
2. The document is contained in the Annex to this document.

[Annex follows]
ANNEX

PROPOSAL OF THE AFRICAN GROUP
FOR INTERSESSIONAL WORKING GROUPS FOR THE WIPO IGC

Bearing in mind the decision of General Assembly at its session of September 2009,

Recognising the need for intersessional work as highlighted at the 12th Session of the IGC and in view of the mandate to decide on a date for the Diplomatic Conference in 2011, the following three (3) Intersessional Working Groups are proposed:

First Intersessional Working Group – February/March 2010

Intersessional Working Group on Traditional Cultural Expressions (TCEs) to examine the following issues, without prejudice to the work in the other international fora:

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

Second Intersessional Working Group – October 2010

Intersessional Working Group on Traditional Knowledge (TK) to examine the following issues, without prejudice to the work in the other international fora:

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

Third Intersessional Working Group – February/March 2011

Intersessional Working Group on Genetic Resources to examine the following issues, without prejudice to the work in the other international fora;

- Developing a range of options for the IP related aspects of PIC and ABS, and consider a structured and focused menu of options to guide custodians of genetic resources to facilitate their decision making process.
Developing alternative proposals for dealing with the relationship between IP and genetic resources as requested by the Convention on Biological Diversity (CBD).

Developing guidelines and procedures with regards to dealing effectively with the IP aspects of access and benefit-sharing arrangements.

Proposed Terms of Reference for the 3 Intersessional Working Group groups:

- Each Intersessional Working Group shall be regionally balanced and composed of 27 representatives nominated by Member States on a regional basis, and 10 experts nominated by Accredited Observers. Accredited Observers would include 7 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 participation of representatives from developing countries and LDCs shall be funded by WIPO.

- The participation of representatives from indigenous representatives shall be funded by the WIPO Voluntary Fund for accredited Indigenous and Local Communities.

- The Rules of Procedure of the IGC (as contained in WIPO/GRTKF/IC/1/2), which incorporate the General Rules of Procedures of WIPO, would generally apply to the intersessional working groups.

- The working languages of the intersessional working groups are the six official UN languages.

- The IGC would give the intersessional working groups its mandate.

- The Intersessional Working Groups shall provide legal and technical advice including where appropriate options and scenarios for consideration of the Committee on all aforementioned issues without prejudice to any outcome.

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1 Africa (5), Asia (5), Latin American and Caribbean Countries (5), Group B (5), Central European and Baltic States (3), Central Asian Caucasus and Eastern European States (3), China (1), Indigenous representatives (7), Other Accredited Observers (3).
The Intersessional Working Groups shall submit draft recommendations or texts for consideration by the IGC for its text-based negotiations of international instrument (or instruments) and report to the IGC.

The Intersessional Working Groups will take as a basis of its work, all WIPO working documents, including WIPO/GRTKF/IC/9/5, WIPO/GRTKF/IC/9/4, WIPO/GRTKF/IC/11/8(a) in line with the WIPO GA mandate.

Frequency and venue of the meetings:

The three Intersessional Working Groups shall meet according to the work plan annexed to the General Assembly 2009 decision.

The duration of each meeting shall be 10 days.

Each Intersessional Working Group shall appoint it Chair.

The meetings shall take place in Geneva at WIPO Headquarters.

[End of Annex and document]