

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

**Seventh session
Geneva, November 1 to 5, 2004**

Decisions adopted by the Committee on November 5, 2004

Decision on agenda Item 3: Accreditation of Certain Non-Governmental Organizations

1. The Committee unanimously approved accreditation of all the organizations listed in the Annexes to documents WIPO/GRTKF/IC/7/2 and WIPO/GRTKF/IC/7/2 Add. as *ad hoc* observers.

Decision on Agenda Item 4: Participation of Indigenous and Local Communities

2. The Committee requested that, on the basis of document WIPO/GRTKF/IC/7/8 and the comments made upon it, a formal proposal for a Voluntary Fund be prepared for its consideration at its eighth session; and encouraged continuing voluntary funding of representatives of indigenous and local communities, and other forms of enhancing their participation in the Committee and other related WIPO activities.

3. Concerning the proposal of New Zealand set out in document WIPO/GRTKF/IC/7/14,

(i) Regarding item 1 (speaking time), the Committee expressed the view that time should, wherever possible, be given for general statements, including such by all participants including representatives of indigenous and local communities, at the beginning of the Committee's sessions, and that more speaking time should be allotted, at appropriate occasions during the sessions, to representatives of local and indigenous communities.

(ii) Regarding item 2 (a change in seating arrangements), the Committee noted that the present arrangements were the traditional ones for intergovernmental bodies and that any changes in that respect should be based on instructions to the Secretariat. No such specific instructions for changes received support from the Committee, and therefore no decision was taken in this respect at the present session of the Committee.

(iii) Regarding item 3 (co-chairmanship by a representative coming from a local or indigenous community), the Committee noted that such a measure presupposed a change in the Rules of Procedure. There was no consensus in this respect and the proposal was not approved by the Committee.

(iv) Regarding item 4 (panel presentations), the Committee agreed that, immediately before the commencement of the sessions of the Committee, half-day

panel presentations should be organised, chaired by a representative from a local or indigenous community.

Decision on Agenda Item 5: Folklore/Traditional cultural expressions.

4. The Committee took note of the detailed comments and drafting suggestions made on the draft objectives and core principles as set out in Annex I of document WIPO/GRTKF/IC/7/3; called for further comments on the draft objectives and core principles, including specific suggestions for wording, before February 25, 2005; and requested the Secretariat to produce, on the basis of that Annex and all subsequent inputs and comments from Committee participants, a further draft of objectives and principles for the protection of TCEs/EoF for consideration by the Committee at its eighth session.

5. The Committee noted that all comments on the objectives and principles received within the agreed timeframe would be posted on the WIPO website as received and would also be included in a compilation, to be distributed with the documents for the eighth session.

6. The Committee also noted the suggested outline of policy options and legal mechanisms for protection set out in Annex I of document WIPO/GRTKF/IC/7/4, and noted the comments made during its current session on that document. It agreed that this material should be updated as appropriate in the light of revisions to the draft objectives and core principles, and in the light of comments received.

7. The Committee also took note of the contents of documents WIPO/GRTKF/IC/7/11 ('Update on Legal-technical Assistance and Capacity Building Activities') and WIPO/GRTKF/IC/7/INF/4 ('Establishing Effective Systems for the Protection of Traditional Cultural Expressions/Expressions of Folklore: Draft Questionnaire').

Decision on Agenda Item 6: Traditional knowledge.

8. The Committee took note of the detailed comments and drafting suggestions made on the draft objectives and core principles as set out in Annex I of document WIPO/GRTKF/IC/7/5; called for further comments on the draft objectives and core principles, including specific suggestions for wording, before February 25, 2005; and requested the Secretariat to produce, on the basis of that Annex and all subsequent inputs and comments from Committee participants, a further draft of objectives and principles for the protection of TK for consideration by the Committee at its eighth session.

9. The Committee noted that all comments on the objectives and principles received within the agreed timeframe would be posted on the WIPO website as received and would also be included in a compilation, to be distributed with the documents for the eighth session.

10. The Committee also noted the suggested outline of policy options and legal mechanisms for protection set out in Annex I of document WIPO/GRTKF/IC/7/6, and noted the comments made during its current session on that document. It agreed that this material should be updated as appropriate in the light of revisions to the draft objectives and core principles, and in the light of comments received.

11. The Committee took note of the update on technical standards and issues concerning recorded or registered traditional knowledge provided in document WIPO/GRTKF/IC/7/7.

12. The Committee considered the suggested outline for draft recommendations for patent authorities set out in document WIPO/GRTKF/IC/7/8 and agreed that a full draft should be developed for consideration at the Committee's eighth session. The Committee also called for further responses to be submitted to WIPO/GRTKF/IC/Q.5 prior to January 31, 2005.

Decision on agenda Item 7: Genetic Resources

Document WIPO/GRTKF/IC/7/9

13. The Chair noted that:

(i) a number of comments were made on the contents of document WIPO/GRTKF/IC/7/9, which were all duly noted by the Secretariat and will be included in the Report.

(ii) A number of Delegations expressed support for the future work as proposed in paragraph 43 of the document.

(iii) A number of Delegations expressed strong opposition to the future work proposed in paragraph 43 of the document and to the contractual approach detailed in the document, and stated that this activity would inevitably detract from other work of the Committee, particularly considering the difficult financial situation of the organization.

14. The Chair concluded that there was no consensus on the future work of the Committee in this area and suggested that no decision should be taken at this session but that it should be kept on the agenda for the eighth session of the Committee.

15. The Committee decided in accordance with the suggestion by the Chair.

Document WIPO/GRTKF/IC/7/10

16. The Committee took note of the contents of document WIPO/GRTKF/IC/7/10.

17. The Chairman noted that there was no consensus on the future work as indicated in paragraphs 13 to 14 of the document and suggested that no decision should be taken at this session but that the issue should be kept on the agenda for the eighth session of the Committee.

18. The Committee decided in accordance with the suggestion of the Chair.

Decision on agenda Item 8: adoption of the report

19. The Committee adopted its decisions on agenda items 3, 4, 5, 6 and 7 on November 5, 2004. It agreed that a draft written report containing the agreed text of these decisions and all interventions made to the Committee would be prepared and circulated to Committee participants before the end of November. Committee participants should submit written corrections to their interventions as included in the draft report before December 17, 2004. A final version of the draft report will then be circulated to Committee participants for adoption at the eighth session.

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