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

**Forty-Third Session
Geneva, May 30 to June 3, 2022**

DECISIONS OF THE FORTY-THIRD SESSION OF THE COMMITTEE

Adopted by the Committee

DECISION ON AGENDA ITEM 2:

ADOPTION OF THE AGENDA

The Chair submitted the draft agenda circulated as WIPO/GRTKF/IC/43/1 Prov. 2 for adoption and it was adopted.

DECISION ON AGENDA ITEM 3:

ACCREDITATION OF CERTAIN ORGANIZATIONS

The Committee unanimously approved the accreditation of the following two organizations as *ad hoc* observers: AISadu Society - Weaving Cooperative; and West Indian Tribal Society.

DECISION ON AGENDA ITEM 4:

PARTICIPATION OF INDIGENOUS AND LOCAL COMMUNITIES

The Committee took note of documents WIPO/GRTKF/IC/43/3, WIPO/GRTKF/IC/43/INF/4 and WIPO/GRTKF/IC/43/INF/6.

The Committee strongly encouraged and called upon members of the Committee and all interested public and private entities to contribute to the WIPO Voluntary Fund for Accredited Indigenous and Local Communities.

The Chair proposed, and the Committee elected by acclamation, the following eight members of the Advisory Board to serve in an individual capacity: Mr. Rodrigo de la Cruz (Call of the Earth); Ms. Summer Hammons (Tulalip Tribes of Washington Governmental Affairs Department); Mr. Claus Medicus (Germany); Mr. Sebastián Molina Necul (Chile); Mr. Mandla Nkabeni (South Africa); Ms. Sue Noe (Native American Rights Fund); Ms. Garima Paul (India); and Mr. Emil Žatkuliak (Slovak Republic).

The Chair of the Committee nominated Mr. Yonah Seleti, Vice-Chair of the Committee, to serve as Chair of the Advisory Board.

DECISION ON AGENDA ITEM 5:

REPORTING ON THE AD HOC *EXPERT GROUP ON GENETIC RESOURCES*

The Committee took note of the oral report from the Chair of the *ad hoc expert group on genetic resources*, Mr. Paul Kuruk (Vice Chairman, Ghana International Trade Commission, Ministry of Trade, Ghana).

DECISION ON AGENDA ITEM 6:

GENETIC RESOURCES

The Committee developed, on the basis of document WIPO/GRTKF/IC/43/4, a further text, "Consolidated Document on Intellectual Property and Genetic Resources Rev. 2" (Rev. 2). However, the Member States were unable to reach consensus on transmitting Rev. 2 to the Forty-Seventh Session of the Committee. It was decided to transmit the text in the annex to document WIPO/GRTKF/IC/43/4 to the Forty-Seventh Session of the Committee, in accordance with the Committee's mandate for 2022-2023. It was also decided that document WIPO/GRTKF/IC/43/4, as well as document WIPO/GRTKF/IC/43/5, be included in the factual report to the 2022 WIPO General Assembly, as referred to under Agenda Item 7.

The Committee decided that the Secretariat should organize further *ad hoc* virtual meetings of experts on possible disclosure requirements, and a virtual Seminar and/or other virtual technical meetings on information systems, registers and databases of genetic resources, traditional knowledge and traditional cultural expressions before the Forty-Seventh Session of the Committee, and provide written reports on such meetings to the Committee. These meetings should include experts reflecting different interests and balanced geographical representation, and should not replace nor delay the text-based negotiations underway in the Committee.

The Committee noted divergent views on the way forward, including on whether the Consolidated Document (WIPO/GRTKF/IC/43/4, as amended over time) and/or the Chair's Text (WIPO/GRTKF/IC/43/5, as amended over time), should be the basis for negotiations on genetic resources. The Committee took note that some members consider that the Chair's Text (WIPO/GRTKF/IC/43/5) should be the basis for the Committee's negotiations on genetic resources and the basis upon which a Diplomatic Conference should be convened, while others disagree.

The Committee invited the Chair, taking into account comments, to revise the Chair's Text as contained in document WIPO/GRTKF/IC/43/5, while maintaining its integrity as the Chair's Text, for the Forty-Seventh Session of the Committee.

On information systems, registers and databases of genetic resources, traditional knowledge and traditional cultural expressions, the Secretariat is invited to issue an online survey which Member States and accredited observers could respond to, if they so wish. Responses to the survey would be published by the Secretariat online and in an updated version of document WIPO/GRTKF/IC/43/6.

The Committee took note of and held discussions on documents WIPO/GRTKF/IC/43/6, WIPO/GRTKF/IC/43/7, WIPO/GRTKF/IC/43/8, WIPO/GRTKF/IC/43/9, WIPO/GRTKF/IC/43/10, WIPO/GRTKF/IC/43/INF/7 and WIPO/GRTKF/IC/43/INF/8.

DECISION ON AGENDA ITEM 7:

POSSIBLE RECOMMENDATIONS TO THE 2022 GENERAL ASSEMBLY

Noting that a factual report along with the most recent texts available of the Committee's work and the decisions of IGC 42 and IGC 43 will be provided to the 2022 General Assembly in accordance with the Committee's mandate for 2022-2023, the Committee agreed on the following recommendations to the 2022 General Assembly:

"The 2022 WIPO General Assembly is invited to consider the 'Report of the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC)' (document WO/GA/55/6), and to note that the Secretariat will conduct virtual activities to expedite the work of the IGC on genetic resources. The General Assembly welcomes the Chair of the Committee conducting consultations with Member States and indigenous caucus on the methodology of the Committee with a view to Member States agreeing on the methodology to be used in the future sessions."

DECISION ON AGENDA ITEM 8:

ANY OTHER BUSINESS

There was no discussion under this item.

DECISION ON AGENDA ITEM 9:

CLOSING OF THE SESSION

The Committee adopted its decisions on agenda items 2, 3, 4, 5, 6 and 7 on June 3, 2022.

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