

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

**Eighteenth Session**  
**Geneva, May 9 to 13, 2011**

### **BRIEF SUMMARY OF DOCUMENTS**

*Document prepared by the Secretariat*

#### **I. WORKING DOCUMENTS FOR THE EIGHTEENTH SESSION**

1. The following is a brief summary of the documents prepared or due to be prepared for the eighteenth session of the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (the “Committee”) as at April 14, 2011. Each of these documents, as well as any additional documents, will be posted as soon as they are finalized at: <http://www.wipo.int/tk>.

#### WIPO/GRTKF/IC/18/1 Prov. 2: Draft Agenda for the Eighteenth Session

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

#### WIPO/GRTKF/IC/18/2: 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/18/2 Add.: Accreditation of Certain Organizations

4. This document contains the name of an additional organization, which has applied to the Committee for accreditation as *ad hoc* observer to future sessions of the Committee. The document also contains the contact detail and aims and objectives of the said organization.

WIPO/GRTKF/IC/18/3: Participation of Indigenous and Local Communities: Voluntary Contribution Fund

5. 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, as amended by the WIPO General Assembly in September 2010, which sets out the objectives and operation of the Fund. This document refers to the appointment of the Fund’s Advisory Board, and provides information on the fund-raising drive initiated by the Secretariat. The required information note providing details of contributions received and beneficiaries is circulated in parallel as document WIPO/GRTKF/IC/18/INF/4.

WIPO/GRTKF/IC/18/4 Rev.: The Protection of Traditional Cultural Expressions: Draft Articles

6. At the seventeenth session of the Committee (IGC 17), “[t]he Committee took note of the text of the draft articles on traditional cultural expressions prepared by the open-ended informal drafting group established by the Committee, based on WIPO/GRTKF/IC/17/9 as amended during the session... [and] requested that the text be made available as a working document for the Committee at its next session”.

WIPO/GRTKF/IC/18/5: The Protection of Traditional Knowledge: Revised Objectives and Principles

7. At IGC 17, the Secretariat “...was requested to prepare a further draft of document WIPO/GRTKF/IC/17/5, reflecting, with attribution, the comments and proposals made during [IGC 17], and to make such further draft available for [IWG 2]. The Secretariat “was also invited to make structural changes to the document so as to align its structure more closely with that of the Committee’s document on traditional cultural expressions [...] and to report on such structural changes in the further draft of document WIPO/GRTKF/IC/17/5”. This document is the revised version of document WIPO/GRTKF/IC/17/5, reflecting the structural changes, the amendments proposed and the comments made during IGC 17.

WIPO/GRTKF/IC/18/6: Summary Report of the Second Intersessional Working Group (IWG 2)

8. At the sixteenth session of the Committee (IGC 16), the IWGs were mandated by the Committee to “... provide legal and technical advice and analysis, including, where appropriate, options and scenarios for consideration of the IGC ... [and] report to the IGC on the outcomes of their work and submit recommendations and texts relating to the discussion in the IGC”. This document is a report to the IGC on the outcomes of the work of IWG 2, addressing traditional knowledge.

WIPO/GRTKF/IC/18/7: Draft Articles on the Protection of Traditional Knowledge prepared at IWG 2

9. At IGC 16, the IWGs were mandated by Committee to “... provide legal and technical advice and analysis, including, where appropriate, options and scenarios for consideration of the IGC ... [and] report to the IGC on the outcomes of their work and submit recommendations and

texts relating to the discussion in the IGC”. This document contains draft articles on the protection of traditional knowledge prepared at IWG 2.

WIPO/GRTKF/IC/18/8: Summary Report of Third Intersessional Working Group (IWG 3)

10. At IGC 16, the IWGs were mandated by the Committee to “... provide legal and technical advice and analysis, including, where appropriate, options and scenarios for consideration of the IGC ... [and] report to the IGC on the outcomes of their work and submit recommendations and texts relating to the discussion in the IGC”. This document is a report to the IGC on the outcomes of the work of IWG 3, addressing genetic resources.

WIPO/GRTKF/IC/18/9: Draft Objectives and Principles Relating to Intellectual Property and Genetic Resources prepared at IWG 3

11. At IGC 17, the Committee suggested that IWG 3 “...prepare, taking into account all the documents and comments thereon referred to, a draft text of objectives and principles for intellectual property and genetic resources, as well as a draft list of options for future work by the Committee on intellectual property and genetic resources, including, to the extent possible, textual recommendations, and to transmit such draft text and draft list, with any textual recommendations, to the Committee for its next session”. This document contains draft objectives and principles relating to intellectual property and genetic resources prepared at IWG 3.

WIPO/GRTKF/IC/18/10: Options on Intellectual Property and Genetic Resources: Summary of Discussions at IWG 3

12. At IGC 17, the Committee suggested that IWG 3 “...prepare, taking into account all the documents and comments thereon referred to, a draft text of objectives and principles for intellectual property and genetic resources, as well as a draft list of options for future work by the Committee on intellectual property and genetic resources, including, to the extent possible, textual recommendations, and to transmit such draft text and draft list, with any textual recommendations, to the Committee for its next session”. This document contains a summary of the discussions on the options on intellectual property and genetic resources that took place at IWG 3.

## II. INFORMATION DOCUMENTS FOR THE EIGHTEENTH SESSION

WIPO/GRTKF/IC/18/INF/1 Prov.: List of Participants

13. A draft list of participants will be circulated at the eighteenth session.

WIPO/GRTKF/IC/18/INF/2: Brief Summary of Documents

14. The present document, prepared as an informal guide to the Committee’s documentation.

WIPO/GRTKF/IC/18/INF/3: Draft Program for the Eighteenth Session

15. 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/18/INF/4: Voluntary Fund for Accredited Indigenous and Local Communities: Information Note on Contributions and Applications for Support

16. 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, as approved by the WIPO General Assembly at its 32nd session and subsequently amended by the WIPO General Assembly in September 2010. In particular, it gives information on contributions received or pledged, and actual support provided to representatives of accredited indigenous and local communities.

WIPO/GRTKF/IC/18/INF/5: Information Note for the Panel of Indigenous and Local Communities

17. 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 ten 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 GRs. The presentations are available on WIPO's site at [http://www.wipo.int/tk/en/ngoparticipation/ind\\_loc\\_com/index.html](http://www.wipo.int/tk/en/ngoparticipation/ind_loc_com/index.html). This document sets out the proposed practical arrangements for the panel at the eighteenth session.

WIPO/GRTKF/IC/18/INF/6: Voluntary Fund for Accredited Indigenous and Local Communities: Decisions taken by the Director General in accordance with the Recommendations adopted by the Advisory Board

18. This information note will inform the Committee on the decisions on funding that the Director General will take in accordance with the recommendation that the Advisory Board of the Voluntary Fund for Accredited Indigenous and Local Communities will adopt on the margins of the eighteenth session of the Committee.

WIPO/GRTKF/IC/18/INF/7: Glossary of Key Terms Related to Intellectual Property and Traditional Cultural Expressions

19. At IGC 17, the Committee decided that the Secretariat should "prepare and make available, as an information document for the next session of the Committee, a glossary on intellectual property and traditional cultural expressions as recommended by the first Intersessional Working Group (IWG 1) in its Summary Report (WIPO/GRTKF/IC/17/8)".

WIPO/GRTKF/IC/18/INF/8: Glossary of Key Terms Related to Intellectual Property and Traditional Knowledge

20. At IGC 17, the Committee decided that the Secretariat should "prepare and make available, as an information document for IWG 2, a glossary on intellectual property and traditional knowledge as recommended by the first Intersessional Working Group in its Summary Report (WIPO/GRTKF/IC/17/8)". IWG 2 "noted the 'Glossary of Key Terms related to Intellectual Property and Traditional Knowledge' (WIPO/GRTKF/IWG/2/INF 2) and requested that it be transmitted as an information document to the next session of the IGC".

WIPO/GRTKF/IC/18/INF/9: Glossary of Key Terms Related to Intellectual Property and Genetic Resources

21. At IGC 17, the Committee requested the Secretariat “to make available copies of all relevant documents for the Third Intersessional Working Group (IWG 3) taking place from February 28 to March 4, 2011, including: [...] WIPO/GRTKF/IC/17/INF/13 [...]”. The Document WIPO/GRTKF/IC/17/INF/13, containing the glossary, was made available to IWG 3 as document WIPO/GRTKF/IWG/3/13. IWG 3 “noted the ‘Glossary of Key Terms related to Intellectual Property and Genetic Resources’ (WIPO/GRTKF/IWG/3/13) on the understanding that it would be re-issued as an information document at the next session of the Committee”.

WIPO/GRTKF/IC/18/INF/10: Note on the Chair’s Informal Consultations on Draft Articles on Traditional Cultural Expressions

22. At IGC 17, the Committee invited the Chair, Ambassador Philip Owade, to undertake informal consultations with all delegations before the next session of the Committee and to prepare, if possible, a further draft of the articles on traditional cultural expressions (a “Chair’s text”) for consideration by the Committee at its next session. Since the Committee had preferred that these consultations not comprise any physical meetings and that they not constitute “negotiations,” the WIPO Secretariat hosted an electronic forum on its wiki platform to assist the Chair in the consultation process. This document contains the Chair’s note on the said consultations.

III. OTHER DOCUMENTS

WIPO/GRTKF/IC/17/7: Submission by Australia, Canada, New Zealand, Norway and the United States of America

23. At IGC 16, the Committee invited participants “to provide written comments on document WIPO/GRTKF/IC/16/7 before July 31, 2010 and requested the Secretariat to compile such comments in an information document and to issue document WIPO/GRTKF/IC/16/7 as a working document for the next session of the Committee”. This document is a re-issue of document WIPO/GRTKF/IC/16/7. A compilation of the comments thereon was circulated as a separate information document, WIPO/GRTKF/IC/17/INF/10.

WIPO/GRTKF/IC/17/10: Proposal of the African Group on Genetic Resources and Future Work

24. At IGC 17, the Delegation of Angola, on behalf of the African Group, submitted this working document in relation to genetic resources.

WIPO/GRTKF/IC/17/11: Submission by Australia, Canada, Japan, Norway, New Zealand and the United States of America

25. At IGC 17, the Delegations of Australia, Canada, Japan, Norway, New Zealand and the United States of America submitted this working document in relation to genetic resources.

WIPO/GRTKF/IC/17/INF/8: Note on Meanings of the Term “Public Domain” in the Intellectual Property System with special reference to the Protection of Traditional Knowledge and Traditional Cultural Expressions/Expressions of Folklore

26. At IGC 16, the Committee invited the Secretariat to prepare and make available for IGC 17, “a technical information document on the meanings of the term “public domain” in the intellectual property system, with special reference to the protection of traditional knowledge and traditional cultural expressions”.

WIPO/GRTKF/IC/17/INF/9: List and Brief Technical Explanation of Various Forms in which Traditional Knowledge May Be Found

27. At IGC 16, the Committee invited the Secretariat to prepare and make available, as an information document, for IGC 17, “a list and brief technical explanation of various forms in which traditional knowledge may be found (such as ‘codified/non-codified’, ‘disclosed’/ ‘non-disclosed’)”.

WIPO/GRTKF/IC/17/INF/10: Commentary - Submission by Australia, Canada, New Zealand, Norway and the United States of America

28. At IGC 16, the Committee invited IGC participants “to provide written comments on document WIPO/GRTKF/IC/16/7 before July 31, 2010 and requested the Secretariat to compile such comments in an information document and to issue document WIPO/GRTKF/IC/16/7 as a working document for the next session of the Committee”.

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

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

WIPO/GRTKF/IC/11/11: Additional Explanation from Japan Regarding document WIPO/GRTKF/IC/9/13 on the Patent System and Genetic Resources

30. This document provides an additional explanation from Japan regarding document WIPO/GRTKF/IC/9/13 on the patent system and genetic resources.

WIPO/GRTKF/IC/9/13: The Patent System and Genetic Resources

31. At IGC 9, the Delegation of Japan submitted a working document in relation to genetic resources.

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

32. This document provides the text of a proposal submitted on behalf of the European Community and its Member States at IGC 8.

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

33. At IGC 9, the Committee commissioned the development and updating of an outline of policy options and legal mechanisms for the protection of 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 (now WIPO/GRTKF/IC/17/4). 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 (now WIPO/GRTKF/IC/18/4 Rev.).

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

34. At IGC 9 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 (now WIPO/GRTKF/IC/17/5). 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 (now WIPO/GRTKF/IC/18/5).

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

35. This document comprises the draft gap analysis on the protection of TCEs, prepared for 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

36. This document comprises the draft gap analysis on the protection of TK, prepared for the Committee together with draft Revised Objectives and Principles for the Protection of Traditional Knowledge and an agreed List of Issues concerning the protection of TK.

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