

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

Thirty-Fifth Session
Geneva, March 19 to 23, 2018

REPORT ON THE IMPLEMENTATION OF CLUSTER C ACTIVITIES (“OPTIONS ON MUTUALLY AGREED TERMS FOR FAIR AND EQUITABLE BENEFIT-SHARING”)

Document prepared by the Secretariat

1. At its Nineteenth Session, held from July 18 to 22, 2011, and with reference to document WIPO/GRTKF/IC/19/7 (“Options for Future Work on Intellectual Property and Genetic Resources”), the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (“the Committee”) “requested the Secretariat to finalize, and update regularly as required, the activities referred to in Cluster C (‘Options on Mutually Agreed Terms for Fair and Equitable Benefit-Sharing’) and to provide information thereon to the Committee at each session.”¹

2. Such a report was prepared for the Twentieth Session of the Committee, held from February 14 to 22, 2012. Document WIPO/GRTKF/IC/20/INF/14 provided background information on each of the options in Cluster C and described the activities undertaken by the Secretariat up to that session. A report on the implementation of Cluster C activities since the Twentieth Session of the Committee was subsequently prepared for the Twenty-Third Session of the Committee, held from February 4 to 8, 2013 (document WIPO/GRTKF/IC/23/INF/7 REV.), for the Twenty-Sixth Session of the Committee, held from February 3 to 7, 2014 (document WIPO/GRTKF/IC/26/INF/7), and for the Twenty-Ninth Session of the Committee, held from February 15 to 19, 2016 (document WIPO/GRTKF/IC/29/INF/8).

¹ Report of the Nineteenth Session of the Committee (WIPO/GRTKF/IC/19/12)

3. It is recalled that the options in Cluster C are:

C.1 Online database of intellectual property (IP) clauses in mutually agreed terms on access and benefit-sharing (ABS)

Considering options for the expanded use, scope and accessibility of the online database of IP clauses in mutually agreed terms for access and equitable benefit-sharing. The contents of the online database could be published in additional, more easily accessible forms, such as on CD-ROM, for wider accessibility and easier use by all relevant stakeholders.

C.2 Draft guidelines for contractual practices

Considering options for stakeholder consultations on and further elaboration of the draft guidelines for contractual practices contained in the Annex of document WIPO/GRTKF/IC/7/9, updated in information document WIPO/GRTKF/IC/7/INF/12, based on the additional information available and included in the online database.

C.3 Study on licensing practices on genetic resources (GRs)

Compile information, possibly in the form of case studies, describing licensing practices in the field of genetic resources which extend the concepts of distributive innovation or open source from the copyright field, drawing on experiences such as the Global Public License and other similar experiences in the copyright field.

4. In relation to C.1 above, it is recalled that an online database of actual and model biodiversity-related ABS agreements and related information, with particular emphasis on the IP aspects of such agreements, has been available on the WIPO website since 2002. The Secretariat is updating the database, by soliciting, collecting, preparing, analyzing and integrating new and up-to-date ABS contracts from the post-Nagoya Protocol period into the database, with a possibility of revising the structure of the database.

5. In relation to C.2 above, it is recalled that draft guidelines for contractual practices were developed between 2002 and 2010, and that, in 2013, they were made available in a more accessible form, albeit still as a draft, as *Draft Intellectual Property Guidelines for Access to Genetic Resources and Equitable Sharing of the Benefits arising from their Utilization*. Within the framework of its capacity-building and informational activities, the Secretariat is, in cooperation with the ABS Capacity Development Initiative, currently updating and refining them, and making them available in a more user-friendly format. The updated version would continue to be a neutral source of practical information for those entering into ABS agreements, and not be prescriptive in any way. It is expected to be published in early 2018, and for copies to be made available on the occasion of the Thirty-Fifth Session of the Committee.

6. *The Committee is invited to take note of this document and provide such guidance and comments as it may wish.*

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