

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

**Twenty-Ninth Session  
Geneva, February 15 to 19, 2016**

### **BRIEF SUMMARY OF DOCUMENTS**

*Document prepared by the Secretariat*

#### **I. WORKING DOCUMENTS FOR THE TWENTY-NINTH SESSION**

1. The following is a brief summary of the documents prepared or due to be prepared for the Twenty-Ninth Session of the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (the “Committee” or “IGC”) as at November 25, 2015. Each of these documents, as well as any additional documents, will be posted as soon as they are finalized at:

[http://www.wipo.int/meetings/en/details.jsp?meeting\\_id=38983](http://www.wipo.int/meetings/en/details.jsp?meeting_id=38983).

#### WIPO/GRTKF/IC/29/1 Prov. 3: Draft Agenda for the Twenty-Ninth 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/29/2: 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 the current and future sessions of the Committee.

WIPO/GRTKF/IC/29/3: Participation of Indigenous and Local Communities: Voluntary Fund

4. The WIPO General Assembly, in 2005, established the “WIPO Voluntary Fund for Accredited Indigenous and Local Communities”. The decision was taken on the basis of document WO/GA/32/6, subsequently amended by the WIPO General Assembly in September 2010, which sets out the objectives and operation of the Fund. This document refers to the appointment of the Fund’s Advisory Board, and provides information on the fund-raising drive initiated by the Secretariat. The required information note providing details of contributions received and beneficiaries is circulated in parallel as document WIPO/GRTKF/IC/29/INF/4.

WIPO/GRTKF/IC/29/4: Consolidated Document Relating to Intellectual Property and Genetic Resources

5. At its Twenty-Sixth Session, the Committee developed, on the basis of document WIPO/GRTKF/IC/26/4, a “Consolidated Document Relating to Intellectual Property and Genetic Resources Rev. 2”. It decided that this text, as at the close of the session on February 7, 2014, be transmitted to the WIPO General Assembly taking place in September 2014, subject to any agreed adjustments or modifications arising on cross-cutting issues at the Twenty-Eighth Session of the IGC, in accordance with the Committee’s mandate for 2014-2015 and the work program for 2014. The text was made available to the Twenty-Eight Session of the IGC as document WIPO/GRTKF/IC/28/4 and was transmitted to the 2014 General Assembly as Annex A to document WO/GA/46/6. There was no decision on the IGC during the 2014 General Assembly. This document was submitted to the 2015 General Assembly as Annex A to document WO/GA/47/12. The WIPO General Assembly in 2015 took note of document WO/GA/47/12, including its annexes, and decided that the IGC will “continue to expedite its work, with a focus on narrowing existing gaps, with open and full engagement, including text-based negotiations, with the objective of reaching an agreement on an international legal instrument(s), without prejudging the nature of outcome(s), relating to intellectual property which will ensure the balanced and effective protection of GRs, TK and TCEs” and that “the Committee’s work in the 2016/2017 biennium will build on the existing work carried out by the Committee”, and “use all WIPO working documents, including WIPO/GRTKF/IC/28/4, WIPO/GRTKF/IC/28/5 and WIPO/GRTKF/IC/28/6, as well as any other contributions of member states, using an evidence-based approach, including studies and examples of national experiences, including domestic legislation and examples of protectable subject matter and subject matter that is not intended to be protected; and outputs of any expert panel(s) established by the Committee and IGC-related seminars and workshops conducted under Program 4”. Document WIPO/GRTKF/IC/29/4 has been prepared for this session pursuant to this decision.

WIPO/GRTKF/IC/29/5: Joint Recommendation on Genetic Resources and Associated Traditional Knowledge

6. During the Twentieth Session of the IGC, which took place in February 2012, the Delegations of Canada, Japan, Norway, the Republic of Korea and the United States of America, made available a “Joint Recommendation on Genetic Resources and Associated Traditional Knowledge”. This was contained in document WIPO/GRTKF/IC/20/9/Rev. This document was resubmitted, by the co-sponsors, to the Twenty-Third, Twenty-Fourth, Twenty-Sixth, Twenty-Seventh and Twenty-Eighth Sessions of the IGC, and circulated as documents WIPO/GRTKF/IC/23/5, WIPO/GRTKF/24/5, WIPO/GRTKF/IC/26/5, WIPO/GRTKF/IC/27/6 and WIPO/GRTKF/IC/28/7, respectively.

The co-sponsors have resubmitted this joint recommendation as a working document for this session.

WIPO/GRTKF/IC/29/6: Joint Recommendation on the Use of Databases for the Defensive Protection of Genetic Resources and Traditional Knowledge Associated with Genetic Resources

7. During the Twenty-Third Session of the IGC, which took place in February 2013, a joint recommendation regarding the use of databases for the defensive protection of genetic resources and traditional knowledge associated with genetic resources was co-sponsored by the Delegations of Canada, Japan, the Republic of Korea and the United States of America. This proposal was contained in document WIPO/GRTKF/IC/23/7. The Joint Recommendation was resubmitted to the Twenty-Fourth, Twenty-Sixth, Twenty-Seventh and Twenty-Eighth Sessions of the IGC by the co-sponsors as documents WIPO/GRTKF/IC/24/7, WIPO/GRTKF/IC/26/6, WIPO/GRTKF/IC/27/7 and WIPO/GRTKF/IC/28/8, respectively. The co-sponsors have resubmitted this joint recommendation as a working document for this session.

WIPO/GRTKF/IC/29/7: Proposal for the Terms of Reference for the Study by the WIPO Secretariat on Measures Related to the Avoidance of the Erroneous Grant of Patents and Compliance with Existing Access and Benefit-Sharing Systems

8. During the Twenty-Third Session of the IGC, which took place in February 2013, a proposal for the terms of reference for a study on measures related to the avoidance of the erroneous grant of patents and compliance with existing access and benefit sharing systems, was made available by the Delegations of Canada, Japan, the Republic of Korea and the United States of America. This proposal was contained in document WIPO/GRTKF/IC/23/6. The proposal was resubmitted to the Twenty-Fourth Session of the IGC as document WIPO/GRTKF/IC/24/6 Rev., by the Delegations of Canada, Japan, the Republic of Korea, the Russian Federation and the United States of America, and further resubmitted to the Twenty-Sixth, Twenty-Seventh and Twenty-Eighth Sessions of the IGC by the Delegations of Canada, Japan, Norway, the Republic of Korea, the Russian Federation and the United States of America as documents WIPO/GRTKF/IC/26/7, WIPO/GRTKF/IC/27/8 and WIPO/GRTKF/IC/28/9, respectively. The co-sponsors of documents WIPO/GRTKF/IC/26/7, WIPO/GRTKF/IC/27/8 and WIPO/GRTKF/IC/28/9 have resubmitted this proposal as a working document for this session.

## II. INFORMATION DOCUMENTS FOR THE TWENTY-NINTH SESSION

WIPO/GRTKF/IC/29/INF/1 Prov.: List of Participants

9. A draft list of participants will be circulated at the Twenty-Ninth Session of the Committee.

WIPO/GRTKF/IC/29/INF/2 Rev.: Brief Summary of Documents

10. The present document has been prepared as an informal guide to the Committee's documentation.

WIPO/GRTKF/IC/29/INF/3: Draft Program for the Twenty-Ninth Session

11. In line with the Committee's request at its Tenth Session, this document sets out a suggested program and identifies a 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/29/INF/4: Voluntary Fund for Accredited Indigenous and Local Communities: Information Note on Contributions and Applications for Support

12. 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, as approved by the WIPO General Assembly at its 32<sup>nd</sup> session and subsequently amended by the WIPO General Assembly in September 2010. In particular, it gives information on contributions received or pledged, and actual support provided to representatives of accredited indigenous and local communities.

WIPO/GRTKF/IC/29/INF/5: Information Note for the Panel of Indigenous and Local Communities

13. Following a decision of the Committee at its Seventh Session, each subsequent session of the Committee has commenced with a panel chaired by a member of an indigenous community. The panel has been held at the commencement of the previous 21 sessions of the Committee. On each occasion, representatives of indigenous and local communities gave presentations on a specific theme related to the IGC's negotiations. The presentations are available on WIPO's site at: <http://wipo.int/tk/en/igc/panels.html> and may also be accessed through the Indigenous Portal on the WIPO website. This document sets out the proposed practical arrangements for the panel at the Twenty-Ninth Session of the Committee.

WIPO/GRTKF/IC/29/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

14. 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 may adopt in the margins of the Twenty-Ninth Session of the Committee.

WIPO/GRTKF/IC/29/INF/7: Glossary of Key Terms Related to Intellectual Property and Genetic Resources, Traditional Knowledge and Traditional Cultural Expressions

15. At its Nineteenth Session, "the Committee invited the Secretariat to update the glossaries available in documents WIPO/GRTKF/IC/19/INF/7 ('Glossary of Key Terms Related to Intellectual Property and Traditional Cultural Expressions'), WIPO/GRTKF/IC/19/INF/8 ('Glossary of Key Terms Related to Intellectual Property and Traditional Knowledge') and WIPO/GRTKF/IC/19/INF/9 ('Glossary of Key Terms Related to Intellectual Property and Genetic Resources'), to combine them in a single document and to publish the consolidated glossary as an information document for the next session of the Committee". This document is made available as an updated version of the consolidated glossary for the session.

WIPO/GRTKF/IC/29/INF/8: Report on the Implementation of Cluster C Activities (“Options on Mutually Agreed Terms for Fair and Equitable Benefit-Sharing”)

16. At its Nineteenth Session, “the Committee requested the Secretariat to finalize, and update regularly, as required, the activities referred to in Cluster C (“Options on Mutually-Agreed Terms for Fair and Equitable Benefit-Sharing”) and to provide information thereon to the Committee at each session”. This document is prepared and made available pursuant to this request.

WIPO/GRTKF/IC/29/INF/9: Resources available on the WIPO Traditional Knowledge, Traditional Cultural Expressions and Genetic Resources Website

17. At its Twentieth Session, the Committee invited the Secretariat to produce an information document briefly describing the resources available on the WIPO Traditional Knowledge, Traditional Cultural Expressions and Genetic Resources website as a means to support and enhance the participation of observers in its work. This document provides an update on the resources available on the website.

WIPO/GRTKF/IC/29/INF/10: Technical Review of Key Intellectual Property-Related Issues of the WIPO Draft Instruments on Genetic Resources, Traditional Knowledge and Traditional Cultural Expressions by Professor James Anaya

18. The United Nations Permanent Forum on Indigenous Issues (UNPFII) recommended at its Eleventh Session that “WIPO commission a Technical Review, to be conducted by an indigenous expert, focusing on the draft texts concerning traditional knowledge, genetic resources and traditional culture expressions, and to provide comments thereon to the Intergovernmental Committee through the Forum. The review should be undertaken within the framework of indigenous human rights.” In consultation with the Secretariat of the UNPFII, Professor James Anaya, Professor of Human Rights Law and Policy, University of Arizona, United States of America, was commissioned by the Secretariat of WIPO in 2014 to undertake this technical review under his sole responsibility. Professor Anaya completed his review in 2014 and submitted it to the Secretariat of the UNPFII. On May 28, 2015, the Secretariat of WIPO received a request from the UNPFII Secretariat to submit the technical review undertaken by Professor Anaya to the Committee as an information document. This document is prepared and made available pursuant to this request.

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