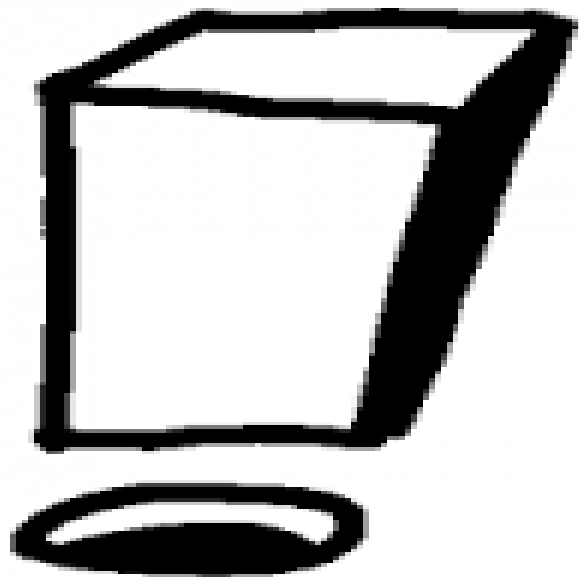


Intellectual Property and TK and TCEs : Work on *sui generis* instruments at the international level

**Wend Wendland
Director
Traditional Knowledge Division
WIPO**

**Apia,
December 2015**







- **Legislative vs. practical options**
- **More effective use of existing IP system vs. new *sui generis* IP norms**
- **IP vs. non-IP options**

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

Text-based negotiations . . . text(s) of an international legal instruments(s) . . .



Significance

- **For indigenous peoples, local communities and other beneficiaries:**

New collective rights

- **For international IP law-making:**

A profound re-imagining of the IP system

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

Challenges

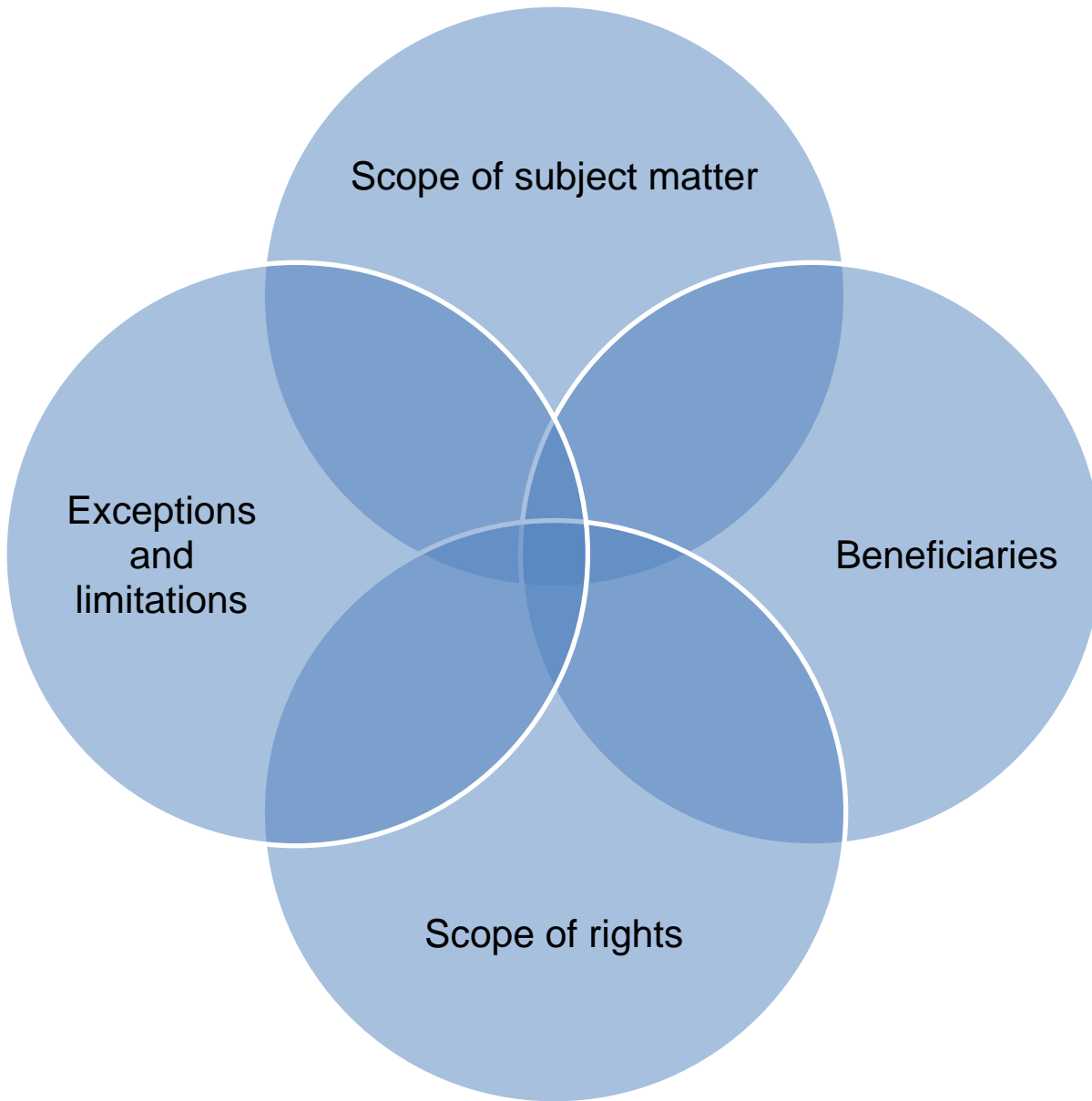
- **Little experience at national/regional level**
- **Diverse demandeurs, diverse objectives**
- **Interface with other instruments and processes**

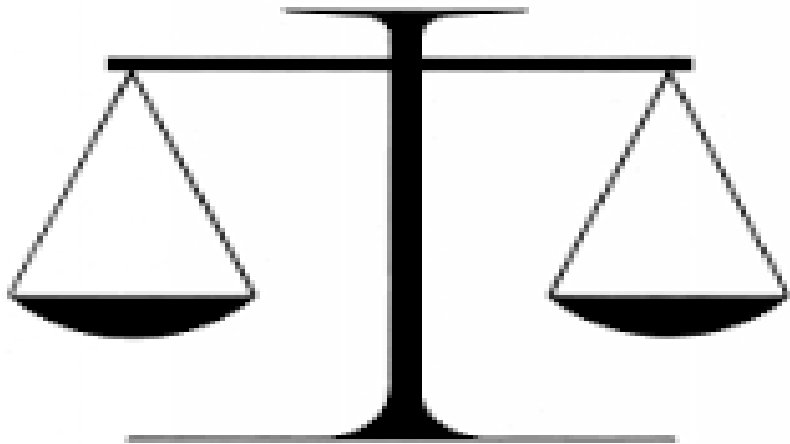
Pacific Island Countries' initiatives

Model Law on TK and TCEs, 2002

**Model Law on Traditional Biological
Knowledge , Innovations and Practices**

**Melanesian Spearhead Group (MSG)
Framework Treaty on TK and TCEs, 2011**



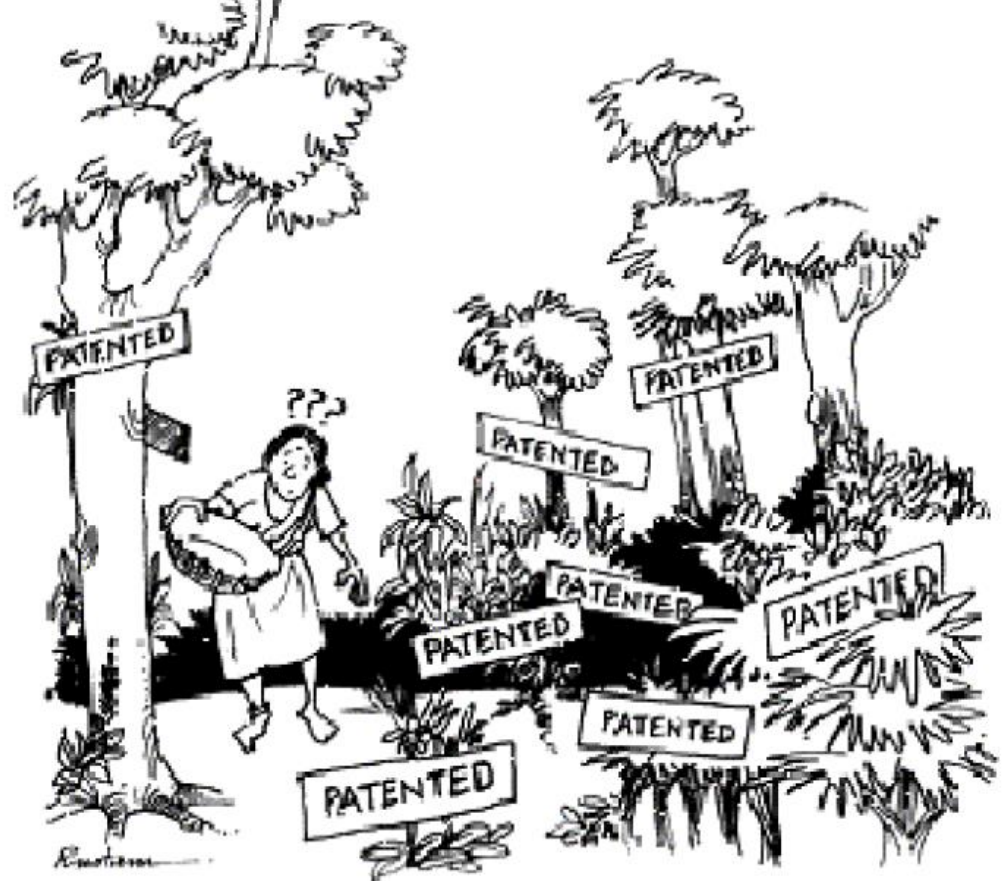


Competing objectives

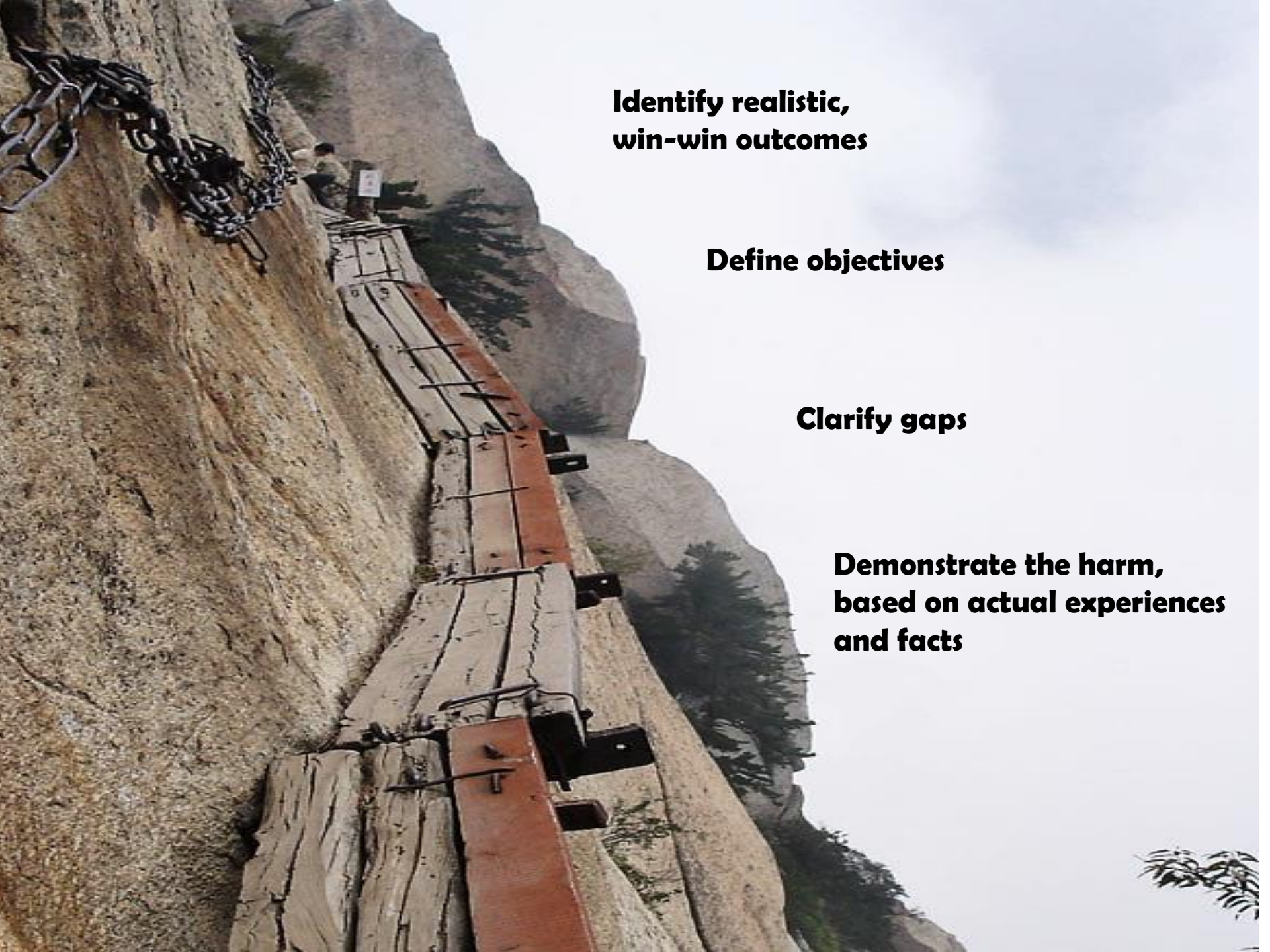


**How, if at all, to
protect “publicly
available” traditional
knowledge**

<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				



Questions and
comments?



**Identify realistic,
win-win outcomes**

Define objectives

Clarify gaps

**Demonstrate the harm,
based on actual experiences
and facts**

Sign up for **WIPO's TK Updates and Newsletters**: email us at grtkf@wipo.int

Access all resources: www.wipo.int/tk/en

Wend Wendland
wend.wendland@wipo.int

