

Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore

Seventeenth Session
Geneva, December 6 to 10, 2010

SUMMARY REPORT OF THE FIRST INTERSESSIONAL WORKING GROUP

Document prepared by the Secretariat

INTRODUCTION

1. The First Intersessional Working Group (IWG 1) met from July 19 to 23, 2010. At the conclusion of its session, it adopted a “Summary Report of the First Intersessional Working Group” (WIPO/GRTKF/IC/IWG/1/2) which describes the work undertaken by IWG 1.
2. The Summary Report includes a formal recommendation to the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (the IGC), namely that the IGC “request the Secretariat to prepare a glossary on the meanings of key terms in WIPO/GRTKF/IC/17/4 Prov. for consideration by the IGC”, and makes certain other suggestions in this regard, (see paragraph 7 of the Summary Report). In paragraph 8 of the Summary Report, IWG 1 requested the Secretariat to prepare two documents for this session of the IGC. These are made available as WIPO/GRTKF/IC/17/9 (“Draft Articles on the Protection of Traditional Cultural Expressions/Expressions of Folklore Prepared at IWG 1”) and WIPO/GRTKF/IC/17/INF/7 (“Record of Deliberations at IWG 1”).
3. IWG 1 also requested that the Summary Report, including the List of Participants of the said session, be submitted to the Committee at its seventeenth session (see paragraph 9 of the Summary Report). This present document fulfils that request.

4. The following documents also made available at this session of the IGC are directly related to the present document:

- (a) "Draft Articles on the Protection of Traditional Cultural Expressions/Expressions of Folklore Prepared at IWG 1" (WIPO/GRTKF/IC/17/9); and,
- (b) "Record of Deliberations of IWG 1" (WIPO/GRTKF/IC/17/INF/7).

5. *The Committee is invited to take note of the Summary Report of IWG 1 in the Annex, and, in particular, the recommendation made in paragraph 7 thereof.*

[Annex follows]



WIPO/GRTKF/IWG/1/2
ORIGINAL: ENGLISH
DATE : JULY 23, 2010

**Intergovernmental Committee on Intellectual Property and
Genetic Resources, Traditional Knowledge and Folklore**

First Intersessional Working Group
Geneva, July 19 to 23, 2010

SUMMARY REPORT OF THE FIRST INTERSESSIONAL WORKING GROUP

prepared by the Secretariat

Summary Report of the First Intersessional Working Group

Agenda Item 1: Opening of the session

1. The session was opened by Mr. Johannes Christian Wichard, Deputy Director General, on behalf of the Director General, Mr. Francis Gurry.
2. Mr. Wend Wendland (WIPO) acted as Secretary to the First Intersessional Working Group (IWG1).

Agenda Item 2: Election of officers

3. Mrs. Savitri Suwansathit (Thailand) was elected Chair and Mrs. Ndeye Abibatou Youm Diabe Siby (Senegal), Mr. Norman Bowman (Australia), Ms. Vladia Borissova (Bulgaria) and Mr. Eduardo Tempone (Argentina) were elected Vice-chairs of IWG 1.

Agenda Item 3: Adoption of the Agenda

4. IWG 1 adopted the draft agenda (WIPO/GRTKF/IWG/1/1 Prov.) as its agenda without modifications.

Agenda Item 4: Traditional cultural expressions/expressions of folklore

5. With reference to document WIPO/GRTKF/IC/17/4 Prov., IWG 1 discussed the issues and articles as follows: objectives and general guiding principles; subject matter of protection (Article 1); beneficiaries/management of rights (Articles 2 and 4); acts of misappropriation/exceptions and limitations/formalities (Articles 3, 5 and 7); term of protection/transitional measures (Articles 6 and 9); sanctions/remedies and exercise of rights (Article 8); relationship with IP protection and other forms of protection, preservation and promotion (Article 10); and, international and regional protection (Article 11). The work program for the session is attached as Annex A.
6. After extensive and detailed deliberations in the plenary of IWG 1, six informal, open-ended drafting groups were established to further discuss, exchange and consolidate the various views expressed in the plenary, and to propose streamlined text, including options, on each cluster of issues. The work of the informal drafting groups was consolidated and presented to all the experts in the IWG plenary as the advice that the IWG was requested to provide to the IGC. On July 23, 2010, the consolidated drafts as prepared by the informal working groups were commented on by the experts in the IWG 1 plenary and some experts added new options. The drafting proposals, comments and additional options were noted and not adopted as such.
7. IWG 1 identified the need to include definitions/a glossary of key terms in the text and recommends formally that, at its next session, the IGC request the Secretariat to prepare a glossary on the meanings of key terms in WIPO/GRTKF/IC/17/4 Prov. for consideration by the IGC. The IGC is invited to further consider whether or not this glossary could serve as a basis for an additional article including definitions of terms to be inserted within the text. This glossary should draw, as far as possible, from existing United Nations and

other international instruments. The IGC is invited to consider whether such a glossary should also be prepared in respect of “traditional knowledge” (with reference to WIPO/GRTKF/IC/17/5 being prepared for the IGC’s 17th session), noting that at its 16th session, the IGC has already commissioned a glossary on intellectual property and genetic resources.

8. IWG 1 requested the Secretariat to prepare, for the next session of the IGC:
 - (a) a document (WIPO/GRTKF/IWG/1/3) incorporating the draft articles prepared by the informal drafting groups, as well as the additional comments and options made by the IWG 1 plenary on July 23, 2010 as referred to in 6 above;
 - (b) a record of the deliberations of IWG 1 (WIPO/GRTKF/IWG/1/4), reflecting all comments and proposals made during IWG 1 on the objectives, general guiding principles and substantive articles. Comments and proposals made during IWG 1 would, as far as possible, be attributed to the experts, identified in their personal capacities, who made them. Drafting proposals made by experts from observers would be included as part of the commentary for consideration by Member States.
9. IWG 1 requested that this present document (WIPO/GRTKF/IWG/1/2), to which should be attached the List of Participants of IWG 1, as well as documents WIPO/GRTKF/IWG/3 and WIPO/GRTKF/IWG/4, be submitted for consideration by the IGC at its next session.

Agenda Item 5: Any Other Business

10. There was nothing to report under this item.

Agenda item 6: Adoption of report

11. IWG 1 adopted this report on July 23, 2010.

Agenda item 7: Closing of the session

12. The Chair thanked all the experts for their active participation and dedication and closed the session.

[Annex follows]

Work Program

IWG 1

July 19 to 23, 2010

- a) Monday: Objectives and General Guiding Principles/Subject matter of protection (Article 1)
- b) Tuesday morning: Beneficiaries/Management of Rights (Articles 2 and 4)
- c) Tuesday afternoon and Wednesday morning: Acts of Misappropriation/Exceptions and Limitations/Formalities (Articles 3, 5 and 7)
- d) Wednesday afternoon: Term of Protection/Transitional Measures (Articles 6 and 9)
- e) Thursday morning: Sanctions/Remedies and Exercise of Rights (Article 8) and Relationship with IP Protection and other forms of Protection, Preservation and Promotion (Article 10)
- f) Thursday afternoon: International and Regional Protection (Article 11)
- g) Friday morning: Any Other Business, and preparation and translation of draft report
- h) Friday afternoon: Consideration and adoption of the report

[Annex II follows]



WIPO/GRTKF/IWG/1/INF/1 PROV. 2
ORIGINAL: FRANÇAIS/ENGLISH
DATE: 21 JUILLET 2010/JULY 21, 2010

**Comité intergouvernemental de la propriété intellectuelle
relative aux ressources génétiques, aux savoirs traditionnels et
au folklore**

Premier groupe de travail intersessions

Genève, 19 – 23 juillet 2010

**Intergovernmental Committee on Intellectual Property and
Genetic Resources, Traditional Knowledge and Folklore**

First Intersessional Working Group

Geneva, July 19 to 23, 2010

**DEUXIÈME LISTE PROVISOIRE* DES PARTICIPANTS/
SECOND PROVISIONAL* LIST OF PARTICIPANTS**

*établie par le Secrétariat/
prepared by the Secretariat*

* Les participants sont priés d'informer le Secrétariat des modifications qui devront être prises en considération lors de l'établissement de la liste finale des participants, en indiquant les corrections sur la présente liste provisoire.

* Participants are requested to inform the Secretariat of any changes which should be taken into account in preparing the final list of participants. Changes should be requested by making corrections on the present provisional list.

I. ÉTATS/STATES

(dans l'ordre alphabétique des noms français des États)
(in the alphabetical order of the names in French of the States)

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Jalal NOORANI, Advisor, Ministry of Information and Culture, Kabul
Mostainbillah BALAGH, Third Secretary, Permanent Mission, Geneva
Akshid JAVID, Third Secretary, Permanent Mission, Geneva

AFRIQUE DU SUD/SOUTH AFRICA

Susanna CHUNG (Ms.), First Secretary, Foreign Affairs Department, Permanent Mission, Geneva

ALGÉRIE/ALGERIA

Nadia MOKRANI (Mme), directrice des Affaires juridiques et présidente du Conseil d'administration, Office national des droits d'auteur et des droits voisins (ONDA), Alger

ALLEMAGNE/GERMANY

Jens STÜHMER, Legal Advisor, Division for Copyright and Publishing Law, Federal Ministry of Justice, Berlin

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ANGOLA

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AZERBAÏDJAN/AZERBAIJAN

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II. DÉLÉGATION SPÉCIALE/SPECIAL DELEGATION

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Georgios KRITIKOS, First Secretary, Permanent Delegation, Geneva

Sergio BALIBREA, First Counsellor, Delegation of the European Union to the International Organisations in Geneva, Geneva

III. ORGANISATIONS INTERNATIONALES INTERGOUVERNEMENTALES/ INTERNATIONAL INTERGOVERNMENTAL ORGANIZATIONS

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ORGANISATION DE LA CONFÉRENCE ISLAMIQUE (OCI)/ORGANIZATION OF THE ISLAMIC CONFERENCE (OIC)

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Georges Remi NAMEKONG, Expert, Addis Ababa

IV. ORGANISATIONS INTERNATIONALES NON GOUVERNEMENTALES/
INTERNATIONAL NON-GOVERNMENTAL ORGANIZATIONSAmerican Folklore Society

Steven HATCHER (Observer, Crans-Pré-Céligny)

Association Tin Hinan

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Victor NABHAN (President, Geneva)

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(FWCC)

Graham Martin DUTFIELD (Associate, London)

Consejo Indio de Sud América (CISA)/Indian Council of South America (CISA)

Ronald BARNES (Representative, La Paz)

Coordination des ONG africaines des droits de l'homme (CONGAF)/Coordination of African
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Mutimanwa KAPUPU DIWA (membre, République Démocratique du Congo)

Creators Rights Alliance (CRA)

Greg YOUNGING (Professor, University of British Columbia, Vancouver)

Ethio-Africa Diaspora Union Millennium Council

Marcus GOFFE (Legal Advisor, Kingston)

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Phonographic Industry (IFPI)

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Fondation pour le droit de l'art/Art Law Center

Raphaël CONTEL (observateur, Genève)

Foundation for Aboriginal and Islander Research Action (FAIRA)

Robert Leslie MALEZER (Chairperson, Woolloongabba)

Foundation for Research and Support of Indigenous Peoples of Crimea

Nadir BEKIROV (President, Simferopol); Primo BURSİK (Member, Simferopol)

Indian Movement "Tupaj Amaru"

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Indigenous Peoples Council on Biocolonialism (IPCB)

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Institut Max Planck pour la propriété intellectuelle, le droit de compétition et de fiscalité (MPI)/Max
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International Council of Museums (ICOM)

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International Federation of Reproduction Rights Organisations (IFRRO)

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Knowledge Ecology International (KEI)

Thiru BALASUBRAMANIAM (Representative, Geneva)

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Leila MAMONI (Ms.) (Representative, Paris)

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Traditions pour demain/Traditions for Tomorrow

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Tulalip Tribes

Preston HARDISON (Representative, Washington)

Union internationale des éditeurs (UIE)/International Publishers Association (IPA)

Jens BAMMEL (Secretary General, Geneva); Antje SÖRENSEN (Mrs.) (Deputy Secretary
General and Legal Counsel, Geneva)

V. BUREAU INTERNATIONAL DE L'ORGANISATION MONDIALE
DE LA PROPRIÉTÉ INTELLECTUELLE (OMPI)/
INTERNATIONAL BUREAU OF THE
WORLD INTELLECTUAL PROPERTY ORGANIZATION (WIPO)

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Christian WICHARD, vice-directeur général/Deputy Director General

Naresh PRASAD, directeur exécutif, chef de Cabinet, Cabinet du directeur général/Executive Director and Chief of Staff, Office of the Director General

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