

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

Thirty-First Session
Geneva, September 19 to 23, 2016

BRIEF SUMMARY OF DOCUMENTS

Document prepared by the Secretariat

1. The following is a brief summary of the documents prepared or due to be prepared for the Thirty-First Session of the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (the “Committee” or “IGC”) as at August 24, 2016. 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=40386.

I. WORKING DOCUMENTS FOR THE THIRTY-FIRST SESSION

WIPO/GRTKF/IC/31/1 Prov. 3: Draft Agenda

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/31/2: 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/31/3: 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. The required information note providing details of contributions received and beneficiaries is circulated in parallel as document WIPO/GRTKF/IC/31/INF/4.

WIPO/GRTKF/IC/31/4: The Protection of Traditional Knowledge: Draft Articles

5. At its Twenty-Seventh Session, which took place in Geneva, from March 24 to April 4, 2014, the IGC developed, on the basis of document WIPO/GRTKF/IC/27/4, a further text, “The Protection of Traditional Knowledge: Draft Articles Rev. 2”. The text was made available to the Twenty-Eighth Session of the IGC as document WIPO/GRTKF/IC/28/5 and was transmitted to the 2014 General Assembly as Annex B to document WO/GA/46/6. There was no decision on the IGC during the 2014 General Assembly. The same document was submitted to the 2015 General Assembly as Annex B to document WO/GA/47/12. The WIPO General Assembly in 2015 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/31/4 has been prepared for this session pursuant to this decision.

WIPO/GRTKF/IC/31/5: 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, Twenty-Eighth, Twenty-Ninth and Thirtieth 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, WIPO/GRTKF/IC/28/7, WIPO/GRTKF/IC/29/5 and WIPO/GRTKF/IC/30/6, respectively. The co-sponsors have resubmitted this joint recommendation as a working document for this session.

WIPO/GRTKF/IC/31/6: 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, Twenty-Eighth, Twenty-Ninth and Thirtieth 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, WIPO/GRTKF/IC/28/8, WIPO/GRTKF/IC/29/6 and WIPO/GRTKF/IC/30/7, respectively. The co-sponsors have resubmitted this joint recommendation as a working document for this session.

WIPO/GRTKF/IC/31/7: 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, Twenty-Eighth, Twenty-Ninth and Thirtieth 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, WIPO/GRTKF/IC/28/9, WIPO/GRTKF/IC/29/7 and WIPO/GRTKF/IC/30/8, respectively. The co-sponsors of documents WIPO/GRTKF/IC/26/7, WIPO/GRTKF/IC/27/8, WIPO/GRTKF/IC/28/9 and WIPO/GRTKF/IC/29/7 have resubmitted this proposal as a working document for this session.

WIPO/GRTKF/IC/31/8: The Declaration of the Source of Genetic Resources and Traditional Knowledge in the Swiss Patent Act and Related Swiss Regulations on Genetic Resources – Submission by Switzerland in Response to Document WIPO/GRTKF/IC/30/9

9. The Delegation of Switzerland requested to submit a document entitled “The Declaration of the Source of Genetic Resources and Traditional Knowledge in the Swiss Patent Act and Related Swiss Regulations on Genetic Resources – Submission by Switzerland in Response to Document WIPO/GRTKF/IC/30/9” as a working document for the Thirty-First Session of the IGC. Pursuant to this request, this document has been prepared.

WIPO/GRTKF/IC/31/9: Proposal for the Terms of Reference for a Study

10. The Permanent Delegation of the European Union in Geneva, on behalf of the European Union and its Member States, requested to submit a document entitled “Proposal for the terms of reference for a study” as a working document to the Thirty-First Session of the IGC. Pursuant to this request, this document has been prepared.

II. INFORMATION DOCUMENTS FOR THE THIRTY-FIRST SESSION

WIPO/GRTKF/IC/31/INF/1 Prov.: List of Participants

11. A draft list of participants will be circulated at the Thirty-First Session of the Committee.

WIPO/GRTKF/IC/31/INF/2 Rev. 2: Brief Summary of Documents

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

WIPO/GRTKF/IC/31/INF/3 Rev.: Draft Program for the Thirty-First Session

13. 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/31/INF/4: Voluntary Fund for Accredited Indigenous and Local Communities: Information Note on Contributions and Applications for Support

14. 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 32nd 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/31/INF/5: Information Note for the Panel of Indigenous and Local Communities

15. 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 23 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>. This document sets out the proposed practical arrangements for the panel at the Thirty-First Session of the Committee.

WIPO/GRTKF/IC/31/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

16. 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 Thirty-First Session of the Committee.

WIPO/GRTKF/IC/31/INF/7: Glossary of Key Terms Related to Intellectual Property and Genetic Resources, Traditional Knowledge and Traditional Cultural Expressions

17. 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/31/INF/8: List of References for Resources Relevant to Traditional Knowledge, Traditional Cultural Expressions and Genetic Resources

18. At its Twenty-Ninth Session, the IGC decided that “[w]ith regard to resources that Committee participants may wish to use as reference materials in their preparations for Committee sessions: [...] Member States and observers are invited to send to the Secretariat by March 31, 2016 references for any other resources that may be relevant for Committee participants as reference materials, and the Secretariat shall communicate a list of such references, as provided, to the Thirtieth Session of the Committee in an information document.” Pursuant to this decision, some Member States and observers have sent submissions to the Secretariat. After the Thirtieth Session of the IGC, the Secretariat recalled the decision and invited participants to make further submissions before August 18, 2016. This document includes all the submissions as provided in the languages in which they have been received since the Twenty-Ninth Session of the IGC.

WIPO/GRTKF/IC/31/INF/9: 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

19. 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. Pursuant to the request above, the technical review was made available for the Twenty-Ninth and Thirtieth Sessions of the IGC as an information document. Document WIPO/GRTKF/IC/31/INF/9 containing the same technical review has also been prepared for this session.

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