

# WIPO



**WIPO/GRTKF/IC/15/5**  
**ORIGINAL:** English  
**DATE:** December 8, 2009

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**WORLD INTELLECTUAL PROPERTY ORGANIZATION**  
GENEVA

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

**Fifteenth Session**  
**Geneva, December 7 to 11, 2009**

**PROPOSAL OF THE AFRICAN GROUP FOR INTERSESSIONAL WORKING GROUPS  
FOR THE INTERGOVERNMENTAL COMMITTEE**

*Document prepared by the Secretariat*

1. On December 8, 2009, the Permanent Mission of Senegal to the United Nations Office and other Specialized Organizations in Switzerland, submitted, on behalf of the African Group, a document entitled "Proposal of the African Group for Intersessional Working Groups for the WIPO IGC" and requested that it be made available as a working document for the fifteenth session of the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Genetic Resources.

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 12<sup>th</sup> 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.<sup>1</sup>
- 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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<sup>1</sup> 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 its Chair.
- The meetings shall take place in Geneva at WIPO Headquarters.

[End of Annex and document]