



**WIPO/GRTKF/IWG/1/2
ORIGINAL: ENGLISH
DATE : JULY 23, 2010**

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

First Intersessional Working Group

Geneva, July 19 to 23, 2010

SUMMARY REPORT OF THE FIRST INTERSESSIONAL WORKING GROUP

prepared by the Secretariat

Agenda Item 1: Opening of the session

1. The session was opened by Mr. Johannes Christian Wichard, Deputy Director General, on behalf of the Director General, Mr. Francis Gurry.
2. Mr. Wend Wendland (WIPO) acted as Secretary to the First Intersessional Working Group (IWG1).

Agenda Item 2: Election of officers

3. Mrs. Savitri Suwansathit (Thailand) was elected Chair and Mrs. Ndeye Abibatou Youm Diabe Siby (Senegal), Mr. Norman Bowman (Australia), Ms. Vladia Borissova (Bulgaria) and Mr. Eduardo Tempone (Argentina) were elected Vice-chairs of IWG 1.

Agenda Item 3: Adoption of the Agenda

4. IWG 1 adopted the draft agenda (WIPO/GRTKF/IWG/1/1 Prov.) as its agenda without modifications.

Agenda Item 4: Traditional cultural expressions/expressions of folklore

5. With reference to document WIPO/GRTKF/IC/17/4 Prov., IWG 1 discussed the issues and articles as follows: objectives and general guiding principles; subject matter of protection (Article 1); beneficiaries/management of rights (Articles 2 and 4); acts of misappropriation/exceptions and limitations/formalities (Articles 3, 5 and 7); term of protection/transitional measures (Articles 6 and 9); sanctions/remedies and exercise of rights (Article 8); relationship with IP protection and other forms of protection, preservation and promotion (Article 10); and, international and regional protection (Article 11). The work program for the session is attached.
6. After extensive and detailed deliberations in the plenary of IWG 1, six informal, open-ended drafting groups were established to further discuss, exchange and consolidate the various views expressed in the plenary, and to propose streamlined text, including options, on each cluster of issues. The work of the informal drafting groups was consolidated and presented to all the experts in the IWG plenary as the advice that the IWG was requested to provide to the IGC. On July 23, 2010, the consolidated drafts as prepared by the informal working groups were commented on by the experts in the IWG 1 plenary and some experts added new options. The drafting proposals, comments and additional options were noted and not adopted as such.
7. IWG 1 identified the need to include definitions/a glossary of key terms in the text and recommends formally that, at its next session, the IGC request the Secretariat to prepare a glossary on the meanings of key terms in WIPO/GRTKF/IC/17/4 Prov. for consideration by the IGC. The IGC is invited to further consider whether or not this glossary could serve as a basis for an additional article including definitions of terms to be inserted within the text. This glossary should draw, as far as possible, from existing United Nations and other international instruments. The IGC is invited to consider whether such a glossary should also be prepared in respect of "traditional knowledge" (with reference to WIPO/GRTKF/IC/17/5 being prepared for the IGC's 17th session), noting that at its

16th session, the IGC has already commissioned a glossary on intellectual property and genetic resources.

8. IWG 1 requested the Secretariat to prepare, for the next session of the IGC:
 - (a) a document (WIPO/GRTKF/IWG/1/3) incorporating the draft articles prepared by the informal drafting groups, as well as the additional comments and options made by the IWG 1 plenary on July 23, 2010 as referred to in 6 above;
 - (b) a record of the deliberations of IWG 1 (WIPO/GRTKF/IWG/1/4), reflecting all comments and proposals made during IWG 1 on the objectives, general guiding principles and substantive articles. Comments and proposals made during IWG 1 would, as far as possible, be attributed to the experts, identified in their personal capacities, who made them. Drafting proposals made by experts from observers would be included as part of the commentary for consideration by Member States.
9. IWG 1 requested that this present document (WIPO/GRTKF/IWG/1/2), to which should be attached the List of Participants of IWG 1, as well as documents WIPO/GRTKF/IWG/3 and WIPO/GRTKF/IWG/4, be submitted for consideration by the IGC at its next session.

Agenda Item 5: Any Other Business

10. There was nothing to report under this item.

Agenda item 6: Adoption of report

11. IWG 1 adopted this report on July 23, 2010.

Agenda item 7: Closing of the session

12. The Chair thanked all the experts for their active participation and dedication and closed the session.

[Annex follows]

Work Program

IWG 1

July 19 to 23, 2010

- a) Monday: Objectives and General Guiding Principles/Subject matter of protection (Article 1)
- b) Tuesday morning: Beneficiaries/Management of Rights (Articles 2 and 4)
- c) Tuesday afternoon and Wednesday morning: Acts of Misappropriation/Exceptions and Limitations/Formalities (Articles 3, 5 and 7)
- d) Wednesday afternoon: Term of Protection/Transitional Measures (Articles 6 and 9)
- e) Thursday morning: Sanctions/Remedies and Exercise of Rights (Article 8) and Relationship with IP Protection and other forms of Protection, Preservation and Promotion (Article 10)
- f) Thursday afternoon: International and Regional Protection (Article 11)
- g) Friday morning: Any Other Business, and preparation and translation of draft report
- h) Friday afternoon: Consideration and adoption of the report

[End of the Annex and document]