

**World Intellectual Property Organization**  
**Intergovernmental Committee on Intellectual Property and  
Genetic Resources, Traditional Knowledge and Folklore**  
**Sixth Session**  
**Geneva, March 15 to 19, 2004**

**Agenda Item 6; Traditional knowledge**

**- Statement by the Saami Council -**

Thank you Mr. Chairperson,

The Saami Council again extends our gratitude to you for allowing us to address the Committee. We find this very appropriate, as we would like to think that after having discussed these issues extensively, the member states might be interested in listening to the voices of the peoples that will be mostly affected by their decisions. In return for your understanding Mr. Chairperson, we will try to be brief.

The Saami Council's position on Document 6/4 is similar to that on the parallel Document 6/3. Again, we congratulate the Secretariat for the excellent work done in preparing Document 6/4. We support the proposals made in the end thereof, and would like to draw the attention to certain particular elements in the Document at hand.

Firstly, we reiterate the need to speed up the work with protecting TK that traditional IPR-mechanisms regard to be in the so called public domain, in accordance with relevant indigenous customary laws. We encourage the Secretariat to give the customary law study the highest priority and repeat our availability to contribute to this work. In this context, we further reiterate that unlike the delegation of the United States, we think that Document 6/4 contains full evidence of that conventional IPR-mechanisms cannot adequately protect TK.

Secondly, the Saami Council underlines that any international instrument must recognize who is the actual owner or custodian of TK, *i.e.* normally a community - as identified in para. 84 of Doc 6/4, or, in the case of indigenous peoples, a people. The fact that indigenous knowledge belongs to the relevant indigenous people highlights the need for enhanced attention being given to the principle of PIC, as an important tool for the protection of TK.

Further, in the Saami Council's opinion, the applicability of the principle of PIC to TK at the same time substantially limits the relevance of ABS regimes to TK. It seems to us that these principles are essentially mutually exclusive. Since TK can only be accessed and shared with other groups or subjects with the indigenous people's consent, there can only be access and

sharing to the extent the relevant indigenous people so agrees. Therefore, we see little need for the WIPO IGC further discussing ABS regimes in the context of TK. Moreover, addressing ABS regimes in the IGC would constitute a duplication of work, as identified by the Brazilian delegation. Such discussions are currently ongoing within the framework of the CBD – particularly in the ABS Working Group.

We encourage the Secretariat to take these aspects into account in its future work on TK, and thus gives priority to the work on recognition of exclusive rights for TK holders, as suggested in para 20 of Doc 6/4 and focusing on the principle of PIC as identified by para. 21 whereas leaving the work on ABS mentioned in para. 22 to the CBD ABS WG.

Finally, Mr. Chairperson,

While duplication of work is undesirable, cooperation and coordination is essential. The Saami Council would therefore like to address para. 28 (b) in Doc. 6/4 concerning coordination with other relevant fora and processes. It appears that some relevant fora have accidentally been omitted, including the Office of the High Commissioner on Human Rights, the Special Rapporteur on Indigenous Peoples' Rights and the Permanent Forum on Indigenous Issues. We believe that these fora have, and continue to, carry out activities relevant to this body.

Thank you Mr. Chairperson.