
ORIGINAL: ENGLISH
DATE: DECEMBER 14, 2018

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

Thirty-Eighth Session
Geneva, December 10 to 14, 2018

DECISIONS OF THE THIRTY-EIGHTH SESSION OF THE COMMITTEE

Adopted by the Committee

DECISION ON AGENDA ITEM 2:

ADOPTION OF THE AGENDA

The Chair submitted the draft agenda circulated as WIPO/GRTKF/IC/38/1 Prov. 3 for adoption and it was adopted.

DECISION ON AGENDA ITEM 3:

ADOPTION OF THE REPORT OF THE THIRTY-SIXTH SESSION

The Chair submitted the draft report of the Thirty-Sixth Session of the Committee (WIPO/GRTKF/IC/36/11 Prov. 2) for adoption and it was adopted.

DECISION ON AGENDA ITEM 4:

ADOPTION OF THE REPORT OF THE THIRTY-SEVENTH SESSION

The Chair submitted the draft report of the Thirty-Seventh Session of the Committee (WIPO/GRTKF/IC/37/17 Prov. 2) for adoption and it was adopted.

DECISION ON AGENDA ITEM 5:

ACCREDITATION OF CERTAIN ORGANIZATIONS

The Committee unanimously approved the accreditation of the following three organizations as *ad hoc* observers: *Association pour la défense des droits des malades mentaux* (A.D.D.M.M); *Association pour la promotion des droits humains et le développement* (APDHD); and Wakatū Incorporation.

DECISION ON AGENDA ITEM 6:

PARTICIPATION OF INDIGENOUS AND LOCAL COMMUNITIES

The Committee took note of documents WIPO/GRTKF/IC/38/3 Rev., WIPO/GRTKF/IC/38/INF/4 and WIPO/GRTKF/IC/38/INF/6.

The Committee strongly encouraged and called upon members of the Committee and all interested public and private entities to contribute to the WIPO Voluntary Fund for Accredited Indigenous and Local Communities.

Recalling the Decisions of the Fiftieth Session of the WIPO General Assembly, the Committee also encouraged members of the Committee to consider other alternative funding arrangements.

The Chair proposed, and the Committee elected by acclamation, the following eight members of the Advisory Board to serve in an individual capacity: Mr. Kamal Bin Kormin, Assistant Director General, Technical, Science and Technology Department, Intellectual Property Corporation of Malaysia (MyIPO), Ministry of Domestic Trade and Consumer Affairs, Malaysia; Mr. Q'apaj Conde Choque, Representative, *Centro de Estudios Multidisciplinarios – Aymara* (CEM-Aymara), Plurinational State of Bolivia; Ms. June Lorenzo, Representative, International Indian Treaty Council, United States of America; Ms. Paola Moreno Latorre, Advisor, Economic, Social and Environmental Affairs Directorate, Ministry of Foreign Affairs, Colombia; Ms. Susan

Noe, Representative, Native American Rights Fund, United States of America; Ms. Shumikazi Pango, Expert, Ministry of Science and Technology, South Africa; Ms. Renata Rinkauskiene, Counsellor, Permanent Mission of Lithuania, Geneva; and Ms. Aurelia Schultz, Counsel, Office of Policy and International Affairs, Copyright Office, United States of America.

The Chair of the Committee nominated Mr. Faizal Chery Sidharta, Vice-Chair of the Committee, to serve as Chair of the Advisory Board.

DECISION ON AGENDA ITEM 7:

REPORTING ON THE AD HOC *EXPERT GROUP ON TRADITIONAL KNOWLEDGE AND TRADITIONAL CULTURAL EXPRESSIONS*

The Committee took note of the oral reports from the Co-Chairs of the *ad hoc expert group on traditional knowledge and traditional cultural expressions*, Ms. Marisella Ouma (Intellectual Property Consultant, Kenya) and Mr. Michael Shapiro (Senior Counsel, Office of Policy and International Affairs, United States Patent and Trademark Office).

DECISION ON AGENDA ITEM 8:

TRADITIONAL KNOWLEDGE/TRADITIONAL CULTURAL EXPRESSIONS

The Committee developed, on the basis of document WIPO/GRTKF/IC/38/4, a further text, “The Protection of Traditional Knowledge: Draft Articles Rev. 2”, and on the basis of document WIPO/GRTKF/IC/38/5, a further text, “The Protection of Traditional Cultural Expressions: Draft Articles Rev. 2”. The Committee decided that these texts, as at the close of this agenda item on December 14, 2018, be transmitted to the Thirty-Ninth Session of the Committee, in accordance with the Committee’s mandate for 2018-2019 and the work program for 2018, as contained in document WO/GA/49/21.

The Committee took note of and held discussions on documents WIPO/GRTKF/IC/38/6, WIPO/GRTKF/IC/38/7, WIPO/GRTKF/IC/38/8, WIPO/GRTKF/IC/38/9, WIPO/GRTKF/IC/38/10, WIPO/GRTKF/IC/38/11, WIPO/GRTKF/IC/38/12, WIPO/GRTKF/IC/38/13, WIPO/GRTKF/IC/38/14, WIPO/GRTKF/IC/38/15 and WIPO/GRTKF/IC/38/INF/7.

The Committee agreed that a meeting of an *ad hoc* expert group on traditional knowledge and traditional cultural expressions be organized prior to the Thirty-Ninth Session of the Committee instead of prior to the Fortieth Session of the Committee, following the same arrangements *mutatis mutandis* as agreed at the Thirty-Seventh Session of the Committee under Agenda Item 6. The Committee agreed that the meeting will therefore take place on Sunday, March 17, 2019 at WIPO Headquarters in Geneva, in Room NB 0.107, from 09h00 to 16h30.

DECISION ON AGENDA ITEM 9:

ANY OTHER BUSINESS

There was no discussion under this item.

DECISION ON AGENDA ITEM 10:

CLOSING OF THE SESSION

The Committee adopted its decisions on agenda items 2, 3, 4, 5, 6, 7 and 8 on December 14, 2018. It agreed that a draft written report, containing the agreed text of these decisions and all interventions made to the Committee, would be prepared and circulated by February 15, 2019. Committee participants would be invited to submit written corrections to their interventions as included in the draft report before a final version of the draft report would then be circulated to Committee participants for adoption at the Thirty-Ninth Session of the Committee.

[End of document]