

Committee on Development and Intellectual Property (CDIP)

Twenty-Second Session
Geneva, November 19 to 23, 2018

CONTRIBUTION OF THE RELEVANT WIPO BODIES TO THE IMPLEMENTATION OF THE RESPECTIVE DEVELOPMENT AGENDA RECOMMENDATIONS

Document prepared by the Secretariat

1. The WIPO General Assembly at its fiftieth session held in Geneva, from September 24 to October 2, 2018, considered the document WO/GA/50/13 on “Contribution of the Relevant WIPO Bodies to the Implementation of the Respective Development Agenda Recommendations”.
2. The WIPO General Assembly took note of the contents of the above-mentioned document and decided to forward to the Committee on Development and Intellectual Property (CDIP) the report referred in that document.
3. Accordingly, the contribution of the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC) to the implementation of the respective Development Agenda Recommendations is reproduced below from its report to the WIPO General Assemblies:

Report on the IGC, document WO/GA/50/8, paragraphs 14 and 15:

“14. Further to the 2010 WIPO General Assembly decision “to instruct the relevant WIPO Bodies to include in their annual report to the Assemblies, a description of their contribution to the implementation of the respective Development Agenda Recommendations”, IGC 37 also discussed the contribution of the IGC to the implementation of the Development Agenda (DA) Recommendations.

“15. In this regard, the following statements were made at IGC 37. These will also appear in the initial draft report of IGC 37 (WIPO/GRTKF/IC/34/17 Prov.), which will be made available, as requested by the IGC, by November 5, 2018:

“The Delegation of Morocco, speaking on behalf of the African Group, welcomed the efforts undertaken by WIPO to integrate the Development Agenda (DA) into its work. It recalled Recommendation 18 and other relevant recommendations which were Recommendations 15, 16, 17, 19 and 22. The achievements of the IGC on those three topics were a tangible contribution of the IGC to the implementation of the DA, with the adoption of an international legally binding treaty/treaties, which would strengthen transparency and effectiveness of the international IP system, protect the three subject matters, promote creation and guarantee the holders of TK and GRs the right to equitable benefit-sharing. The assistance provided by the WIPO Secretariat should meet the specific needs of the particular countries concerned in terms of development. The African Group was determined to achieve the objectives within the IGC and would continue to participate in its work constructively. It hoped that the remaining sessions would allow continuation of the implementation of Recommendation 18 as well as other relevant recommendations.

“The Delegation of the Islamic Republic of Iran said that the importance of the DA recommendations could not be overemphasized. As one of the developing countries, it was in favor of streamlining Recommendation 18. One of the important WIPO committees was the IGC and one of the recommendations dedicated to the work of the IGC was to accelerate the negotiations on different subject matters. The work of the IGC was an important contribution to the actualization and implementation of the GA recommendations. It urged all Member States to reconsider their approach in order to implement one of the important recommendations. It highlighted the importance of technical assistance provided by the Traditional Knowledge Division to some Member States with regard to their national legislation and in conducting and organizing joint projects with relevant national organizations, which could also be considered as one of the elements of implementation of the dedicated recommendation.

“The Delegation of Brazil stated that the outcome of the efforts of the IGC was key to a successful implementation of the DA as a whole. It recalled Recommendation 18 on the IGC and Recommendation 20 on the public domain. The participation of indigenous peoples in the IGC could be seen in light of Recommendation 21. By mainstreaming IP in those countries that had large traditional communities and indigenous groups and were rich in TK and TCEs, the IGC contributed in the most efficient way to the objectives of the DA. That went for all countries, regardless of their development levels. Countries like Australia, Canada, the USA and many others were richer countries that had a very wide treasury of TK, which should be preserved and protected as well.

“The Delegation of Nigeria recalled DA Recommendations 18, 20 and 21. The IGC’s tasks, with reference to GRs, TK and TCEs, were critical in addressing the global development deficit, and finding traction with the IP system. The development deficit globally affected mainly the world’s most vulnerable groups, whose greatest asset to addressing that deficit was their TK and TCEs. The work of the IGC was very critical to WIPO’s DA. The IGC’s work created a link between industry, indigenous peoples and local communities (IPLCs) and development, and therefore, the idea of creating a dichotomy or a conflict of interest between industrialized and developing countries in the IGC’s debates was not a sustainable conversation. In order to address global development deficits, industry and IPLCs all over the world had to come together, and the IGC provided that platform. In order to address global development deficits under the WIPO DA, understanding and collaboration across regional groups were very important. The work of the IGC,

more than any other, contributed to bringing all the interests together in addressing the global development deficit. Participation of IPLCs was critical. The Delegation linked the legitimacy of the IGC to the participation of IPLCs.

“The Delegation of South Africa aligned itself with the statement made by the Delegation of Morocco, on behalf of the African Group. The adoption of the DA in 2007 had altered the mandate of WIPO to include the mainstreaming of the development dimension into its work. The IGC’s work played an important part towards the achievement of that mandate and should, therefore, be taken seriously.

“The Delegation of Indonesia recalled Recommendation 18 of the WIPO DA. It supported that the IGC would report the contribution to the implementation of that particular recommendation to the 2018 General Assembly, taking into account the factual situation throughout the mandate, whether the IGC had actually been implementing Recommendation 18.”

4. The Committee is invited to take note of the information contained in this document.

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