



# **The WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional knowledge and Folklore (IGC)**

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# Presentation overview

- An introduction to the IGC
- The present 2014-2015 mandate
- A brief overview of the current negotiations: main issues and trends

# Introduction

- WIPO: a specialized agency of the UN charged with the administration and promotion of IP
- IP relates to creations of the mind and the legal rights arising from such intellectual activity
- Helps inventors earn recognition/economic benefits on their creations through a say on how their creations are used by others
- Major forms include patents, copyright, trademarks

# GRs and TK within WIPO

- Capacity-building
  - practical assistance and technical advice on effective use of IP systems to protect GRs and TK, eg.
    - Database of biodiversity-related access and benefit-sharing agreements
    - Draft IP Guidelines for Access to GRs and the Equitable Sharing of the Benefits arising from their Utilization
  
- International norm-building
  - **text-based negotiations** towards the development of an **international legal instrument(s)** for the effective protection of GRs, TK and TCEs

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

- The IGC: established 2000
- A policy forum for the discussion of IP issues arising within the context of the protection of GRs, TK and TCEs.
- Participants: Member States, accredited observers (including indigenous representatives, business, civil society, IGOs and NGOs)

# Mandate 2014-2015

- . . . continue to expedite its work, with open and full engagement, on text-based negotiations with the objective of reaching an agreement on a text(s) of an international legal instrument(s) which will ensure the effective protection of GRs, TK and TCEs
- build on the existing work of the IGC . . . as well as any other textual contributions by members
- studies or examples might be requested or provided by members . . . examples and studies not to delay progress . .
- “without prejudice to the work pursued in other fora”
- The 2014 GA, with a view to finalizing the text(s) within the biennium, will take stock of and consider the text(s), progress made and decide on convening a Diplomatic Conference

# IGC work program 2014

- IGC 26: February 3 – 7, 2014 (GRs)
- IGC 27: March 24 – April 4, 2014 (TK/TCEs)
- IGC 28: July 7 – 9, 2014
- 2014 GA: September 22 – 30, 2014 (tbc)

# IP and genetic resources

- GRs are subject to regulations on access and benefit-sharing
  - GRs as encountered in nature are not IP
  - Inventions based on/derived from GRs may be patentable
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- Main IP issues:
    - Prevention of erroneously granted patents
    - Ensuring and tracking compliance with ABS frameworks
  
  - Main proposed IP solutions:
    - Databases/information systems + patent examination guidelines
    - Disclosure requirement (mandatory/voluntary),
    - Contract (IP clauses in mutually-agreed terms)



# IGC 26: outcomes

## ■ One main objective

- Prevent the misappropriation of GRs

## ■ Three sub-objectives

- Ensure IP/patent offices have access to appropriate information to prevent erroneous patent/IP rights
- Enhance transparency in IP/patent and ABS system
- Ensure/promote/facilitate complementarity/mutual supportiveness with other international agreements relating to the protection of GRs

## ■ Disclosure

- What should be the subject matter?
- What should trigger disclosure?
- What should be the content of the disclosure?
- What should be the nature of obligation to disclose?
- What should be the consequence of non-compliance?

- Defensive measures

- Due diligence, voluntary codes of conduct, databases etc.

- Databases

- Who should have responsibility for compiling and maintaining the databases?
  - To whom should the databases be accessible?
  - What should be the content of the databases?
  - In what form should the content be expressed?
  - Should there be accompanying guidelines?

# IP and traditional knowledge

## ■ Main issues (IGC 24):

- Definition of TK
- Objectives of the instrument(s)
- Beneficiaries of protection
- Scope of protection
- Rights to be granted; exceptions and limitations; term of protection etc.

## ■ IGC 27: some possible cross cutting discussions

- The meaning of 'traditional'
- Nations/States as beneficiaries of protection
- What does 'misuse'/'misappropriation' mean?
- The concepts of publicly available/widely diffused TK/TCEs etc.

# Newsletter and updates

The screenshot shows a web browser window with the URL <http://www.wipo.int/tk/en/igc/>. The page is titled "News" and features several sections:

- News:** Includes a link to a "Consolidated document relating to IP & genetic resources Rev. 2" dated Feb 24, 2014, and an "IGC 26 Update: Negotiators Advance on Text on IP & Genetic Resources" dated Feb 12, 2014. A button labeled "All news" is visible.
- Latest draft provisions:** Links to "Protection of TK", "Protection of TCEs", and "IP & genetic resources". A button labeled "All" is visible.
- Participating in the IGC:** Provides information on accreditation of observers and financial support through the WIPO Voluntary Fund.
- Issues and consultations:** Discusses ongoing and archived consultations of IGC members and accredited observers.
- IGC and TK updates:** Promotes a "Traditional knowledge newsletter" with a subscription form (e.g., you@yourdomain.com) and buttons for "Subscribe" and "Archive". A large red arrow points to this section.
- Other IGC resources:** A grid of four resource cards, each with a "Download" button:
  - Background brief:** Accompanied by a thumbnail image of a document cover.
  - Guide for observers:** Includes a thumbnail image of a document cover.
  - Making an intervention:** Includes a thumbnail image of a document cover.

Thank you!

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