

## ***Ad Hoc* Expert Group on Traditional Knowledge and Traditional Cultural Expressions**

**Geneva, March 17, 2019**

INFORMATION NOTE ON METHODOLOGY AND PROGRAM

*Prepared by the International Bureau of WIPO*

1. The overall objective of the *ad hoc* Expert Group on traditional knowledge and traditional cultural expressions is, as indicated in the mandate of the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (“IGC”) and the Decisions of the Thirty-Seventh Session of the IGC (“IGC 37”) and the Thirty-Eighth Session of the IGC (“IGC 38”), to address specific legal, policy or technical issues. The results of the work will be reported to and further addressed by the IGC.

2. This Information Note sets out the methodology and program for the *ad hoc* Expert Group, in accordance with the Decisions taken at IGCs 37 and 38.

3. A separate Substantive Background Note (document WIPO/EXP/IPTK/GE/19/2) will provide more specific questions and some background information on the list of issues to be addressed. In relation to traditional knowledge and traditional cultural expressions, the list of issues are:

1. Subject matter, including related definitions.
2. Scope of protection
  - further consideration of a possible “tiered approach” (differentiated protection)
  - criteria for eligibility for protection
  - related definitions.

4. In general, as indicated in the Decisions of IGC 37, the *ad hoc* Expert Group will work in a transparent and inclusive way.

### **Mandate**

5. As indicated in the Decisions of IGC 37, the IGC plenary is the negotiating and decision-making body. The *ad hoc* Expert Group is to support and facilitate the negotiations of the IGC, by providing advice and analysis on the issues to be addressed.

### **Experts**

6. All experts will participate in their personal capacities. The experts nominated to participate in the meeting, in accordance with the Decisions of IGCs 37 and 38, are listed in the List of Participants for the meeting, document WIPO/EXP/IPTK/GE/19/INF/1.

7. It is proposed that the meeting follow the Chatham House Rule, i.e., “participants are free to use the information received, but neither the identity nor the affiliation of the speakers, nor that of any other participant, may be revealed”.

8. All participants are requested to respect the informality of the *ad hoc* Expert Group, and not to communicate to the public, whether “live” or at any future time, the content or nature of the discussions taking place in the *ad hoc* Expert Group, whether in general terms or by way of quoting specific experts.

9. In accordance with the Decisions of IGCs 37 and 38, the WIPO Secretariat has invited these three experts to participate, also in their personal capacities, in the meeting:

- Ms. Sharon Le Gall, Senior Lecturer, Faculty of Law, University of the West Indies, St. Augustine, Trinidad and Tobago;
- Ms. Harriet Deacon, Visiting Research Fellow, University of Coventry, United Kingdom; and
- Mr. Dominic Muyldermans, Senior Legal Consultant, CropLife.

## Co-Chairs

10. In accordance with the Decisions of IGCs 37 and 38, the IGC Chair, Mr. Ian Goss (Australia) has nominated Ms. Sharon Le Gall and Mr. Chidi Oguamanam (Professor of Law, University of Ottawa, Canada) to be the Co-Chairs of the *ad hoc* Expert Group. Ms. Le Gall is one of the experts nominated by the WIPO Secretariat and Mr. Oguamanam is one of the experts nominated by the African Group.

11. Ms. Le Gall and Mr. Oguamanam will co-chair the *ad hoc* Expert Group by introducing the issues and facilitating the discussions.

## Reporting to the IGC

12. Ms. Le Gall and Mr. Oguamanam, in their capacities as the Co-Chairs of the *ad hoc* Expert Group, will report to the IGC plenary at IGC 39 on Monday, March 18, 2019, on the outcomes and results of the *ad hoc* Expert Group's work, and their report will be included in the report of IGC 39. The Co-Chairs' report will be prepared and delivered under their own responsibility and authority.

## Documents

13. The *ad hoc* Expert Group may refer to and use all WIPO working documents, including WIPO/GRTKF/IC/39/4 and WIPO/GRTKF/IC/39/5, as well as any other contributions of Member States and materials produced by the WIPO Secretariat.

## Program

14. The table below indicates a proposed program for the *ad hoc* Expert Group, noting that the process should be flexible. The Co-Chairs will adjust the program as they believe appropriate.

| Time          | Activity   |
|---------------|--|
| 9:00 – 12:00  | <ul style="list-style-type: none"> <li>- Opening by the Co-Chairs</li> <li>- Introductions</li> <li>- Subject matter</li> <li>- Scope of protection</li> </ul> |
| 12:00 – 13:30 | Lunch Break  |
| 13:30 – 16:30 | <ul style="list-style-type: none"> <li>- Scope of protection (continued)</li> <li>- Wrap-up by the Co-Chairs</li> </ul>  |

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