

WIPO General Assembly

Forty-Ninth (23rd Ordinary) Session
Geneva, October 2 to 11, 2017

PROPOSED WORK PROGRAM OF THE IGC FOR THE 2018/19 BIENNIUM

Proposal submitted by the Delegation of Senegal on behalf of the African Group

In a communication to the Secretariat received on July 20, 2017, the Delegation of Senegal, on behalf of the African Group, submitted the enclosed proposal in the framework of the agenda item "Report on the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC)".

[Annex follows]

REPUBLIC OF SENEGAL

Un Peuple – Un But – Une Foi

00285



PERMANENT MISSION
TO THE UNITED NATIONS OFFICE

EMBASSY IN SWITZERLAND

Geneva, June 16, 2017

The Permanent Mission of the Republic of Senegal to the Office of the United Nations and other International Organizations in Geneva presents its compliments to the Secretariat of the World Intellectual Property Organization (**WIPO**) and, in its capacity as Coordinator of the African Group on intellectual property matters, has the honour to transmit the proposal of the African Group regarding item 8 of the agenda of the 34th session of the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC) which was held in Geneva from June 12 to 16, 2017.

As a reminder, this proposal, which had already been made during the informal negotiations, is being resubmitted for formal consideration in view of the 57th session of the General Assembly, scheduled for October 2 to 11, 2017.

The Permanent Mission of Senegal to the United Nations Office and other International Organizations in Geneva avails itself of this opportunity to renew to the Secretariat of the World Intellectual Property Organization (WIPO) the assurances of its highest consideration.

**WORLD INTELLECTUAL PROPERTY
ORGANIZATION (WIPO)**

GENEVA



Recommendation of the 34th Session of the Intergovernmental Committee on Genetic Resources, Traditional Knowledge and Folklore (IGC) to the Assemblies of Member States of WIPO at its Fifty-Seventh Session, October 2 to 11, 2017

WORK PROGRAM OF THE IGC FOR THE 2018/19 BIENNIUM

Bearing in mind the Development Agenda recommendations and acknowledging the progress made, the WIPO General Assembly agrees that the mandate of the WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (Committee) be continued, without prejudice to the work pursued in other fora, under the following terms:

- (a) Affirms the importance of the Committee discussions on Genetic Resources (GRs), Traditional Knowledge (TK) and Traditional Cultural Expressions (TCEs).
- (b) Recognizes the different levels of maturity of the three texts relating to GRs, TK and TCEs, contained in documents WIPO/GRTKF/IC/34/4, WIPO/GRTKF/IC/34/5 and WIPO/GRTKF/IC/34/8 respectively.
- (c) Agrees to build on existing work carried out by the Committee during the next budgetary biennium 2018/2019, expedite its work, with a focus on narrowing existing gaps, with open and full engagement, including text-based negotiations, with the objective of reaching an agreement, based on the maturity of the texts, on an international legal instrument(s) relating to intellectual property which will ensure the effective and balanced protection of GRs, TK and TCEs.
- (d) Decides to convene a Diplomatic Conference in the first quarter of 2019 to conclude and adopt a legally binding instrument that will ensure the effective and balanced protection of GRs, without prejudice to the Committee's work on TK and TCEs.
- (e) Recognizing the need for intersessional work, agrees to establish an Expert Intersessional Working Group (EIWG) to focus on narrowing gaps in the consolidated text resulting from the 30th session of the IGC. Provision shall be made for the Secretariat, under Program 4, to organize meetings of the EIWG at the WIPO Headquarters in Geneva. The EIWG shall be composed of the Committee Facilitators, five representatives from each WIPO regional group, and two representatives each from the European Union and the Indigenous Caucus.
- (f) The EIWG will present the outcome of its work to the Committee for consideration, following a clearly defined program, as set out in the annex to this decision. This work program will make provision for three sessions each, of the EIWG and the Committee in 2018, and a Preparatory Committee and Diplomatic Conference on GRs in the first quarter of 2019.
- (g) The Committee and EIWG will use all relevant WIPO working documents, including WIPO/GRTKF/IC/30/4, outputs of the EIWG, and other contributions of member states, including studies and examples of national experiences. However, such other contributions are not to delay progress or establish any preconditions for the negotiations.

- (h) In 2018, the Committee is requested to submit to the General Assembly, a report of its work on GRs up to that time, on an international legal instrument relating to intellectual property which will ensure the effective and balanced protection of GRs. The 2018 General Assembly will also take stock of the progress made on TK and TCEs and decide on whether or not to convene a Diplomatic Conference or to continue negotiations.
- (i) The General Assembly requests the International Bureau to continue to assist the Committee and EIWG by providing Member States with necessary expertise and funding, in the most efficient manner, of the participation of experts from developing countries and LDCs, taking into account the usual formula for the IGC, and the relevance of the participation of representatives of the indigenous caucus.

Work program: 2018/19 Biennium

Indicative dates	Activity
February 2018	<p>First session of the Expert Intersessional Working Group (EIWG)</p> <p>To examine unresolved issues and the consideration of different options on a draft legally binding instrument on GRs, focusing on:</p> <ul style="list-style-type: none"> • Policy Objectives • Definitions • Subject Matter of protection • Scope of Protection • Disclosure Requirement <p>Duration: 10 days, prior to the 35th session of the Committee</p>
February 2018	<p>35th Session of the Committee</p> <p>Allocate sufficient time on the first working day of the Committee to report on the work of the EIWG and receive feedback.</p> <p>Continue work on examining unresolved and cross-cutting issues related to TK and TCEs, with a focus on narrowing gaps and considering options for a draft legal instrument.</p> <p>Duration: 5 days.</p>
May 2018	<p>Second session of the EIWG</p> <p>Continue work on examining unresolved issues and the consideration of different options on a draft legally binding instrument on GRs, focusing on:</p> <ul style="list-style-type: none"> • Beneficiaries • Exceptions and Limitations • Relationship with other instruments • Sanctions and Remedies • Complementary Measures <p>Duration: 10 days, prior to the 36th session of the Committee</p>

<p>May 2018</p>	<p>36th Session of the Committee</p> <p>Allocate sufficient time on the first working day of the Committee to report on the work of the EIWG and receive feedback.</p> <p>Continue work on examining unresolved and cross-cutting issues related to TK and TCEs, with a focus on narrowing gaps and considering options for a draft legal instrument.</p> <p>Duration: 5 days.</p>
<p>September 2018</p>	<p>Third Session of the EIWG</p> <p>Continue work on examining unresolved issues and the consideration of different options on a draft legally binding instrument on GRs, focusing on:</p> <ul style="list-style-type: none"> • Relationship with International Agreements • International Cooperation and Transboundary Cooperation • Technical Assistance, Cooperation and Capacity Building <p>Duration: 5 days, prior to the 37th session of the Committee</p>
<p>September 2018</p>	<p>37th Session of the Committee</p> <p>The Committee shall consider the work of the EIWG, take stock of progress made, with a view to concluding Committee discussions on a draft legal instrument GRs.</p> <p>Duration: 5 days</p>
<p>April 2019</p>	<p>Preparatory Committee for a Diplomatic Conference on Genetic Resources</p> <p>Duration: 5 days</p>
<p>April 2019</p>	<p>Diplomatic Conference for the adoption of an international legally binding instrument for the effective and balanced protection of Genetic Resources</p> <p>Duration: 18 days</p> <p>Venue: Africa</p>
<p>October 2019</p>	<p>General Assembly decision on the work program of the Committee concerning TK and TCEs.</p>

[End of Annex and of document]