

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

**Forty-First Session**  
**Geneva, October 19 to 23, 2020**

### **BRIEF SUMMARY OF DOCUMENTS**

*Document prepared by the Secretariat*

#### **I. WORKING DOCUMENTS FOR THE FORTY-FIRST SESSION**

1. The following is a brief summary of the documents prepared for the Forty-First Session of the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (the “Committee” or “IGC”) as at October 1, 2020. Each of these documents, as well as any additional documents, will be posted as soon as they are finalized at: [https://www.wipo.int/meetings/en/details.jsp?meeting\\_id=55246](https://www.wipo.int/meetings/en/details.jsp?meeting_id=55246).

#### WIPO/GRTKF/IC/41/1 Prov: Draft Agenda for the Forty-First 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/41/2: Accreditation of Certain Organizations

3. This document sets out the names, contact details and aims and objectives of the 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/41/3: 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/41/INF/4.

WIPO/GRTKF/IC/41/4: Consolidated Document Relating to Intellectual Property and Genetic Resources

5. At its Thirty-Sixth Session, which took place from June 15 to 29, 2018, the IGC decided to transmit the text in the annex to document WIPO/GRTKF/IC/36/4 to the Fortieth Session of the Committee, in accordance with the Committee’s mandate for 2018-2019 and the work program for 2019, as contained in document WO/GA/49/21. The text was made available to the Fortieth Session of the Committee as document WIPO/GRTKF/IC/40/6 and was transmitted to the 2019 General Assembly as Annex III to document WO/GA/51/12. The WIPO General Assembly in 2019 took note of document WO/GA/51/12, including its annexes, and decided that the Committee will “continue to expedite its work, with the objective of finalizing 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 genetic resources (GRs), traditional knowledge (TK) and traditional cultural expressions (TCEs)”, and “use all WIPO working documents, including WIPO/GRTKF/IC/40/6, WIPO/GRTKF/IC/40/18 and WIPO/GRTKF/IC/40/19, [...] as well as other contributions of Member States, [...] and outputs of any expert group(s) established by the Committee and related activities conducted under Program 4”. Document WIPO/GRTKF/IC/41/4 has been prepared for this session pursuant to this decision.

WIPO/GRTKF/IC/41/5: Chair’s Text of a *Draft International Legal Instrument Relating to Intellectual Property, Genetic Resources and Traditional Knowledge Associated with Genetic Resources*

6. In April 2019, Mr. Ian Goss, the Chair of the IGC for the 2018-2019 biennium, prepared a text of a *Draft International Legal Instrument Relating to Intellectual Property, Genetic Resources and Traditional Knowledge Associated with Genetic Resources*, for the consideration of the IGC. At its Fortieth Session, the Committee decided to include it as a working document of the Committee as a Chair’s Text. Pursuant to that decision, document WIPO/GRTKF/IC/41/5 has been prepared for this session.

WIPO/GRTKF/IC/41/6: Report on the Compilation of Materials on Databases Relating to Genetic Resources and Associated Traditional Knowledge

7. The WIPO General Assembly in 2017 requested the Secretariat to “produce a report(s) compiling and updating studies, proposals and other materials relating to tools and activities on databases and on existing disclosure regimes relating to GR and associated TK, with a view to identify any gaps.” Pursuant to this decision, document WIPO/GRTKF/IC/35/5 was prepared for the Thirty-Fifth Session of the Committee, and WIPO/GRTKF/IC/36/5, WIPO/GRTKF/IC/37/8 Rev., WIPO/GRTKF/IC/38/8, WIPO/GRTKF/IC/39/8 and

WIPO/GRTKF/IC/40/9 were prepared with a few updates for the Thirty-Sixth, Thirty-Seventh, Thirty-Eighth, Thirty-Ninth and Fortieth Sessions of the Committee. The same document with a few updates has been re-issued as document WIPO/GRTKF/IC/41/6.

WIPO/GRTKF/IC/41/7: Report on the Compilation of Materials on Disclosure Regimes Relating to Genetic Resources and Associated Traditional Knowledge

8. The WIPO General Assembly in 2017 requested the Secretariat to “produce a report(s) compiling and updating studies, proposals and other materials relating to tools and activities on databases and on existing disclosure regimes relating to GR and associated TK, with a view to identify any gaps.” Pursuant to this decision, document WIPO/GRTKF/IC/35/6 was prepared for the Thirty-Fifth Session of the Committee, and WIPO/GRTKF/IC/36/6, WIPO/GRTKF/IC/37/9, WIPO/GRTKF/IC/38/9, WIPO/GRTKF/IC/39/9 and WIPO/GRTKF/IC/40/10 were prepared with a few updates for the Thirty-Sixth, Thirty-Seventh, Thirty-Eighth, Thirty-Ninth and Fortieth Sessions of the Committee. The same document with a few updates has been re-issued as document WIPO/GRTKF/IC/41/7.

WIPO/GRTKF/IC/41/8: The Economic Impact of Patent Delays and Uncertainty: U.S. Concerns about Proposals for New Patent Disclosure Requirements

9. During the Thirty-Sixth Session of the IGC, which took place in June 2018, the Delegation of the United States of America made available “The Economic Impact of Patent Delays and Uncertainty: U.S. Concerns about Proposals for New Patent Disclosure Requirements”. This was contained in document WIPO/GRTKF/IC/36/10. The document was resubmitted to the Thirty-Seventh Session of the Committee as document WIPO/GRTKF/IC/37/15. The Delegation resubmitted the updated document to the Thirty-Eighth, Thirty-Ninth and Fortieth Sessions as documents WIPO/GRTKF/IC/38/15, WIPO/GRTKF/IC/39/10 and WIPO/GRTKF/IC/40/11, respectively. The Delegation has resubmitted the same document as a working document for this session.

WIPO/GRTKF/IC/41/9: Joint Recommendation on Genetic Resources and Associated Traditional Knowledge

10. 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 to the Twenty-Third, Twenty-Fourth, Twenty-Sixth, Twenty-Seventh, Twenty-Eighth, Twenty-Ninth, Thirtieth, Thirty-First, Thirty-Second, Thirty-Fourth, Thirty-Fifth, Thirty-Sixth, Thirty-Seventh, Thirty-Eight, Thirty-Ninth and Fortieth 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, WIPO/GRTKF/IC/30/6, WIPO/GRTKF/IC/31/5, WIPO/GRTKF/IC/32/6, WIPO/GRTKF/IC/34/9, WIPO/GRTKF/IC/35/7, WIPO/GRTKF/IC/36/7, WIPO/GRTKF/IC/37/12, WIPO/GRTKF/IC/38/10, WIPO/GRTKF/IC/39/13 and WIPO/GRTKF/IC/40/15, respectively. The Delegations of Japan, Norway, the Republic of Korea and the United States of America have resubmitted this joint recommendation as a working document for this session.

WIPO/GRTKF/IC/41/10: Joint Recommendation on the Use of Databases for the Defensive Protection of Genetic Resources and Traditional Knowledge Associated with Genetic Resources

11. 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, Thirtieth, Thirty-First, Thirty-Second, Thirty-Fourth, Thirty-Fifth, Thirty-Sixth, Thirty-Seventh, Thirty-Eighth, Thirty-Ninth and Fortieth 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, WIPO/GRTKF/IC/30/7, WIPO/GRTKF/IC/31/6, WIPO/GRTKF/IC/32/7, WIPO/GRTKF/IC/34/10, WIPO/GRTKF/IC/35/8, WIPO/GRTKF/IC/36/8, WIPO/GRTKF/IC/37/13, WIPO/GRTKF/IC/38/11, WIPO/GRTKF/IC/39/14 and WIPO/GRTKF/IC/40/16, respectively. The co-sponsors have resubmitted this joint recommendation as a working document for this session.

WIPO/GRTKF/IC/41/11: 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

12. 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, Thirtieth, Thirty-First, Thirty-Second, Thirty-Fourth, Thirty-Fifth, Thirty-Sixth, Thirty-Seventh, Thirty-Eighth, Thirty-Ninth and Fortieth 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, WIPO/GRTKF/IC/30/8, WIPO/GRTKF/IC/31/7, WIPO/GRTKF/IC/32/8, WIPO/GRTKF/IC/34/11, WIPO/GRTKF/IC/35/9, WIPO/GRTKF/IC/36/9, WIPO/GRTKF/IC/37/14, WIPO/GRTKF/IC/38/12, WIPO/GRTKF/IC/39/15 and WIPO/GRTKF/IC/40/17, respectively. The co-sponsors of documents WIPO/GRTKF/IC/26/7, WIPO/GRTKF/IC/27/8, WIPO/GRTKF/IC/28/9, WIPO/GRTKF/IC/29/7, WIPO/GRTKF/IC/30/8, WIPO/GRTKF/IC/31/7, WIPO/GRTKF/IC/32/8, WIPO/GRTKF/IC/34/11, WIPO/GRTKF/IC/35/9, WIPO/GRTKF/IC/36/9, WIPO/GRTKF/IC/37/14, WIPO/GRTKF/IC/38/12, WIPO/GRTKF/IC/39/15 and WIPO/GRTKF/IC/40/17 have resubmitted this proposal as a working document for this session.

WIPO/GRTKF/IC/41/12: An International Disclosure of Source Requirement for Genetic Resources and Associated Traditional Knowledge in Patent Applications – A Contribution to the Evidence-Based Approach

13. The Delegation of Switzerland has submitted a document, entitled “An International Disclosure of Source Requirement for Genetic Resources and Associated Traditional Knowledge in Patent Applications – A Contribution to the Evidence-Based Approach” as a working document for this session.

## II. INFORMATION DOCUMENTS FOR THE FORTY-FIRST SESSION

### WIPO/GRTKF/IC/41/INF/1: List of Participants

14. A draft list of participants will be circulated at the Forty-First Session of the Committee.

### WIPO/GRTKF/IC/41/INF/2: Brief Summary of Documents

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

### WIPO/GRTKF/IC/41/INF/3: Draft Program for the Forty-First Session

16. 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/41/INF/4: Voluntary Fund for Accredited Indigenous and Local Communities: Information Note on Contributions and Applications for Support

17. 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 Thirty-Second 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/41/INF/5: Information Note for the Panel of Indigenous and Local Communities

18. 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 33 sessions of the Committee. On each occasion, representatives of indigenous peoples and local communities gave presentations on a specific theme related to the IGC's negotiations. The presentations are available on WIPO's site at: <https://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 Forty-First Session of the Committee.

### WIPO/GRTKF/IC/41/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

19. 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 Forty-First Session of the Committee.

WIPO/GRTKF/IC/41/INF/7: Glossary of Key Terms Related to Intellectual Property and Genetic Resources, Traditional Knowledge and Traditional Cultural Expressions

20. 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 in the same version of the consolidated glossary for the session.

WIPO/GRTKF/IC/41/INF/8: Report on the Compilation of Information on National and Regional *Sui Generis* Regimes for the Intellectual Property Protection of Traditional Knowledge and Traditional Cultural Expressions

21. The WIPO General Assembly in 2019 requested the WIPO Secretariat to “continue to collect, compile and make available online information on national and regional *sui generis* regimes for the intellectual property protection of TK and TCEs”. Pursuant to this decision, this document provides a report on the compilation of information on national and regional *sui generis* regimes for the intellectual property protection of TK and TCEs.

WIPO/GRTKF/IC/41/INF/9: Resources Available on the WIPO Traditional Knowledge, Traditional Cultural Expressions and Genetic Resources Website

22. 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/41/INF/10: Update of the Technical Review of Key Intellectual Property-Related Issues of the WIPO Draft Instruments on Genetic Resources, Traditional Knowledge and Traditional Cultural Expressions Within the Framework of Indigenous Human Rights

23. At its Fortieth Session, the Committee requested the Secretariat to commission, within existing resources, the updating by an indigenous expert of the Technical Review of Key Intellectual Property-related Issues of the WIPO Draft Instruments on Genetic Resources, Traditional Knowledge and Traditional Cultural Expressions (“the Technical Review”), submitted to the Committee as an information document during the Twenty-Ninth Session of the Committee. Ms. Neva Collings, Board Director, NSW Aboriginal Housing Office, Department of Family and Community Services, New Zealand, and Mr. Elifuraha Laltaika, Senior Lecturer and Director, Research Tumaini University Makumira, Tanzania, were commissioned to update the Technical Review. This document provides an updated version of the Technical Review.

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