

知识产权与遗传资源、传统知识和民间文学艺术 政府间委员会

第十八届会议

2011年5月9日至13日，日内瓦

第二届闭会期间工作组会议简要报告

秘书处编拟的文件

导 言

1. 第二届闭会期间工作组会议(IWG 3)于 2011 年 2 月 21 日至 25 日召开。会议结束时通过了一份“第二届闭会期间工作组会议简要报告”(WIPO/GRTKF/IC/IWG/2/2)，介绍 IWG 2 开展的工作。
2. IWG 2 还要求将简要报告，包括所涉会议的与会者名单，提交知识产权与遗传资源、传统知识和民间文学艺术政府间委员会(“委员会”)第十八届会议(见简要报告第 8 段)。本文件即为满足这一要求编写的。
3. 亦向委员会该届会议提交的下列文件与本文件直接相关：
 - (a) “第二届闭会期间工作组会议上编拟的关于保护传统知识的条款草案”(WIPO/GRTKF/IC/18/7)；以及
 - (b) “知识产权与传统知识重要词语汇编”(WIPO/GRTKF/IC/18/INF/8)

4. 请委员会注意附件中所载的 IWG 2 简要报告。

[后接附件]



WIPO/GRTKF/IWG/3/16

原文：英文

日期：2011年2月25日

知识产权与遗传资源、传统知识和 民间文学艺术政府间委员会

第二届闭会期间工作组会议

2011年2月21日至25日，日内瓦

第二届闭会期间工作组会议简要报告

秘书处编拟

议程第 1 项：会议开幕

1 会议在副总干事约翰内斯·克里斯蒂安·维夏德先生代表总干事弗朗西斯·高锐先生的主持下开幕。

2 Wend Wendland 先生(WIPO)担任第二届闭会期间工作组会议(IWG 2)的秘书。

议程第 2 项：选举主席团成员

3 Ian Heath 博士(澳大利亚)当选为 IWG 2 的主席，Yonah Seleti 教授(南非)、N.S. Gopalakrishnan 教授(印度)、杨红菊女士(中国)和 Lorena Bolaños 女士(危地马拉)当选为副主席。

议程第 3 项：通过议程

4 IWG 2 通过了议程草案(WIPO/GRTKF/IC/IWG/2/1 Prov.)，草案未经任何修改成为会议的议程。

议程第 4 项：传统知识

5 关于文件 WIPO/GRTKF/IC/18/5 Prov，IWG 2 对其中所载的条款草案逐条进行了广泛的讨论。讨论是于 2011 年 2 月 21 日(星期一)和 2 月 22 日(星期二)在全会上进行的。

6 在 IWG 2 全会上进行上述讨论之后，成立了 6 个不限成员名额的非正式起草小组，以进一步讨论、交换和汇总全会上所发表的各种意见，争取对每一组议题提出统一的案文，包括各种选项、意见和方案。成立各该起草小组的目的，在于审议本文件附件中所载的一个或多个议题。在 2011 年 2 月 23 日(星期三)召开的夜会上，IWG 2 主席与各起草小组的召集人和报告员以及 IWG 2 各位副主席之间协调了起草小组的工作，之后，2011 年 2 月 24 日(星期四)上午，各起草小组又有机会对各自负责的一个或多个条款进行了审查。此后，每一起草小组负责的一个或多个条款于 2011 年 2 月 24 日(星期四)下午和 2011 年 2 月 25 日(星期五)提交 IWG 2 全会所有专家讨论。IWG 2 已注意到这些条款草案和意见，包括专家们建议的具体案文，但并未予以通过。

7 IWG 2 请秘书处为 IGC 下届会议(2011 年 5 月 9 日至 13 日)编制一份文件(WIPO/GRTKF/IWG/2/3)，纳入各非正式起草小组编拟的条款草案，以及上文第 6 段中提及的 IWG 2 专家个人提出的意见和案文，并说明来源，包括代表观察员的专家所发表的意见。

8 IWG 2 还要求向 IGC 下届会议提交本文件(WIPO/GRTKF/IWG/2/2)，并附上 IWG 2 的与会者名单。

9IWG 2 注意到“知识产权与传统知识重要词语汇编”(WIPO/GRTKF/IWG/2/INF/2)，并请求将其转为 IGC 下届会议的一份非正式文件。

议程第 5 项：任何其他事务

10 本议程项目下未进行任何讨论。

议程第 6 项：通过报告

11 IWG 2 于 2011 年 2 月 25 日通过了本简要报告。

议程第 7 项：会议闭幕

12 主席感谢所有专家的积极参与和贡献，并宣布会议闭幕。

[后接附件]

IWG 2 不设成员名额的非正式起草小组

第一小组：主题范围

第二小组：受益人(包括传统知识跨界问题)

第三小组：保护范围

第四小组：例外与限制；制裁、补救办法和执法(包括争议解决问题)

第五小组：权利的管理；保护期；手续

第六小组：过渡性措施；与一般法律框架的一致性；国际和区域保护

[后接附件二]



WIPO/GRTKF/IWG/2/INF/1
ORIGINAL: FRANÇAIS/ENGLISH
DATE: 28 FÉVRIER 2011/FEBRUARY 28, 2011

**COMITE INTERGOUVERNEMENTAL DE LA PROPRIETE
INTELLECTUELLE RELATIVE AUX RESSOURCES
GENETIQUES, AUX SAVOIRS TRADITIONNELS ET AU
FOLKLORE**

Deuxième groupe de travail intersessions

Genève, 21 – 25 février 2011

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

Second Intersessional Working Group

Geneva, February 21 to 25, 2011

与会人员名单(仅英文/法文)

秘书处编拟

I. ÉTATS/STATES

(dans l'ordre alphabétique des noms français des États)
(in the alphabetical order of the names in French of the States)

AFRIQUE DU SUD/SOUTH AFRICA

Yonah Ngalaba SELETI, Chief Director, National Indigenous Knowledge Systems Office, Pretoria

Joseph DAVIES, Foreign Service Officer, Economic Section, Department of International Relations and Cooperation, Pretoria

Wamkele MENE, Counsellor, Permanent Mission, Geneva

ALGÉRIE/ALGERIA

Hayet MEHADJI (Mme), première secrétaire, Mission permanente, Genève

ALLEMAGNE/GERMANY

Heinjoerg HERRMANN, Counsellor, Permanent Mission, Geneva

ANGOLA

Manuel Cadete GASPAS, Ministry of Culture, Luanda

Makiese KINKELA AUGUSTO, First Secretary, Permanent Mission, Geneva

ARABIE SAOUDITE/SAUDI ARABIA

Halal AL HARBI, Official, Permanent Mission, Geneva

AUSTRALIE/AUSTRALIA

Ian HEATH, Managing Consultant, First Thoughts, Canberra

Edwina LEWIS (Ms.), Assistant Director, International Policy Section, IP Australia, Canberra

AZERBAÏDJAN/AZERBAIJAN

Natig ISAYEV, Head, International Relations and Information Supply Department, Copyright Agency of the Republic of Azerbaijan, Baku

BANGLADESH

Faiyaz Murshid KAZI, Counsellor, Permanent Mission, Geneva

BARBADE/BARBADOS

Corlita BABB-SCHAEFER (Mrs.), Counsellor, Permanent Mission, Geneva

BELGIQUE/BELGIUM

Natacha LENAERTS (Mme), attachée, Service des affaires juridiques et internationales, Office de la propriété intellectuelle, Bruxelles

BOLIVIE (ÉTAT PLURINATIONAL DE)/BOLIVIA (PLURINATIONAL STATE OF)

Horacio Gabriel USQUIANO VARGAS, Jefe, Unidad Derecho Económico Internacional, Viceministerio de Comercio Exterior e Integración, La Paz

Luis Fernando ROSALES LOSADA, Primer Secretario, Misión Permanente, Ginebra

BOTSWANA

Timothy Leatile MOALUSI, Chief Commercial Officer, Registrar of Companies and Intellectual Property, Ministry of Trade and Industry, Gaborone

BRÉSIL/BRAZIL

Carla Michely YAMAGUTI LEMOS (Mrs.), Technical Advisor, Secretariat of Biodiversity and Forests, Ministry of Environment, Brasilia

Victor FARIA, Patent Examiner, National Institute of Industrial Property (INPI), Rio de Janeiro

BULGARIE/BULGARIA

Boryana ARGIROVA (Ms.), Attaché, United Nations and Global Issues Directorate, Ministry of Foreign Affairs, Sofia

BURKINA FASO

Sibdou Mireille SOUGOURI KABORE (Mme), attachée, Mission permanente, Genève

CAMEROUN/CAMEROON

Irène-Mélanie GWENANG (Mme), chef de la Cellule juridique, Ministère de la culture, Yaoundé

CANADA

Nicolas LESIEUR, Senior Trade Policy Officer, Intellectual Property Trade Policy Division, Ministry of Foreign Affairs and International Trade, Ottawa

Arjun VINODRAI, Manager, Planning and Research, Department of Canadian Heritage, Ottawa

CHILI/CHILE

Rodrigo VALENCIA CASTAÑEDA, Asesor Legislativo, Ministerio de la Cultura, Consejo Nacional de la Cultura y las Artes, Santiago

CHINE/CHINA

YANG Hongju (Ms.), Division Director, Division III, Legal Affairs Department, State Intellectual Property Office (SIPO), Beijing

QIU Junchang (Ms.), Project Administrator, Division II, International Cooperation Department, State Intellectual Property Office (SIPO), Beijing

CHYPRE/CYPRUS

Christina TSENTA (Ms.), Attaché, Permanent Mission, Geneva

COLOMBIE/COLOMBIA

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COSTA RICA

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CUBA

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Niels HOLM SVENDSEN, Chief Legal Adviser, Danish Patent and Trademark Office, Ministry of Economic and Business Affairs, Taastrup

ÉGYPTE/EGYPT

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EL SALVADOR

Martha Evelyn MENJIVAR (Srta.), Consejera, Misión Permanente, Ginebra

ÉQUATEUR/ECUADOR

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[WIPO/GRTKF/IWG/2/INF/1 附件二第5页]

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ESPAGNE/SPAIN

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Miguel Angel VECINO QUINTANA, Consejero, Misión Permanente, Ginebra

ÉTATS-UNIS D'AMÉRIQUE/UNITED STATES OF AMERICA

Justin HUGHES, Senior Advisor to the Under Secretary of Commerce, United States Patent and Trademark Office (USPTO), Department of Commerce, Washington, D.C.

ÉTHIOPIE/ETHIOPIA

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FÉDÉRATION DE RUSSIE/RUSSIAN FEDERATION

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PÉROU/PERU

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RÉPUBLIQUE CENTRAFRICAINE/CENTRAL AFRICAN REPUBLIC

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RÉPUBLIQUE POPULAIRE DÉMOCRATIQUE DE CORÉE/DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA

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RÉPUBLIQUE TCHÈQUE/CZECH REPUBLIC

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ROYAUME-UNI/UNITED KINGDOM

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SAINT-SIÈGE/HOLY SEE

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SÉNÉGAL/SENEGAL

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SERBIE/SERBIA

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SLOVAQUIE/SLOVAKIA

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SOUDAN/SUDAN

Salma BASHIR (Miss), Legal Advisor, Intellectual Property Office, Ministry of Justice, Khartoum

Osman MOHAMMED, Counsellor, Permanent Mission, Geneva

SRI LANKA

Hemachandra Leelanath OBEYSEKERA, Director, Bandaranayeka Memorial Ayurvedic Research Institute (BMARI), Ministry of Economic Affairs, Colombo

SUÈDE/SWEDEN

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SUISSE/SWITZERLAND

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TCHAD/CHAD

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THAÏLANDE/THAILAND

Weerawit WEERAWORAWIT, Deputy Secretary-General, Office of the National Human Rights Commission, Bangkok

Tanyarat MUNGKALARUNGSU (Ms.), First Secretary, Permanent Mission, Geneva

TRINITÉ-ET-TOBAGO/TRINIDAD AND TOBAGO

Richard ACHING, Manager, Technical Examination, Intellectual Property Office, Ministry of Legal Affairs, Port of Spain

TUNISIE/TUNISIA

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TURQUIE/TURKEY

Kemal UYSAL, Expert, Directorate General of Copyright and Cinema, Ministry of Culture and Tourism, Istanbul

URUGUAY

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VENEZUELA

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YÉMEN/YEMEN

Mohamed AL-ZANDANY, Counsellor, Permanent Mission, Geneva

ZAMBIE/ZAMBIA

Christopher MAPANI, Senior Trademarks Examiner, Patents and Companies Registration Office (PACRO), Lusaka

ZIMBABWE

Innocent MAWIRE, Senior Law Officer, Policy and Legal Research Department, Ministry of Justice and Legal Affairs, Harare

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II. DÉLÉGATION SPÉCIALE/SPECIAL DELEGATION

UNION EUROPÉENNE/EUROPEAN UNION

Jens GASTER, Policy Officer, Directorate

Thomas BAERT, Second Secretary, Geneva

III. ORGANISATIONS INTERNATIONALES INTERGOUVERNEMENTALES/ INTERNATIONAL INTERGOVERNMENTAL ORGANIZATIONS

COMMISSION DE L'UNION AFRICAINE (CUA) /AFRICAN UNION COMMISSION (AUC)

Georges Remi NAMEKONG, Senior Economist, Geneva

CONFÉRENCE DES NATIONS UNIES SUR LE COMMERCE ET LE DÉVELOPPEMENT (CNUCED)/UNITED NATIONS CONFERENCE ON TRADE AND DEVELOPMENT (UNCTAD)

Ermias BIADGLENG, Legal Expert, Intellectual Property Unit, Division on Investment and Enterprise, Geneva

ORGANISATION INTERNATIONALE DE LA FRANCOPHONIE (OIF)

Nela SIROK (Ms), stagiaire, Délégation permanente, Genève

ORGANISATION MONDIALE DU COMMERCE (OMC)/WORLD TRADE ORGANIZATION (WTO)

Xiaoping WU (Ms.), Counsellor, Intellectual Property Division, Geneva

ORGANISATION RÉGIONALE AFRICAINE DE LA PROPRIÉTÉ INTELLECTUELLE (ARIPO)/AFRICAN REGIONAL INTELLECTUAL PROPERTY ORGANIZATION (ARIPO)

Emmanuel SACKY, Head, Technical Department, Harare

IV. ORGANISATIONS INTERNATIONALES NON GOUVERNEMENTALES/
INTERNATIONAL NON-GOVERNMENTAL ORGANIZATIONS

Asociación Akuaipa Waimakat – Asociación para la Divulgación, Promoción y Defensa de los Derechos Humanos e Indígenas

Miguel VALBUENA GUARIYU (Asesor, La Guajira)

Assembly of First Nations

Violet FORD (Ms.) (Ottawa)

Association internationale pour la protection de la propriété intellectuelle (AIPPI)/

International Association for the Protection of Intellectual Property (AIPPI)

Konrad BECKER (Chairman of the Special Committee Q166, IP and Genetic Resources, Traditional Knowledge and Folklore, Zurich)

Centre d'études internationales de la propriété intellectuelle (CEIPI)/Centre for International Intellectual Property Studies (CEIPI)

François CURCHOD (chargé de mission, Genolier)

Centre international pour le commerce et le développement durable (ICTSD)/International

Center for Trade and Sustainable Development (ICTSD)

Ahmed ABDEL LATIF (Program Manager, Intellectual Property Rights, Geneva)

Chambre de commerce internationale (CCI)/International Chamber of Commerce (ICC)

Tim ROBERTS (Consultant, London); Christina ADAMS (Consultant, Geneva)

Civil Society Coalition (CSC)

Marc PERLMAN (Fellow, Washington, D.C.)

Comisión Jurídica para el Autodesarrollo de los Pueblos Originarios Andinos (CAPAJ)

Tomas ALARCON EYZAGUIRRE (Presidente, Tacna); Catherine THÉNARD (Tacna)

Consejo Indio de Sud América (CISA)/Indian Council of South America (CISA)

Ronald BARNES (Representative, La Paz)

Cooperativa Ecológica de las Mujeres Colectoras de la Isla de Marajó (CEMEM)

Edna Maria DA COSTA E. SILVA (Sra.) (Belém)

Coordination des ONG africaines des droits de l'homme (CONGAF)/Coordination of African

Human Rights NGOs (CONGAF)

Biro DIAWARA (chargé de programme, Genève); Ana LEURINDA (Mme) (conseiller, Genève)

CropLife International

Tatjana SACHSE (Ms.) (Adviser, Geneva)

Engabu Za Tooro

Stephen RWAGWERI (Executive Director, Kampala)

Fédération ibéro-latino-américaine des artistes interprètes ou exécutants (FILAIE)/

Ibero-Latin-American Federation of Performers (FILAIE)

Miguel PÉREZ SOLÍS (Asesor Jurídico, Madrid)

Fédération internationale de l'industrie du médicament (FIIM)/International Federation of

Pharmaceutical Manufacturers Associations (IFPMA)

Andrew P. JENNER (Director, Intellectual Property and Trade, Geneva); Axel BRAUN (Representative, F. Hoffmann-La Roche, Basel); Guilherme CINTRA (Policy Analyst, International Trade and Market Policy, Geneva)

Foundation for Aboriginal and Islander Research Action (FAIRA)

Robert Leslie MALEZER (Chairperson, Woolloongabba)

Genetic Resources, Traditional Knowledge and Folklore (GRTKF Int.)

Albert DETERVILLE (Executive Chairperson, Castries); Maximo PAREDES (Expert, Castries)

Ilaikipiak Maasai Integrated Youth Organization (Ilamaiyo Foundation)

Joseph OLESARIOYO (Chairman, Nanyuki)

Indigenous Peoples (Bethechilokono) of Saint Lucia Governing Council (BCG)

Albert DETERVILLE (Executive Chairperson, Castries)

Indigenous Peoples Council on Biocolonialism (IPCB)

Debra HARRY (Ms.) (Executive Director, Nixon)

Industrie mondiale de l'automédication responsable (WSMI)/World Self-Medication Industry (WSMI)

Sophie DURAND-STAMATIADIS (Mrs.) (Director of Information and Communication, Ferney-Voltaire)

Institut Max Planck pour la propriété intellectuelle, le droit de compétition et de fiscalité (MPI)/Max Planck Institute for Intellectual Property, Competition and Tax Law (MPI)

Silke VON LEWINSKI (Ms.) (Head, International Law Department, Munich)

Instituto Indígena Brasileiro da Propriedade Intelectual (InBraPi)

Lucia Fernanda INÁCIO BELFORT (Sra.) (Directora Ejecutiva, Brasilia)

Intellectual Property Owners Association (IPO)

Manisha DESAI (Assistant General Patent Counsel, Eli Lilly, Indianapolis)

International Federation of Reproduction Rights Organisations (IFRRO)

Ingrid DE RIBAU COURT (Ms.) (Senior Legal Advisor, Brussels)

International Video Federation (IVF)

Benoît MÜLLER (Legal Advisor, Brussels)

Knowledge Ecology International (KEI)

Thiru BALASUBRAMANIAM (Representative, Geneva)

Mbororo Social Cultural Development Association (MBOSCUDA)

Musa Usman NDAMBA (Bamenda)

Métis National Council

Kathy HODGSON-SMITH (Ms.) (Consultant, Ottawa)

National Educational Social and Traditional Knowledge (NEST) Foundation

Siddhartha Priya ASHOK (Secretary, Sivasagar)

Nepal Indigenous Nationalities Preservation Association (NINPA)

Ngwang Sonam SHERPA (Executive Chairperson, Kathmandu)

Peruvian Society for Environmental Law (SPDA)

Manuel RUIZ (Director, Lima)

Rromani Baxt

Leila MAMONI (Mlle) (Representative, Paris)

The International Committee for the Indigenous Peoples of the Americas (INCOMINDIOS)

Helena NYBERG (Mrs.) (Representative, Zurich);

Third World Network (TWN)

K. M. GOPAKUMAR (Legal Advisor, Geneva)

Traditions pour demain/Traditions for Tomorrow

Christiane JOHANNOT-GRADIS (Mme) (secrétaire générale, Rolle)

Tulalip Tribes

Preston HARDISON (Representative, Washington D.C.)

Union for Ethical Bio Trade

Maria Julia OLIVA (Ms.), (Senior Policy Adviser, Geneva)

Union internationale pour la conservation de la nature (UICN)/ International Union for Conservation of Nature (IUCN)

Sonia PEÑA-MORENO (Mrs.) (Policy Officer – Biodiversity, Global Policy Unit, Gland);

Elizabeth REICHEL (Ms.) (Observer, Commission on Environmental, Economic and Social Policy (CEESP), Geneva)

World Trade Institute (WTI)

Leila GHASSEMI (Mrs.) (Researcher, Neuchâtel)

V. BUREAU INTERNATIONAL DE L'ORGANISATION MONDIALE
DE LA PROPRIÉTÉ INTELLECTUELLE (OMPI)/
INTERNATIONAL BUREAU OF THE
WORLD INTELLECTUAL PROPERTY ORGANIZATION (WIPO)

Francis GURRY, directeur général/Director General

Christian WICHARD, vice-directeur général/Deputy Director General

Konji SEBATI (Mlle/Ms.), consultante, Département des savoirs traditionnels et des défis mondiaux /Consultant, Department for Traditional Knowledge and Global Challenges

Wend WENDLAND, directeur, Division des savoirs traditionnels/Director, Traditional Knowledge Division

Begoña VENERO (Mme/Mrs.), chef, Section des ressources génétiques et des savoirs traditionnels, Division des savoirs traditionnels/Head, Genetic Resources and Traditional Knowledge Section, Traditional Knowledge Division

Simon LEGRAND, conseiller, Section de la créativité, des expressions culturelles et du patrimoine culturel traditionnel, Division des savoirs traditionnels/Counsellor, Traditional Creativity, Cultural Expressions and Cultural Heritage Section, Traditional Knowledge Division

Brigitte VEZINA (Mlle/Ms.), juriste, Section de la créativité, des expressions culturelles et du patrimoine culturel traditionnel, Division des savoirs traditionnels/Legal Officer, Traditional Creativity, Cultural Expressions and Cultural Heritage Section, Traditional Knowledge Division

Thomas HENNINGER, administrateur adjoint, Section des ressources génétiques et des savoirs traditionnels, Division des savoirs traditionnels/Associate Officer, Genetic Resources and Traditional Knowledge Section, Traditional Knowledge Division

Fei JIAO (Mlle/Ms.), consultante, Section des ressources génétiques et des savoirs traditionnels, Division des savoirs traditionnels/Consultant, Genetic Resources and Traditional Knowledge Section, Traditional Knowledge Division

Mary MUTORO (Mlle/Ms.), consultante, Division des savoirs traditionnels/Consultant, Traditional Knowledge Division

Jessyca VAN WEELDE (Mlle/Ms.), consultante, Section de la créativité, des expressions culturelles et du patrimoine culturel traditionnel, Division des savoirs traditionnels/Consultant, Traditional Creativity, Cultural Expressions and Cultural Heritage Section, Traditional Knowledge Division