

WIPO IGC 43 – INDIGENOUS CAUCUS OPENING STATEMENT
May 30, 2022

Thank you, Madam Chair,

I am speaking on behalf of the Indigenous Caucus. We would like to congratulate you on your appointment as Chair of the IGC. We are certain that, during your mandate, Indigenous Peoples' matters will be reflected in your recommendations.

We reaffirm that Indigenous Peoples' rights are linked to the human and collective rights of our peoples, including our sacred connection with our lands, territories, and resources, and the transmission of ancestral knowledge and spirituality.

At this session of the IGC, we urge States to respect the call of the UN Permanent Forum and other UN mechanisms to implement the United Nations Declaration on the Rights of Indigenous Peoples, in order to achieve the goals of the Declaration in harmony with the international legal frameworks. In this regard, we stress that Indigenous Peoples are not mere stakeholders, but sovereign rights holders.

Last month, the Permanent Forum made express statements at its 21st session regarding the need to support more Indigenous participation in WIPO and the IGC. To this end, we thank those states that have supported the Voluntary Fund. In 2019 the Permanent Forum recommended that WIPO utilize funds from its core budget to address the ongoing need for effective Indigenous participation. We continue to support this recommendation.

We stress that the objective and subject matter of the instrument(s), we will address this week, not be limited to the protection of genetic resources and traditional knowledge in the patent system, but also in the other fields related to intellectual property rights. We believe the instrument should encompass derivatives and digital sequence information. The review approach (reflected in the Chair's text, Article 9), that would require parties to review the instrument's scope and applicability to derivatives and other new and emerging technologies within four years after the instrument's adoption is a good way to move the negotiations forward.

We recommend that patent reviews not be limited to compliance of the 3 universal enforceable requirements, but also to the compliance requirement of legal access to traditional knowledge with regards to free, prior and informed consent of Indigenous Peoples and local communities, as well as the disclosure of origin of genetic resources and Associated TKs.

We highlight the progress made in preventative measures and sanctions against knowledge misappropriation and we emphasize the need for long-term protection to safeguard our knowledge.

We strongly recommend that the Committee implement a working group on databases and information systems to develop recommendation for this Committee, with the full and effective participation of Indigenous Peoples. We agree that databases are may be helpful as a complimentary measure, but without adequate and appropriate protections, there is increased risk of misappropriation, misuse and harm to Indigenous Peoples. At IGC 42, we outlined three guiding principles for the development of safeguards for databases and information systems: 1) free, prior and informed consent; 2) “do no harm,” and; 3) Right to Access/Remove/Correct information. If unpublished Traditional Knowledge is added to databases and information systems, it must be done with the free, prior, and informed, consent of Indigenous Peoples.