

# **Intellectual Property and GRs, TK and TCEs : Work at the International Level**

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- **Legislative vs. practical options**
- **IP vs. non-IP options**
- **‘Positive’/‘Defensive’**
- **More effective use of existing IP system vs. new *sui generis* norms**
- **National vs. international**

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



**IGC mandate 2016-2017:** “. . . reaching an agreement on an international legal instrument(s), without prejudging the nature of outcome(s), relating to intellectual property which will ensure the balanced and effective protection of genetic resources (GRs), traditional knowledge (TK) and traditional cultural expressions (TCEs). . .”



IGC 29 (GRs)  
Feb 2016

Seminar  
May 2016

IGC 30 (GRs)  
May-June 2016

IGC 31 (TK)  
Sept 2016

Seminar (TK)  
Nov 2016

IGC 31 (TK)  
Nov-Dec 2016



**From “non-normative” (2001 to 2009) to  
“normative” (from 2010); “binding” and/or  
“non-binding”**

**Tri-angulating “objectives and principles”,  
“substance/content” and “process”**

**Balancing “separate but equal” treatment  
and “cross-cutting issues”**

# Significance

- **For indigenous peoples and local communities :**

**New collective rights**

**Community entrepreneurship, rural development, SMEs**

- **For international IP policy development:**

**A profound re-imagining of the IP system**

**First developing country-led normative process of this breadth and complexity**

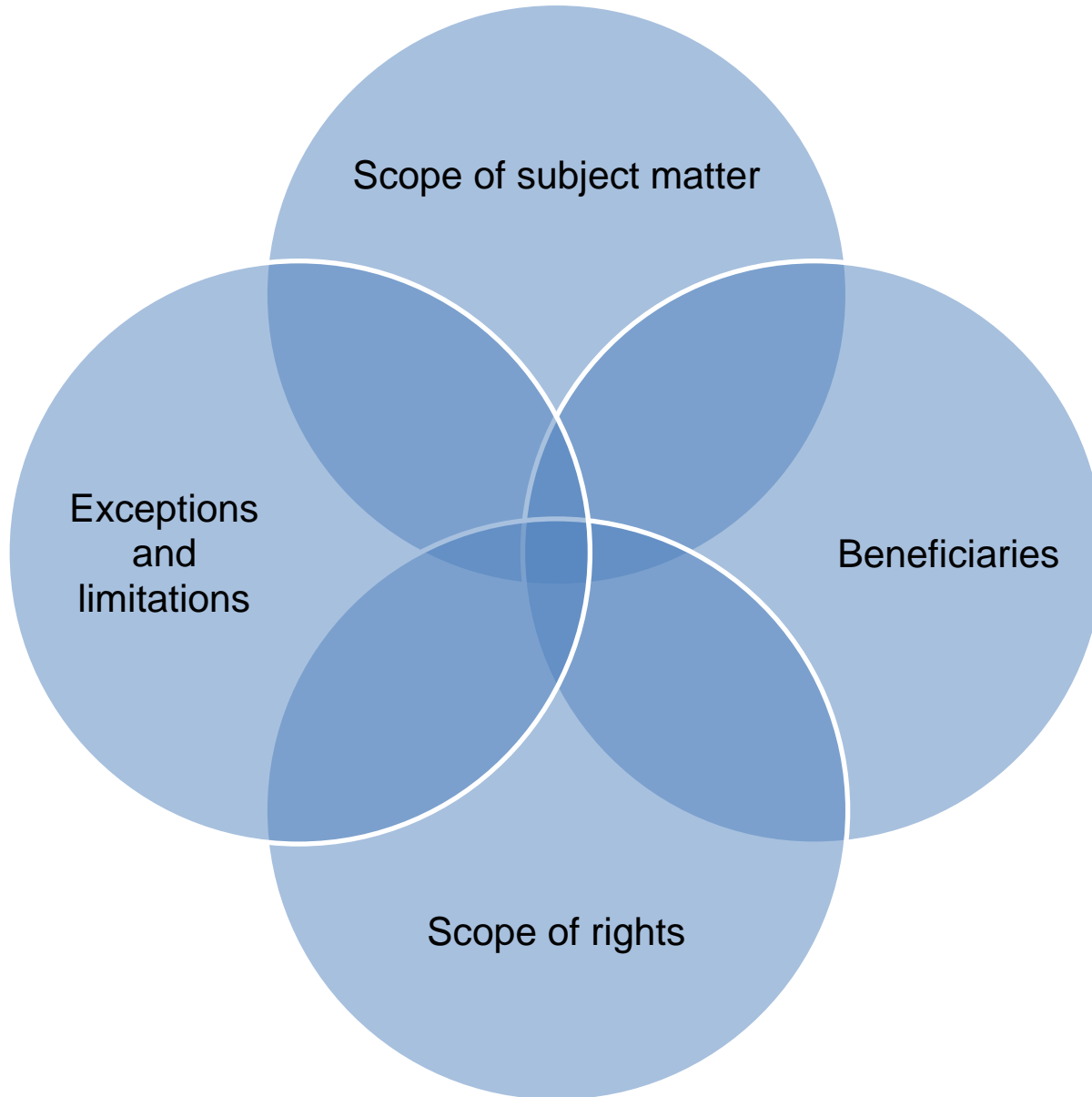
**Squarely in line with Development Agenda**



# Challenges

- **Substance**
  - Complex menu of issues
  - Limited experience at national/regional level
  - Interface with other instruments and processes
- **Process**
  - Diverse demandeurs, diverse objectives, limited leverage
  - Over-negotiated mandates
  - Efficiency vs. transparency and inclusiveness
  - “All or nothing” approach

# Current text on TK





**How, if at all, to  
protect “publicly  
available” traditional  
knowledge**

<p>Nature of TK </p> <p>Nature of rights </p>	Secret	Closely held	Publicly available	Widely diffused
Exclusive property rights				
Moral rights				
Unfair competition				
Compensation/ Benefit-sharing				

**Seminar on IP and  
Genetic Resources:  
May 26 and 27, 2016**

**IGC 30 (genetic  
resources):  
May 30 to June 3, 2016**

- Consolidated document
- Outstanding/pending issues
- Proposed recommendations
- “Experiences”

# **Proposed mandatory disclosure requirement**

- **Objectives**
- **Scope**
- **Content**
- **Exceptions and limitations**
- **Consequences of non-compliance**
- **Trigger**
- **No disclosure option**



# **WIPO's capacity-building program**

**1. Facilitate**

**2. Inform**

**3. Train**

# Traditional Knowledge

## On this page:

[Traditional knowledge](#)[Traditional cultural expressions](#)[Genetic resources](#)[Seminars and workshops](#)[Training](#)[Resources](#)

Traditional knowledge (TK) is a living body of knowledge passed on from generation to generation within a community. It often forms part of a people's cultural and spiritual identity. WIPO's program on TK also addresses genetic resources (GRs) and traditional cultural expressions (TCEs).

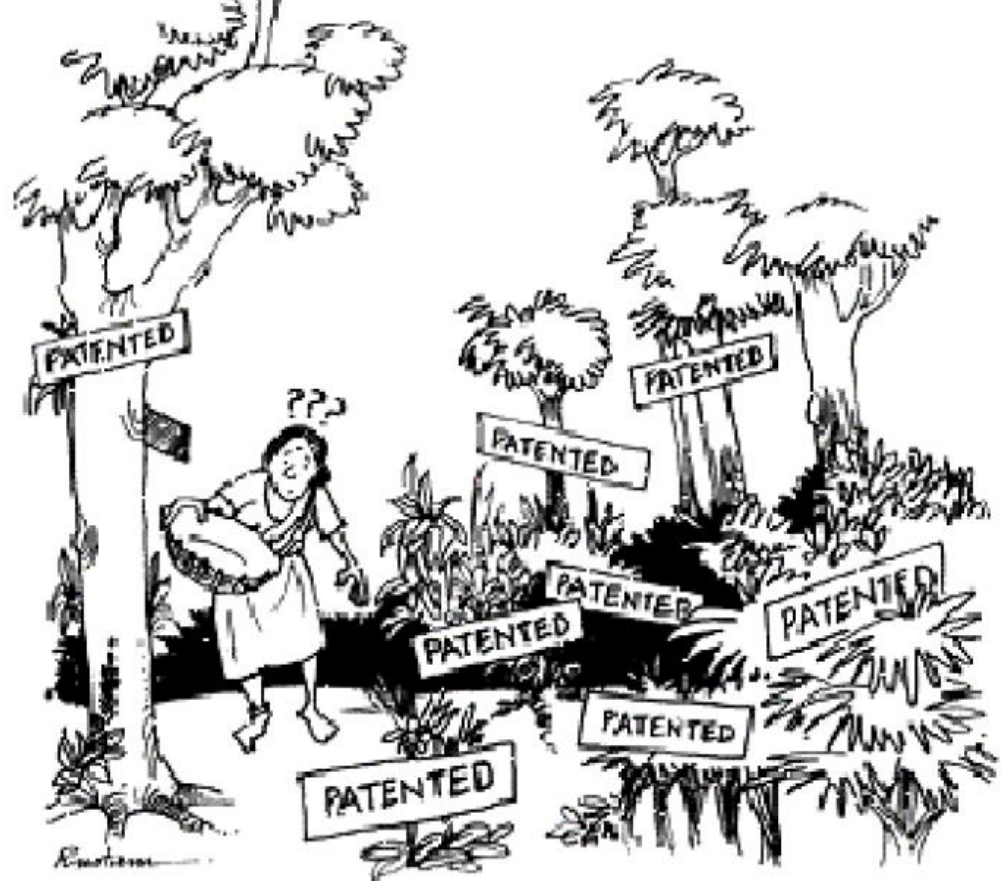
WIPO's Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC) is negotiating international legal instrument(s) on intellectual property (IP) and GRs, TK and TCEs.

- [Indigenous Portal](#)
- [Frequently asked questions](#) | [Glossary of key terms](#)

**Looking for information on the IGC?** [IGC website](#) | [IGC: What is happening now](#)



Delegates attending the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC) meeting. (Photo: WIPO).



Source: AAAS TEK-PAD

# Questions and comments?

# WIPO's TK Updates and Newsletters: email

US

at [grtkf@wipo.int](mailto:grtkf@wipo.int)

Access all resources:

[www.wipo.int/tk/en](http://www.wipo.int/tk/en)

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