the fourteenth session.

### WIPO/GRTKF/IC/14/INF/2 Rev.: Brief Summary of Working Documents

10. The present document, prepared as a guide to the Committee's documentation.

### WIPO/GRTKF/IC/14/INF/3 Rev.: Program for the Committee Session: Draft

11. In line with the Committee's request at its tenth session, this document sets out a suggested program, identifying possible timing for each agenda item. This draft program is indicative only, and the actual organization of work of the Committee would be determined by the Chair and its members in line with the rules of procedure.

### WIPO/GRTKF/IC/14/INF/4: Voluntary Fund for Accredited Indigenous and Local Communities: Information Note on Contributions and Applications for Support

12. This document sets out information required to be reported to the Committee on the operation of the Voluntary Fund for Accredited Indigenous and Local Communities. The rules are set out in the Annex to document WO/GA/32/6, which was approved by the General Assembly at its 32nd session. In particular, it gives information of contributions received or pledged, and actual support provided to representatives of accredited indigenous and local communities.

### WIPO/GRTKF/IC/14/INF/5: Information Note for the Panel of Indigenous and Local Communities

13. Following a decision of the Committee at its seventh session, each session of the Committee commences with a panel chaired by a member of an indigenous community. The panel was held at the commencement of the previous six sessions of the Committee. On each occasion, representatives of indigenous and local communities gave presentations on their communities' experiences and concerns in relation to TCEs, TK and genetic resources. Similar arrangements have been made for the panel to commence the current session. This document sets out proposed practical arrangements for the panel.

### WIPO/GRTKF/IC/14/INF/6: Note from the Chair on Consultations held since the Thirteenth Session of the Committee

14. At a meeting of representatives of the regional groups, convened by the WIPO Secretariat and held on June 17, 2009 at WIPO Headquarters, the representatives invited the Chair of the Committee to provide the Committee with an information note which documents the issues and options which had arisen in the consultations he had held to date since the thirteenth session. In response to this invitation, on June 18, 2009, the WIPO Secretariat received such a note from the Chair. This document communicates the note to the Committee.

*Selected documents from previous sessions*

WIPO/GRTKF/IC/9/4: The Protection of Traditional Cultural Expressions/Expressions of Folklore: Revised Objectives and Principles

15. This document sets out draft “Revised Objectives and Principles for the Protection of Traditional Cultural Expressions” (“Objectives and Principles”), being considered by the Committee together with an agreed List of Issues concerning the protection of TCEs and the draft gap analysis on the protection of TCEs.

WIPO/GRTKF/IC/9/5: The Protection of Traditional Knowledge: Revised Objectives and Principles

16. This document sets out draft “Revised Objectives and Principles for the Protection of Traditional Knowledge” (“Objectives and Principles”), being considered by the Committee together with an agreed List of Issues concerning the protection of TK and the draft gap analysis on the protection of TK.

WIPO/GRTKF/IC/13/4(b) Rev.: The Protection of Traditional Cultural Expressions: Draft Gap Analysis

17. This document comprises the draft gap analysis on the protection of TCEs, being considered by the Committee together with draft Revised Objectives and Principles for the Protection of Traditional Cultural Expressions and an agreed List of Issues concerning the protection of TCEs.

WIPO/GRTKF/IC/13/5(b) Rev.: The Protection of Traditional Knowledge: Draft Gap Analysis

18. This document comprises the draft gap analysis on the protection of TK, being considered by the Committee together with draft Revised Objectives and Principles for the Protection of TK and an agreed List of Issues concerning the protection of TK.

WIPO/GRTKF/IC/13/7: Recognition of Traditional Knowledge within the Patent System

19. This document focuses on one aspect of the defensive protection of TK, that of enhancing the examination of patent applications that are relevant to TK.

WIPO/GRTKF/IC/13/9: African Group Proposal on the Protection of Traditional Knowledge, Traditional Cultural Expressions and Generic Resources

20. A document submitted by the African Group at the thirteenth session of the Committee. It comprises the Group’s comments and recommendations on “factual extractions” of comments made by Committee participants on the Lists of Issues referred to above. The factual extractions are contained in documents WIPO/GRTKF/IC/12/4(b) (TCEs) and WIPO/GRTKF/IC/12/5(b) (TK).

WIPO/GRTKF/IC/13/10: Intersessional Procedures: Proposed Modalities and Terms of Reference

21. At the twelfth session of the Committee, the Committee invited Member States to make proposals on “proposed modalities and terms of reference for the establishment of intersessional mechanisms or processes, as well as other possibilities, to continue and to build on the progress achieved so far, in a structured and focused manner, the technical work of the Committee on the three substantive items between its sessions . . .”. This document is the proposal of the African Group in response to this invitation.

WIPO/GRTKF/IC/11/9: Overview of Activities and Outcomes of the Intergovernmental Committee

22. This document provides an update of earlier documents prepared for the Committee (WIPO/GRTKF/IC/5/12) and for the General Assembly (WO/GA/31/5, WO/GA/32/7 and WO/GA/33/7) to provide a synthesized overview of the main activities and outcomes of the Committee. It also describes the interaction between the various components of the Committee’s work and related program activities of WIPO, to facilitate consideration of future work and to provide background on the work of the Committee.

WIPO/GRTKF/IC/9/INF/4: The Protection of Traditional Cultural Expressions/Expressions of Folklore: Updated Draft Outline of Policy Options and Legal Mechanisms

23. The Committee has commissioned the development and updating of an outline of policy options and legal mechanisms for the protection of traditional cultural expressions (TCEs). This document is a revised draft requested by the Committee. The document provides information on the policy options and legal mechanisms that national and regional legal systems have employed to give effect to the kind of draft objectives and principles developed in WIPO/GRTKF/IC/9/4. An outline of policy options and legal mechanisms may serve as an information resource to assist in the choice of appropriate mechanisms to achieve policy objectives and to implement principles such as those set out for consideration in WIPO/GRTKF/IC/9/4.

WIPO/GRTKF/IC/9/INF/5: The Protection of Traditional Knowledge: Updated Draft Outline of Policy Options and Legal Mechanisms

24. The Committee has commissioned the development and updating of an outline of policy options and legal mechanisms for the protection of traditional knowledge (TK). This document is a revised draft requested by the Committee. The document provides information on the policy options and legal mechanisms that national and regional legal systems have employed to give effect to the kind of draft objectives and principles developed in WIPO/GRTKF/IC/9/5. An outline of policy options and legal mechanisms may serve as an information resource to assist in the choice of appropriate mechanisms to achieve policy objectives and to implement principles such as those set out for consideration in WIPO/GRTKF/IC/9/5.

WIPO/GRTKF/IC/8/11: Disclosure of Origin or Source of Genetic Resources and Associated Traditional Knowledge in Patent Applications: document submitted by the European Community and its Member States

25. This document provides the text of a proposal submitted on behalf of the European Community and its Member States.

WIPO/GRTKF/IC/8/12: Patent System and the Fight Against Biopiracy - The Peruvian Experience

26. This document provides the text of a submission by the Permanent Mission of Peru.

WIPO/GRTKF/IC/8/13: Ministry of Agriculture, Rural Development and Fisheries, Decree-Law No. 118/2002: document submitted by Portugal

27. This document provides information on and the text of this Portuguese law concerning protection of traditional knowledge.

WIPO/GRTKF/IC/11/10: Declaration of the Source of Genetic Resources and Traditional Knowledge in Patent Applications: Proposals by Switzerland

28. This document provides the text of a proposal by Switzerland.

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