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WORLD INTELLECTUAL PROPERTY ORGANIZATION
GENEVA

INTERGOVERNMENTAL COMMITTEE ON INTELLECTUAL PROPERTY AND GENETIC RESOURCES, TRADITIONAL KNOWLEDGE AND FOLKLORE

Thirteenth Session
Geneva, October 13 to 17, 2008

INTERSESSIONAL PROCEDURES:
PROPOSED MODALITIES AND TERMS OF REFERENCE

Document prepared by the Secretariat

1. At its twelfth session, the WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore ('the Committee') decided that:

With a view to accelerating the work of the Committee in accordance with its mandate, at its thirteenth session the Committee will consider taking a decision on proposed modalities and terms of reference for the establishment of intersessional mechanisms or processes, as well as other possibilities, to continue and to build on the progress achieved so far, in a structured and focused manner, the technical work of the Committee on the three substantive items between its sessions, on the basis of proposals submitted by Committee participants to be circulated prior to the thirteenth session.

2. On October 10, 2008, one proposal was submitted by the Permanent Mission of Algeria on behalf of the African Group, under the title "Recommendations of the African Group on WIPO IGC Intersessional Work". This document is reproduced in the Annex.

3. The Committee is invited to take note of the contents of the Annex when considering taking a decision on proposed modalities and terms of reference for the establishment of intersessional mechanisms or processes, as well as other possibilities.

[Annex follows]

ANNEX

RECOMMENDATIONS OF THE AFRICAN GROUP
ON WIPO IGC INTERSESSIONAL WORK:

The African Group recognizes the need for intersessional work as highlighted by the WIPO Secretariat's gap analysis and in view of the mandate of the IGC to accelerate the work of the Committee.

In view of this proposal and in line with the decision of IGC 12 to consider at its next session intersessional work, the African Group proposes that expert groups be established to meet intersessionally to discuss certain issues in order to generate recommendations which the Committee may wish to agree on.

The African Group proposed the following technical expert groups to be established to discuss and elaborate on the following issues, inter alia:

- Definitions and Object of Protection
- Exceptions, Limitations and Duration
- Prior Informed Consent (PIC), Rights – Moral/Economic
- Beneficiaries
- Sui Generis options for protection

Proposed Terms of References for the expert groups:

- - The groups of experts shall be regionally balanced and composed of [] experts nominated by Member States, and [] experts nominated by Accredited Observers. Accredited Observers would include [] expert observers from indigenous and local communities nominated by them, and the remaining expert observers from, inter alia, international organizations and agreements, industry, research institutions/academia and non-governmental organizations.
- The expert groups shall provide legal and as appropriate technical advice including where appropriate options and scenarios.
- The expert groups shall report their recommendations to the 14th Session of the WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC).

[End of Annex and of document]