IGC Special Session and Preparatory Committee of the Diplomatic Conference
Informal Information Session

Presentation by the Traditional Knowledge Division and the Office of the Legal Counsel
August 29, 2023
Welcome and Introduction

Mr. Wend Wendland
Director, Traditional Knowledge Division
IGC Special Session
September 4-8, 2023

Like any other IGC session: same Chair and Bureau; TK Division is the Secretariat

Text of a draft international legal instrument – document WIPO/GRTKF/IC/SS/GE/23/2 (former document 43/5)

Purpose: “. . . to further close any existing gaps to a sufficient level”

Any “agreements” reached reported to the Preparatory Committee which will incorporate such in the Basic Proposal

One submission received: India

Preparatory Committee
September 11-13, 2023, Geneva

Own rules of procedure, Chair and Bureau: OLC is the Secretariat

Purpose: “. . . to establish the necessary modalities of the DipCon”

such as, draft Rules of Procedure; invitees; invitation letters; venue and dates; administrative and final clauses of the Basic Proposal

And - incorporate in the Basic Proposal any “agreements” that are reached in the Special Session
Program

1. Practical and Logistical Arrangements for the IGC Special Session and the Preparatory Committee of the Diplomatic Conference
2. Introduction to Patent Disclosure Requirements for Genetic Resources and Associated Traditional Knowledge and to Document WIPO/GRTKF/IC/SS/GE/23/2
3. Presentation on the Report on Virtual Activities Decided by the Forty-Third Session of the Committee
4. Introduction to the Documents for the Preparatory Committee of the Diplomatic Conference
5. Discussion and Closing Remarks
Practical and Logistical Arrangements for the IGC Special Session and the Preparatory Committee of the Diplomatic Conference

Ms. Tana McCauley
Associate Program Officer, Traditional Knowledge Division
Key Elements of the 2022 General Assembly’s Decision

- In July 2022, the WIPO General Assembly decided to convene a Diplomatic Conference to conclude an International Legal Instrument Relating to Intellectual Property, Genetic Resources and Traditional Knowledge Associated with Genetic Resources.

- The WIPO GA decided to:
  - hold the Diplomatic Conference no later than 2024.
  - base the Diplomatic Conference *inter alia* on the Draft Text.
  - convene an IGC Special Session and a Preparatory Committee in the second half of 2023.
Diplomatic Conference Timeline

**2022**
- July 21: GA decision on the Diplomatic Conference on Genetic Resources and Associated Traditional Knowledge

**2023**
- September 4 to 8: IGC Special Session
- September 11 to 13: Preparatory Committee on the Diplomatic Conference

**2024**
- Date TBC: Diplomatic Conference on Genetic Resources and Associated Traditional Knowledge
IGC Special Session and Preparatory Committee
Logistics

- Hybrid

- Physical attendance: no limited number per delegation (registration required)
- Virtual attendance: via Zoom (registration required)

- Meeting hours: 10h00-13h00 and 15h00-18h00 (CET)
IGC Bureau for 2022-2023

IGC Chair
- Ms. Lilyclaire Bellamy of Jamaica

IGC Vice-Chairs
- Mr. Jukka Liedes of Finland
- Mr. Yonah Seleti of South Africa
- Mr. Felipe Cariño of the Philippines
Draft Agenda of the IGC Special Session
(WIPO/GRTKF/IC/SS/GE/23/1 Prov.)

1. Opening of the Session
2. Adoption of the Agenda
3. Participation of Indigenous Peoples and Local Communities
   - Update on the Operation of the Voluntary Fund
4. Genetic Resources
5. Adoption of a Report to the Preparatory Committee of the Diplomatic
   Conference to Conclude an International Legal Instrument Relating to
   Intellectual Property, Genetic Resources and Traditional Knowledge
   Associated with Genetic Resources
6. Any Other Business
7. Closing of the Session
Draft Agenda of the Preparatory Committee
(GRATK/PM/1 Prov.)

1. Opening of the Meeting
2. Election of a Chair and two Vice-Chairs
3. Adoption of the Agenda
4. Decisions of the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC) Special Session
5. Draft Final Clauses for the Instrument to be considered by the Diplomatic Conference
7. List of States and Observers to be invited to the Diplomatic Conference and the texts of the Draft Letters of Invitation
8. Agenda, Dates and Venue of the Diplomatic Conference
9. Adoption of the Report
10. Closing of the Session
Indigenous Participation in the IGC Special Session

Indigenous Consultative Forum

- Not a formal committee session or official WIPO meeting, but endorsed by the Committee and facilitated by the Secretariat
- Two-day meeting on September 2 and 3, 2023

WIPO Voluntary Fund

- 4 funded participants at the IGC Special Session
- There will be no Advisory Board Meeting during the IGC Special Session
Additional Resources (1)

Diplomatic Conference on Intellectual Property and Genetic Resources

On July 21, 2022, the WIPO General Assembly decided to convene a Diplomatic Conference to conclude an International Legal Instrument Relating to Intellectual Property, Genetic Resources and Traditional Knowledge Associated with Genetic Resources no later than 2024.

The Diplomatic Conference will be preceded by a Special Session of the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore from September 4 to 8, 2023 and by the Preparatory Committee of the Diplomatic Conference from September 11 to 13, 2023.

- WIPO General Assembly Decision on the Diplomatic Conference
- Text of a Draft International Legal Instrument Relating to Intellectual Property, Genetic Resources and Traditional Knowledge Associated with Genetic Resources
- Executive Summary: Draft Text on Genetic Resources and Associated Traditional Knowledge
- Consolidated Document: Relating to Intellectual Property and Genetic Resources
- Diplomatic Conference Timeline

Additional Resources (2)

Disclosure Requirements Table and other resources available at https://www.wipo.int/tk/en/resources/publications.html
Presentation on the Report on Virtual Activities Decided by the Forty-Third Session of the Committee (WIPO/GRTKF/IC/SS/GE/23/INF/2)

Ms. Fei Jiao
Program Officer, Traditional Knowledge Division
IGC 43 Decisions

- *ad hoc* virtual meetings of experts on possible disclosure requirements

- virtual technical meetings on information systems, registers and databases of genetic resources, traditional knowledge and traditional cultural expressions

- online survey on information systems, registers and databases of genetic resources, traditional knowledge and traditional cultural expressions
### Surveys, Key Issues, Gap Analyses and Consultations

**Surveys**

The SGC decided to launch an online survey on information systems, registers and databases of genetic resources, traditional knowledge and traditional cultural expressions. Member States and accredited observers are invited to respond to the survey by May 2, 2023, if they so wish. The results can be found below.

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Virtual expert meetings on information system

- Textual proposals on GRs, TK and TCEs texts
  - Article 7 of the Text of a Draft International Legal Instrument relating to Intellectual Property, Genetic Resources and Traditional Knowledge associated with Genetic Resources

- Establishment of a Subsidiary Technical Task Force to further address the technical, legal and operational issues relating to information systems
Virtual expert meetings on patent disclosure requirements

Recommendation and textual proposals on the Text of a Draft International Legal Instrument relating to Intellectual Property, Genetic Resources and Traditional Knowledge associated with Genetic Resources

- Article 2
- Article 3
- Article 6
- Article 7
- Article 8
Introduction to the Documents for the Preparatory Committee of the Diplomatic Conference

Ms. Christine Castro Hublin
Head, Legal and Constitutional Affairs Section, Office of the Legal Counsel
Draft Rules of Procedure of the Diplomatic Conference

(GRATK/PM/3)

Chapter I: Objective, Competence, Composition and Secretariat of the Conference

Chapter II: Representation

Chapter III: Committees and Working Groups

Chapter IV: Officers

Chapter V: Conduct of Business

Chapter VI: Voting

Chapter VII: Languages and Minutes

Chapter VIII: Open and Closed Meetings

Chapter IX: Observer Delegations and Observers

Chapter X: Amendments to the Rules of Procedure

Chapter XI: Final Act
List of Invitees to the Diplomatic Conference and the Texts of the Draft Letters of Invitation

GRATK/PM/4
Draft Administrative Provisions and Final Clauses for the Instrument to be Considered by the Diplomatic Conference
(GRATK/PM/2)

- The draft administrative provisions and final clauses are modeled on the corresponding provisions of WIPO Treaties and take into account Articles 10 to 20 in document WIPO/GRTKF/IC/43/5
- The draft administrative provisions and final clauses will be considered and approved by the Preparatory Committee for further consideration by the Diplomatic Conference
Draft Administrative Provisions and Final Clauses for the Instrument to be Considered by the Diplomatic Conference

Article 10: General Principles on Implementation
Article 11: Assembly
Article 12: International Bureau
Article 13: Eligibility to Become a Party
Article 14: Ratification and Accession
Article 15: Revision
Article 17: Signature

Article 18: Entry into Force
Article 19: Effective Date to Become a Party
Article 20: Denunciation
Article 21: Reservations
Article 22: Languages
Article 23: Depositary
Discussion and Closing Remarks

Ms. Anna Morawiec Mansfield
Legal Counsel, Office of the Legal Counsel