

# WIPO



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GENEVA

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

**Sixteenth Session**  
**Geneva, May 3 to 7, 2010**

BRIEF SUMMARY OF DOCUMENTS

*Document prepared by the Secretariat*

### I. WORKING DOCUMENTS FOR THE SIXTEENTH SESSION

1. The following is a brief summary of the documents prepared or due to be prepared for the sixteenth session of the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (the “Committee”) as at March 16, 2010. Each of these documents, as well as any additional documents, will be posted as soon as they are finalized at [www.wipo.int/tk](http://www.wipo.int/tk).

#### WIPO/GRTKF/IC/16/1 Prov.2: Draft Agenda for the Sixteenth Session

2. This document contains the proposed items to be dealt with by the Committee, and is submitted to the Committee for possible adoption.

#### WIPO/GRTKF/IC/16/2: Accreditation of Certain Organizations

3. This document sets out the names, contact details and aims and objectives of organizations which have applied to the Committee for accreditation as *ad hoc* observers to future sessions of the Committee.

WIPO/GRTKF/IC/16/3: Participation of Indigenous and Local Communities: Voluntary Contribution Fund

4. The WIPO General Assembly has established a “WIPO Voluntary Fund for Accredited Indigenous and Local Communities”. The decision was taken on the basis of document WO/GA/32/6, which sets out the objectives and operation of the Fund. This document refers to the appointment of the Fund’s Advisory Board. The required information note providing details of contributions received and beneficiaries is circulated in parallel as document WIPO/GRTKF/IC/16/INF/4.

WIPO/GRTKF/IC/16/4 Prov.: The Protection of Traditional Cultural Expressions/Expressions of Folklore: Revised Objectives and Principles

5. This document is the first revised version of working document WIPO/GRTKF/IC/9/4, reflecting the proposed amendments as well as the comments made on and questions posed in relation to document WIPO/GRTKF/IC/9/4 at the fifteenth session of the Committee. Amendments, comments and questions of observers are also recorded for consideration by Member States.

WIPO/GRTKF/IC/16/5 Prov.: The Protection of Traditional Knowledge: Revised Objectives and Principles

6. This document is the first revised version of working document WIPO/GRTKF/IC/9/5, reflecting the proposed amendments as well as the comments made on and questions posed in relation to document WIPO/GRTKF/IC/9/5 at the fifteenth session of the Committee. Amendments, comments and questions of observers are also recorded for consideration by Member States.

WIPO/GRTKF/IC/16/6 Prov.: Genetic Resources: Revised List of Options

7. This document is the first revised version of working document WIPO/GRTKF/IC/11/8(A), reflecting the proposed amendments and comments made on and questions posed in relation to document WIPO/GRTKF/IC/11/8(A) at the fifteenth session of the Committee. Amendments, comments and questions of observers are also recorded for consideration by Member States.

WIPO/GRTKF/IC/16/4: The Protection of Traditional Cultural Expressions/Expressions of Folklore: Revised Objectives and Principles

8. In line with the decision reached at the fifteenth session of the Committee, Committee participants were invited to provide written comments on document WIPO/GRTKF/IC/16/4 Prov. This document is the revised version of working document WIPO/GRTKF/IC/16/4 Prov., reflecting the proposed amendments as well as the comments made and questions posed by Member States. Amendments, comments and questions of observers are also recorded for consideration by Member States.

WIPO/GRTKF/IC/16/5: The Protection of Traditional Knowledge: Revised Objectives and Principles

9. In line with the decision reached at the fifteenth session of the Committee, Committee participants were invited to provide written comments on document WIPO/GRTKF/IC/16/5

Prov. This document is the revised version of working document WIPO/GRTKF/IC/16/5 Prov., reflecting the proposed amendments as well as the comments made and questions posed by Member States. Amendments, comments and questions of observers are also recorded for consideration by Member States.

WIPO/GRTKF/IC/16/6: Genetic Resources: Revised List of Options

10. In line with the decision reached at the fifteenth session of the Committee, Committee participants were invited to provide written comments on document WIPO/GRTKF/IC/16/6 Prov. This document is the revised version of working document WIPO/GRTKF/IC/16/6 Prov., reflecting the proposed amendments as well as the comments made and questions posed by Member States. Amendments, comments and questions of observers are also recorded for consideration by Member States.

*Selected documents from previous sessions*

WIPO/GRTKF/IC/15/5: The African Group Proposal for Intersessional Working Groups for the Intergovernmental Committee

11. The WIPO General Assembly in September 2009 agreed to renew the mandate of the Committee. The new mandate makes provision for three Intersessional Working Groups (IWGs) to be held in the 2010-2011 biennium. In response to the new mandate, this document entitled "Proposal of the African Group for Intersessional Working Groups for the WIPO IGC" was submitted by the Permanent Mission of Senegal to the United Nations Office and other Specialized Organizations in Switzerland, on behalf of the African Group, before the fifteenth session. As requested, it was made available as a working document for the fifteenth session of the Committee.

WIPO/GRTKF/IC/15/6: Proposal of Group B and Group of Central European and Baltic States for Intersessional Working Groups for the Intergovernmental Committee

12. The WIPO General Assembly in September 2009 agreed to renew the mandate of the Committee. The new mandate makes provision for three IWGs to be held in the 2010-2011 biennium. In response to the new mandate, this document entitled "Group B and Group of Central European and Baltic States Proposal for Intersessional Working Groups for the WIPO IGC" was submitted by the Delegation of Switzerland submitted, on behalf of Group B and the Group of Central European and Baltic States, before the fifteenth session. As requested, it was made available as a working document for the fifteenth session of the Committee.

II. INFORMATION DOCUMENTS FOR THE SIXTEENTH SESSION AND OTHER DOCUMENTS OF CONTINUING INTEREST

WIPO/GRTKF/IC/16/INF/1 Prov.: List of Participants

13. A draft list of participants will be circulated at the sixteenth session.

WIPO/GRTKF/IC/16/INF/2: Brief Summary of Documents

14. The present document, prepared as an informal guide to the Committee's documentation.

WIPO/GRTKF/IC/16/INF/3: Draft Program for the Sixteenth Session

15. In line with the Committee's request at its tenth session, this document sets out a suggested program, identifying possible timing for each agenda item. This draft program is indicative only, and the actual organization of work of the Committee would be determined by the Chair and its members in line with the rules of procedure.

WIPO/GRTKF/IC/16/INF/4: Voluntary Fund for Accredited Indigenous and Local Communities: Information Note on Contributions and Applications for Support

16. This document sets out information required to be reported to the Committee on the operation of the Voluntary Fund for Accredited Indigenous and Local Communities. The rules are set out in the Annex to document WO/GA/32/6 which was approved by the General Assembly at its 32nd session. In particular, it gives information of contributions received or pledged, and actual support provided to representatives of accredited indigenous and local communities.

WIPO/GRTKF/IC/16/INF/5: Information Note for the Panel of Indigenous and Local Communities

17. Following a decision of the Committee at its seventh session, each session of the Committee commences with a panel chaired by a member of an indigenous community. The panel was held at the commencement of the previous eight sessions of the Committee. On each occasion, representatives of indigenous and local communities gave presentations on their communities' experiences and concerns in relation to TCEs, TK and genetic resources. The presentations are available on WIPO's site at [http://www.wipo.int/tk/en/ngoparticipation/ind\\_loc\\_com/index.html](http://www.wipo.int/tk/en/ngoparticipation/ind_loc_com/index.html). This document sets out the proposed practical arrangements for the panel at the sixteenth session.

WIPO/GRTKF/IC/16/INF/6: Voluntary Fund for Accredited Indigenous and Local Communities: Decisions taken by the Director General in accordance with the Recommendations adopted by the Advisory Board

18. This information note will inform the Committee on the decisions on funding that the Director General will take in accordance with the recommendation that the Advisory Board of the Voluntary Fund for Accredited Indigenous and Local Communities will adopt on the margins of the sixteenth session of the Committee.

WIPO/GRTKF/IC/16/INF/7: Policies, Measures and Experiences Regarding Intellectual Property and Genetic Resources: Submission by the Nigeria Natural Medicine Development Agency

19. At the fifteenth session of the Committee, Member States and observers were invited to "make available to the Secretariat papers describing regional, national and community policies, measures and experiences regarding intellectual property and genetic resources before February 12, 2010, and requested the Secretariat to make these available as information documents for the next session of the Committee...". This document is a submission by the Nigeria Natural Medicine Development Agency (NNMDA), entitled "NNMDA Contribution to the Development of Genetic Resources and Intellectual Property".

WIPO/GRTKF/IC/16/INF/8: Policies, Measures and Experiences Regarding Intellectual Property and Genetic Resources: Submission by Zambia

20. At the fifteenth session of the Committee, Member States and observers were invited to “make available to the Secretariat papers describing regional, national and community policies, measures and experiences regarding intellectual property and genetic resources before February 12, 2010, and requested the Secretariat to make these available as information documents for the next session of the Committee...”. This document is a submission by the Delegation of Zambia, entitled “Report to the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore from the Zambian Patent Office - Regional, National and Community Policies, Measures and Strategies and Experiences regarding Intellectual Property and Genetic Resources”.

WIPO/GRTKF/IC/16/INF/9: Policies, Measures and Experiences Regarding Intellectual Property and Genetic Resources: Submission by Brazil

21. At the fifteenth session of the Committee, Member States and observers were invited to “make available to the Secretariat papers describing regional, national and community policies, measures and experiences regarding intellectual property and genetic resources before February 12, 2010, and requested the Secretariat to make these available as information documents for the next session of the Committee...”. This document is a submission by the Delegation of Brazil, entitled “Brazilian Policy regarding Intellectual Property and Genetic Resources”.

WIPO/GRTKF/IC/16/INF/10: Policies, Measures and Experiences Regarding Intellectual Property and Genetic Resources: Submission by Algeria

22. At the fifteenth session of the Committee, Member States and observers were invited to “make available to the Secretariat papers describing regional, national and community policies, measures and experiences regarding intellectual property and genetic resources before February 12, 2010, and requested the Secretariat to make these available as information documents for the next session of the Committee...”. This document is a submission by the Delegation of Algeria, entitled “Contribution by the Representative of the Algerian Ministry of Culture to the Fifteenth Session of the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore, concerning the Experience of Algeria regarding Intellectual Property and Genetic and Biological Resources”.

WIPO/GRTKF/IC/16/INF/11: Policies, Measures and Experiences Regarding Intellectual Property and Genetic Resources: Submission by Kyrgyzstan

23. At the fifteenth session of the Committee, Member States and observers were invited to “make available to the Secretariat papers describing regional, national and community policies, measures and experiences regarding intellectual property and genetic resources before February 12, 2010, and requested the Secretariat to make these available as information documents for the next session of the Committee...”. This document is a submission by the Delegation of Kyrgyzstan, entitled “Intellectual Property and Genetic Resources in the Kyrgyz Republic”.

WIPO/GRTKF/IC/16/INF/12: Policies, Measures and Experiences Regarding Intellectual Property and Genetic Resources: Submission by Norway

24. At the fifteenth session of the Committee, Member States and observers were invited to “make available to the Secretariat papers describing regional, national and community policies, measures and experiences regarding intellectual property and genetic resources before February 12, 2010, and requested the Secretariat to make these available as information documents for the next session of the Committee...”. This document is a submission by the Delegation of Norway, entitled “Paper from Norway describing Disclosure Obligation in Patent Applications”.

WIPO/GRTKF/IC/16/INF/13: Policies, Measures and Experiences Regarding Intellectual Property and Genetic Resources: Submission by the International Institute for Environment and Development

25. At the fifteenth session of the Committee, Member States and observers were invited to “make available to the Secretariat papers describing regional, national and community policies, measures and experiences regarding intellectual property and genetic resources before February 12, 2010, and requested the Secretariat to make these available as information documents for the next session of the Committee...”. This document is a submission by the International Institute for Environment and Development, entitled “Policies, Measures and Experiences on Intellectual Property and Genetic Resources”.

WIPO/GRTKF/IC/16/INF/14: Policies, Measures and Experiences Regarding Intellectual Property and Genetic Resources: Submission by Switzerland

26. At the fifteenth session of the Committee, Member States and observers were invited to “make available to the Secretariat papers describing regional, national and community policies, measures and experiences regarding intellectual property and genetic resources before February 12, 2010, and requested the Secretariat to make these available as information documents for the next session of the Committee...”. This document is a submission by the Delegation of Switzerland, entitled “Declaration of the Source of Genetic Resources and Traditional Knowledge in Patent Applications: Provisions of the Swiss Patent Act”.

WIPO/GRTKF/IC/16/INF/15: Policies, Measures and Experiences Regarding Intellectual Property and Genetic Resources: Submission by the European Union and its Member States

27. At the fifteenth session of the Committee, Member States and observers were invited to “make available to the Secretariat papers describing regional, national and community policies, measures and experiences regarding intellectual property and genetic resources before February 12, 2010, and requested the Secretariat to make these available as information documents for the next session of the Committee...”. This document is a submission by the Delegation of Spain, on behalf of the European Union and its Member States, entitled “Situation in the European Union and its Member States”.

WIPO/GRTKF/IC/16/INF/16: Policies, Measures and Experiences Regarding Intellectual Property and Genetic Resources: Submission by Mexico

28. At the fifteenth session of the Committee, Member States and observers were invited to “make available to the Secretariat papers describing regional, national and community

policies, measures and experiences regarding intellectual property and genetic resources before February 12, 2010, and requested the Secretariat to make these available as information documents for the next session of the Committee...”. This document is a submission by the Delegation of Mexico, entitled “Policies, Measures and Experiences regarding Intellectual Property and Genetic Resources in Mexico”.

WIPO/GRTKF/IC/16/INF/17: Policies, Measures and Experiences Regarding Intellectual Property and Genetic Resources: Submission by the Center for Peace Building and Poverty Reduction among Indigenous African Peoples

29. At the fifteenth session of the Committee, Member States and observers were invited to “make available to the Secretariat papers describing regional, national and community policies, measures and experiences regarding intellectual property and genetic resources before February 12, 2010, and requested the Secretariat to make these available as information documents for the next session of the Committee...”. This document is a submission by the Center for Peace Building and Poverty Reduction among Indigenous African Peoples, entitled “Intellectual Property and Genetic Resources in Africa –Indigenous Communities in the Context of Nigeria”.

WIPO/GRTKF/IC/16/INF/18: Policies, Measures and Experiences Regarding Intellectual Property and Genetic Resources: Submission by Australia

30. At the fifteenth session of the Committee, Member States and observers were invited to “make available to the Secretariat papers describing regional, national and community policies, measures and experiences regarding intellectual property and genetic resources before February 12, 2010, and requested the Secretariat to make these available as information documents for the next session of the Committee...”. This document is a submission by the Delegation of Australia, entitled “Genetic Resources and Intellectual Property”.

WIPO/GRTKF/IC/16/INF/19: Policies, Measures and Experiences Regarding Intellectual Property and Genetic Resources: Submission by Turkey

31. At the fifteenth session of the Committee, Member States and observers were invited to “make available to the Secretariat papers describing regional, national and community policies, measures and experiences regarding intellectual property and genetic resources before February 12, 2010, and requested the Secretariat to make these available as information documents for the next session of the Committee...”. This document is a submission by the Delegation of Turkey, entitled “Experience of Turkey on Intellectual Property and Genetic Resources”.

WIPO/GRTKF/IC/16/INF/20: Policies, Measures and Experiences Regarding Intellectual Property and Genetic Resources: Submission by the Food and Agriculture Organization of the United Nations

32. At the fifteenth session of the Committee, Member States and observers were invited to “make available to the Secretariat papers describing regional, national and community policies, measures and experiences regarding intellectual property and genetic resources before February 12, 2010, and requested the Secretariat to make these available as information documents for the next session of the Committee...”. This document contains two documents submitted by the Food and Agriculture Organization of the United Nations,

which are “Identification of Plant Genetic Resources for Food and Agriculture under Control and Management of Contracting Parties, and in the Public Domain” and “Progress Report on Work Towards the Assessment of Patent Data Relevant to Availability and Use of Material from the International Network of Ex Situ Collections Under the Auspices of FAO and the International Treaty on Plant Genetic Resources for Food and Agriculture: a Draft Patent Landscape Surrounding Gene Promoters Relevant to Rice”.

WIPO/GRTKF/IC/16/INF/21: Policies, Measures and Experiences Regarding Intellectual Property and Genetic Resources: Submission by the Biotechnology Industry Organization and the International Federation of Pharmaceutical Manufacturers and Associations

33. At the fifteenth session of the Committee, Member States and observers were invited to “make available to the Secretariat papers describing regional, national and community policies, measures and experiences regarding intellectual property and genetic resources before February 12, 2010, and requested the Secretariat to make these available as information documents for the next session of the Committee...”. This document is a submission by the Biotechnology Industry Organization and the International Federation of Pharmaceutical Manufacturers and Associations, entitled “Joint BIO and IFPMA Submission on Regional, National and Community Policies, Measures and Experiences regarding Intellectual Property and Genetic Resources”.

WIPO/GRTKF/IC/16/INF/22: Policies, Measures and Experiences Regarding Intellectual Property and Genetic Resources: Submission by Kenya

34. At the fifteenth session of the Committee, Member States and observers were invited to “make available to the Secretariat papers describing regional, national and community policies, measures and experiences regarding intellectual property and genetic resources before February 12, 2010, and requested the Secretariat to make these available as information documents for the next session of the Committee...”. This document is a submission by the Delegation of Kenya, entitled “National and Community Policies, Measures and Experiences regarding Intellectual Property, and Genetic Resources in Kenya”.

WIPO/GRTKF/IC/16/INF/23: Policies, Measures and Experiences Regarding Intellectual Property and Genetic Resources: Submission by Colombia

35. At the fifteenth session of the Committee, Member States and observers were invited to “make available to the Secretariat papers describing regional, national and community policies, measures and experiences regarding intellectual property and genetic resources before February 12, 2010, and requested the Secretariat to make these available as information documents for the next session of the Committee...”. This document is a submission by the Delegation of Colombia, entitled “Interinstitutional Working Committee on Recommendation 17 of Document CONPES 3533 of 2008 ‘Foundations for a Plan of Action for Aligning the Intellectual Property System with National Competitiveness and Productivity’ Working Report – Colciencias”.

WIPO/GRTKF/IC/16/INF/24: The African Regional Intellectual Property Organisation (ARIPO) Draft Protocol on the Protection of Traditional Knowledge and Expressions of Folklore: Submission of Botswana on Behalf of the Member States of ARIPO

36. This document is a submission by the Delegation of the Republic of Botswana, on behalf of the Member States of the African Regional Intellectual Property Organization



(ARIPO), entitled “The African Regional Intellectual Property Organisation (ARIPO) Draft Protocol on the Protection of Traditional Knowledge and Expressions of Folklore”.

WIPO/GRTKF/IC/16/INF/25: The National Policy on Traditional Knowledge, Genetic Resources and Traditional Cultural Expressions: Submission by Kenya

37. This document is a submission by the Delegation of Kenya, entitled “The National Policy on Traditional Knowledge, Genetic Resources and Traditional Cultural Expressions, July 2009”.

WIPO/GRTKF/IC/16/INF/26: Policies, Measures and Experiences Regarding Intellectual Property and Genetic Resources: Submission by the Russian Federation

38. At the fifteenth session of the Committee, Member States and observers were invited to “make available to the Secretariat papers describing regional, national and community policies, measures and experiences regarding intellectual property and genetic resources before February 12, 2010, and requested the Secretariat to make these available as information documents for the next session of the Committee...”. This document is a submission by the Delegation of the Russian Federation, entitled “Regional, National and Community Policy concerning Measures and Experience regarding Intellectual Property and Genetic Resources”.

WIPO/GRTKF/IC/16/INF/27: Policies, Measures and Experiences Regarding Intellectual Property and Genetic Resources: Submission by China

39. At the fifteenth session of the Committee, Member States and observers were invited to “make available to the Secretariat papers describing regional, national and community policies, measures and experiences regarding intellectual property and genetic resources before February 12, 2010, and requested the Secretariat to make these available as information documents for the next session of the Committee...”. This document is a submission by the Delegation of China, entitled “Relevant Policies, Measures and Experiences of China regarding Intellectual Property and Genetic Resources”.

*Selected documents from previous sessions*

WIPO/GRTKF/IC/9/INF/4: The Protection of Traditional Cultural Expressions/Expressions of Folklore: Updated Draft Outline of Policy Options and Legal Mechanisms

40. The Committee has commissioned the development and updating of an outline of policy options and legal mechanisms for the protection of traditional cultural expressions (TCEs). This document is a revised draft requested by the Committee. The document provides information on the policy options and legal mechanisms that national and regional legal systems have employed to give effect to the kind of draft objectives and principles developed in WIPO/GRTKF/IC/9/4 (now WIPO/GRTKF/IC/16/4). An outline of policy options and legal mechanisms may serve as an information resource to assist in the choice of appropriate mechanisms to achieve policy objectives and to implement principles such as those set out for consideration in WIPO/GRTKF/IC/9/4 (now WIPO/GRTKF/IC/16/4).

WIPO/GRTKF/IC/9/INF/5: The Protection of Traditional Knowledge: Updated Draft Outline of Policy Options and Legal Mechanisms

41. The Committee has commissioned the development and updating of an outline of policy options and legal mechanisms for the protection of traditional knowledge (TK). This document is a revised draft requested by the Committee. The document provides information on the policy options and legal mechanisms that national and regional legal systems have employed to give effect to the kind of draft objectives and principles developed in WIPO/GRTKF/IC/9/5 (now WIPO/GRTKF/IC/16/5). An outline of policy options and legal mechanisms may serve as an information resource to assist in the choice of appropriate mechanisms to achieve policy objectives and to implement principles such as those set out for consideration in WIPO/GRTKF/IC/9/5 (now WIPO/GRTKF/IC/16/5).

WIPO/GRTKF/IC/13/4(B) Rev.: The Protection of Traditional Cultural Expressions: Draft Gap Analysis

42. This document comprises the draft gap analysis on the protection of TCEs, prepared for the Committee together with draft Revised Objectives and Principles for the Protection of Traditional Cultural Expressions and an agreed List of Issues concerning the protection of TCEs.

WIPO/GRTKF/IC/13/5(B) Rev.: The Protection of Traditional Knowledge: Draft Gap Analysis

43. This document comprises the draft gap analysis on the protection of TK, prepared for the Committee together with draft Revised Objectives and Principles for the Protection of Traditional Knowledge and an agreed List of Issues concerning the protection of TK.

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