

Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore

Eighteenth Session
Geneva, May 9 to 13, 2011

SUMMARY REPORT OF THE THIRD INTERSESSIONAL WORKING GROUP

Document prepared by the Secretariat

INTRODUCTION

1. The Third Intersessional Working Group (IWG 3) met from February 28 to March 4, 2011. At the conclusion of its session, it adopted a “Summary Report of the Third Intersessional Working Group” (WIPO/GRTKF/IC/IWG/3/16) which describes the work undertaken by IWG 3.
2. IWG 3 requested that the Summary Report, including the List of Participants of the said session, be submitted to the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (‘the Committee’) at its eighteenth session (see paragraph 9 of the Summary Report). This present document fulfils that request.
3. The following documents also made available at this session of the Committee are directly related to the present document:
 - (a) “Draft Objectives and Principles relating to Intellectual Property and Genetic Resources Prepared at IWG 3” (WIPO/GRTKF/IC/18/9);
 - (b) “Options for Future Work on Intellectual Property and Genetic Resources” (WIPO/GRTKF/IC/18/10)
 - (c) “Glossary of Key Terms related to Intellectual Property and Genetic Resources” (WIPO/GRTKF/IC/18/INF/9).

4. *The Committee is invited to take note of the Summary Report of IWG 3 as contained in the Annex.*

[Annex follows]



WIPO/GRTKF/IWG/3/16
ORIGINAL: ENGLISH
DATE : MARCH 4, 2011

**Intergovernmental Committee on Intellectual Property and
Genetic Resources, Traditional Knowledge and Folklore**

Third Intersessional Working Group

Geneva, February 28 to March 4, 2011

SUMMARY REPORT OF THE THIRD INTERSESSIONAL WORKING GROUP

prepared by the Secretariat

Agenda Item 1: Opening of the session

1. The session was opened by Mr. Johannes Christian Wichard, Deputy Director General, on behalf of the Director General, Mr. Francis Gurry.
2. Mr. Wend Wendland (WIPO) acted as Secretary to the Third Intersessional Working Group (IWG 3).

Agenda Item 2: Election of officers

3. Mr. José Ramón López de León Ibarra (Mexico) was elected Chair and Mr. Ian Goss (Australia) and Mr. Tom Suchanandan (South Africa) were elected Vice-chairs of IWG 3.

Agenda Item 3: Adoption of the agenda

4. IWG 3 adopted the draft agenda (WIPO/GRTKF/IWG/3/1 Prov. 2) as its agenda without modifications.

Agenda Item 4: Genetic resources

5. Guided by the suggestions made regarding IWG 3 by the WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (the IGC) at its 17th session, IWG 3 discussed both objectives and principles regarding intellectual property (IP) and genetic resources and options for future work on IP and genetic resources. The program for the work of IWG 3 is annexed to this document.
6. In particular, and with reference to documents WIPO/GRTKF/IWG/3/7, WIPO/GRTKF/IWG/3/8, WIPO/GRTKF/IWG/3/9, WIPO/GRTKF/IWG/3/10 and WIPO/GRTKF/IWG/3/15, IWG 3 first discussed objectives and principles, in plenary. The text of objectives and principles as originally proposed in the IGC by Australia, Canada, New Zealand, Norway and the United States of America (as contained in document WIPO/GRTKF/IWG/3/7), as amended by the African Group (as reflected in document WIPO/GRTKF/IWG/3/8), was placed on a screen and experts made comments and drafting proposals on the text. Drafting proposals were incorporated in the text. The Chair of IWG 3 then established an open-ended drafting group which met to review and, as far as possible, streamline and 'clean up' the plenary's text. The drafting group's text was then presented to the plenary by the drafting group's rapporteur and all experts were invited to comment thereon, during a session of the plenary that took place on the afternoon of Thursday, March 3, 2011. IWG 3 noted the text of objectives and principles but did not adopt or endorse them. IWG 3 requested that the text, together with the rapporteur's introduction and comments on the text made during the IWG 3 plenary on the afternoon of Thursday, March 3, 2011, be compiled as document WIPO/GRTKF/IWG/3/17, and be transmitted to the IGC for its consideration at its 18th session (May 9 to 13, 2011).

7. Regarding options for future work related to IP and genetic resources, IWG 3 considered and extensively discussed the three clusters of options as contained in document WIPO/GRTKF/IWG/3/6, with reference also to documents WIPO/GRTKF/IWG/3/2, WIPO/GRTKF/IWG/3/3, WIPO/GRTKF/IWG/3/4, WIPO/GRTKF/IWG/3/5, WIPO/GRTKF/IWG/3/11, WIPO/GRTKF/IWG/3/12, WIPO/GRTKF/IWG/3/14 and WIPO/GRTKF/IWG/3/15. IWG 3 also discussed which options are most likely to achieve the objectives as prepared by the drafting group as referred to in paragraph 6 above. IWG 3 requested that a summary of its discussion on the options be compiled as document WIPO/GRTKF/IWG/3/18 and be transmitted to the IGC for its consideration at its 18th session. Such document should include, if necessary, a matrix taking into account a number of the suggestions made by the experts. Based on the discussion of the options as referred to above, some experts in IWG 3 suggested that the IGC request the Secretariat to proceed with and finalize, subject to a need for continued updating where applicable, its work on the practical mechanisms and activities referred to in options C1, C2 and C3 as referred to in document WIPO/GRTKF/IWG/3/6.
8. IWG 3 noted the “Glossary of Key Terms related to Intellectual Property and Genetic Resources” (WIPO/GRTKF/IWG/3/13) on the understanding that it will be re-issued as an information document at the next session of the IGC.
9. IWG 3 requested that the present document (WIPO/GRTKF/IWG/3/16), to which should be attached the List of Participants of IWG 3, be submitted to the IGC at its next session.

Agenda Item 5: Any other business

10. Ms. Deyanira Camacho Toral (Ecuador) requested WIPO to provide a distance learning course on IP and genetic resources.
11. Mr. Albert Deterville (GRTKF International) requested special consideration for small island developing states and least developed countries in terms of capacity-building, as had also been noted by Mr. Dhundi Raj Pokharel (Nepal). The WIPO Secretariat should take note of initiatives by indigenous peoples and local communities at the national, regional and international levels in establishing databases and he requested the Secretariat’s assistance in this regard.
12. Mr. Ronald Barnes (CISA) expressed concern about the status of indigenous participation in the IGC’s negotiations and suggested that the mandate of the IGC be revisited to take into account the views and aspirations of indigenous peoples and local communities.
13. Mr. Bala Moussa Coulibaly (Senegal) stated that the bio-cultural heritage of Senegal had been misappropriated and this generated profits for others. He lauded initiatives to reestablish sovereign rights over genetic resources and biodiversity.
14. Ms. Lucia Inacio Belfort (INBRAPI) supported the statement made by Mr. Ronald Barnes and encouraged contributions to the WIPO Voluntary Fund for Accredited Indigenous and Local Communities. She thanked the Chair of IWG 3 for the way in which the work in IWG 3 had been conducted and, in particular, for there having been interpretation and translation services during the drafting group and the plenary.

Agenda item 6: Adoption of report

15. IWG 3 adopted this summary report on March 4, 2011.

Agenda item 7: Closing of the session

16. The Chair thanked all the experts for their active participation and dedication and closed the session.

[Annexes follow]

IWG 3

Program of work

Monday February 28, 2011

10h00 – 11h00: Opening, Election of Officers and Adoption of the Draft Agenda

11h00 – 13h00: Plenary discussion of Objectives and Principles

Tuesday March 1, 2011

10h00 – 13h00: Plenary discussion of Objectives and Principles, *continued*

15h00 – 18h00: Plenary discussion of Options

18h00 – 21h00: Drafting group on Objectives and Principles

Wednesday March 2, 2011

10h00 – 17h00: Plenary discussion on Options, *continued*

17h00 – 21h00: Drafting group on Objectives and Principles, *continued*

Thursday March 3, 2011

09h00 – 12h00: Drafting group on Objectives and Principles, *continued*

15h00 – 18h00: Plenary discussion of drafting group's text on Objectives and Principles

Friday March 4, 2011

10h00 – 13h00: Plenary discussion of Options; Any other business

15h30: Adoption of the Report and Closing.

[Annex II follows]

LISTE DES PARTICIPANTS/LIST OF PARTICIPANTS

I. ÉTATS/STATES

(dans l'ordre alphabétique des noms français des États)
(in the alphabetical order of the names in French of the States)

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II. DÉLÉGATION SPÉCIALE/SPECIAL DELEGATION

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**III. ORGANISATIONS INTERNATIONALES INTERGOUVERNEMENTALES/
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ORGANISATION BENELUX DE LA PROPRIÉTÉ INTELLECTUELLE (OBPI)/
BENELUX ORGANISATION FOR INTELLECTUAL PROPERTY (BOIP)

Edmond L. SIMON, directeur général, La Haye

ORGANISATION DES ÉTATS DES CARAIBES ORIENTALES (OECS)/ORGANISATION OF
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Ricardo M. JAMES, chargé d'affaires, Permanent Delegation, Geneva

ORGANISATION EURASIENNE DES BREVETS (OEAB)/EURASIAN PATENT ORGANIZATION
(EAPO)

Maria SEROVA (Mrs.), Chief Examiner, Chemical and Medicine Department, Examination
Division, Moscow

ORGANISATION INTERNATIONALE DE LA FRANCOPHONIE (OIF)

Nela SIROK (Mme), stagiaire, Délégation permanente, Genève

ORGANISATION MONDIALE DU COMMERCE (OMC)/WORLD TRADE ORGANIZATION
(WTO)

Jayashree WATAL (Mrs.), Counsellor, Intellectual Property Division, Geneva

Xiaoping WU (Ms.), Counsellor, Intellectual Property Division, Geneva

ORGANISATION RÉGIONALE AFRICAINE DE LA PROPRIÉTÉ INTELLECTUELLE
(ARIPO)/AFRICAN REGIONAL INTELLECTUAL PROPERTY ORGANIZATION (ARIPO)

Emmanuel SACKY, Head, Technical Department, Harare

PROGRAMME DES NATIONS UNIES POUR L'ENVIRONNEMENT (PNUE)/UNITED NATIONS
ENVIRONMENT PROGRAMME (UNEP)

Barbara RUIS (Ms.), Legal Officer, Division of Environmental Law and Conventions, Geneva

SOUTH CENTRE

Viviana Carolina MUÑOZ TÉLLEZ (Ms.), Programme Officer, Geneva

IV. ORGANISATIONS INTERNATIONALES NON GOUVERNEMENTALES/ INTERNATIONAL NON-GOVERNMENTAL ORGANIZATIONS

Asociación Akuaipa Waimakat – Asociación para la Divulgación, Promoción y Defensa de los Derechos Humanos e Indígenas

Miguel Antonio VALBUENA GUARIYU (Asesor, La Guajira)

Assemblée des premières nations (AFN)/Assembly of First Nations (AFN)

Violet FORD (Senior Policy Analyst, Environment Stewardship, Ottawa)

Association internationale pour la protection de la propriété intellectuelle (AIPPI)/

International Association for the Protection of Intellectual Property (AIPPI)

Konrad BECKER (Chairman of the Special Committee Q166, IP and Genetic Resources, Traditional Knowledge and Folklore, Zurich)

Biotechnology Industry Organization (BIO)

Jon P. SANTAMAURO (Member, Washington D.C.)

Centre international pour le commerce et le développement durable (ICTSD)/International Center for Trade and Sustainable Development (ICTSD)

Ahmed ABDEL LATIF (Programme Manager, Intellectual Property Rights, Geneva);
Marta WOJCZUK (Ms.) (Intern, Intellectual Property Rights, Geneva); Marie WILKE (Ms.)
(Programme Officer, Geneva); Cecile DE GARDELLE (Ms.) (Dialogue Coordinator, Geneva)

Chambre de commerce internationale (CCI)/International Chamber of Commerce (ICC)

Tim ROBERTS (Consultant, London)

Comisión Jurídica para el Autodesarrollo de los Pueblos Originarios Andinos (CAPAJ)

Tomás ALARCÓN EYZAGUIRRE (Presidente, Tacna); Máximo PAREDES (Miembro, Tacna);
Marianne STAHELI-ALARCÓN (Sra.) (Miembro, Tacna); Catherine THÉNARD (Sra.) (Miembro,
Tacna)

Consejo Indio de Sud América (CISA)/Indian Council of South America (CISA)

Tomàs CONDORI (Representante, Puno); Ronald BARNES (Representante, Puno)

Cooperativa Ecológica de las Mujeres Colectoras de la Isla de Marajó (CEMEM)

Edna María DA COSTA E. SILVA (Sra.) (Presidente, Consejo Fiscal, Belém)

CropLife International

Aaron SMETHURST (Intellectual Property Policy Manager, Geneva); Stuart HARBINSON
(Senior Trade Policy Advisor, Geneva); Tatjana SACHSE (Ms.) (Advisor, Geneva)

Engabu Za Tooro

Stephen RWAGWERI (Executive Director, Fort Portal)

Ethio-Africa Diaspora Union Millennium Council

Marcus GOFFE (Legal Advisor, Kingston)

Fédération ibéro-latino-américaine des artistes interprètes ou exécutants (FILAIE)/
Ibero-Latin-American Federation of Performers (FILAIE)
Miguel PÉREZ SOLÍS (Asesor Legal, Madrid)

Fédération internationale de l'industrie du médicament (FIIM)/International Federation of
Pharmaceutical Manufacturers Associations (IFPMA)
Andrew P. JENNER (Director, Innovation, Intellectual Property and Trade, Geneva);
Guilherme CINTRA (Policy Analyst, International Trade and Market Policy, Geneva)

Foundation for Aboriginal and Islander Research Action (FAIRA)
Robert Leslie MALEZER (Chairperson, Woolloongabba)

Genetic Resources, Traditional Knowledge and Folklore (GRTKF Int.)
Albert DETERVILLE (Executive Chairperson, Castries)

Indian Movement "Tupaj Amaru"
Lázaro PARY ANAGUA (General Coordinator, La Paz); Denis SAPIN (Member, Geneva)

Indigenous Peoples Council on Biocolonialism (IPCB)
Debra HARRY (Ms.) (Executive Director, Nixon)

Instituto Indígena Brasileiro da Propriedade Intelectual (InBraPi)
Lucia Fernanda INÁCIO BELFORT (Sra.) (Directora Ejecutiva, Brasilia)

Knowledge Ecology International (KEI)
Thiru BALASUBRAMANIAM (Representative, Geneva)

Mbororo Social Cultural Development Association (MBOSCUDA)
Musa Usman NDAMBA (Member, Bamenda)

Métis National Council (MNC)
Kathy HODGSON-SMITH (Ms.) (Consultant, Ottawa)

Natural Justice
Johanna VON BRAUN (Ms.) (Associate, Law Department, Cape Town); Ashwin VASAN
(Researcher, University of Cape Town, Cape Town); Marcel SALAZAM (Researcher,
Cape Town); Barbara LASSEN (Ms.) (Researcher, Cape Town)

Nepal Indigenous Nationalities Preservation Association (NINPA)
Ngwang Sonam SHERPA (Executive Chairperson, Kathmandu)

Nigeria Natural Medicine Development Agency (NNMDA)
Tamunoibuomi F. OKUJAGU (Director General and Chief Executive, Lagos)

Rromani Baxt
Leila MAMONI (Ms.) (Representative, Paris)

The Chamber of Commerce and Industry of the Russian Federation (CCI RF)
Elena KOLOKOLOVA (Ms.) (Representative, Geneva)

The International Committee for the Indigenous Peoples of the Americas (INCOMINDIOS)
Sharon VENNE (Ms.) (Legal Advisor, Edmonton)

Traditions pour demain/Traditions for Tomorrow
Christiane JOHANNOT-GRADIS (Mme) (cheffe délégation, Rolle); Marie BOILLAT (Mme)
(collaboratrice, Rolle)

Tulalip Tribes
Preston HARDISON (Representative, Washington)

Union internationale pour la conservation de la nature (UICN)/International Union for
Conservation of Nature (IUCN)
Sonia PEÑA-MORENO (Mrs.) (Policy Officer – Biodiversity, Global Policy Unit, Gland)

World Trade Institute (WTI)
Hojjat KHADEMI (Research Fellow, Berne); Michelangelo TEMMERMAN (Research Fellow,
Berne); Leila GHASSEMI (Ms.) (Doctoral Researcher, Faculty of Law, Neuchâtel)

**V. BUREAU INTERNATIONAL DE L'ORGANISATION MONDIALE
DE LA PROPRIÉTÉ INTELLECTUELLE (OMPI)/
INTERNATIONAL BUREAU OF THE
WORLD INTELLECTUAL PROPERTY ORGANIZATION (WIPO)**

Francis GURRY, directeur général/Director General

Christian WICHARD, vice-directeur général/Deputy Director General

Konji SEBATI (Mlle/Ms.), consultante, Département des savoirs traditionnels et des défis mondiaux /Consultant, Department for Traditional Knowledge and Global Challenges

Wend WENDLAND, directeur, Division des savoirs traditionnels/Director, Traditional Knowledge Division

Begoña VENERO (Mme/Mrs.), chef, Section des ressources génétiques et des savoirs traditionnels, Division des savoirs traditionnels/Head, Genetic Resources and Traditional Knowledge Section, Traditional Knowledge Division

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