

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

Fifty-Second Session
Geneva, March 4 to 13, 2026

PROPOSAL BY THE DELEGATION OF THE UNITED STATES OF AMERICA FOR A QUESTIONNAIRE ON THE USE OF *SUI GENERIS* PROTECTIONS FOR TRADITIONAL KNOWLEDGE AND TRADITIONAL CULTURAL EXPRESSIONS, A SUMMARY REPORT OF RESPONSES RECEIVED, AND A PRESENTATION OF RESULTS

Document prepared by the Secretariat

1. The Annex to this document contains a proposal submitted by the Delegation of the United States of America concerning the preparation and circulation of a questionnaire on the use of *sui generis* protections for traditional knowledge and traditional cultural expressions, as well as the preparation of a summary report of responses received and the presentation of the results thereof.

2. *The Committee is invited to consider the proposal in the Annex to this document.*

[Annex follows]

PROPOSAL SUMMARY

1. The United States of America proposes that the WIPO Secretariat compose and disseminate a questionnaire surveying WIPO Member States on the utilization of their domestically available *sui generis* protections for traditional knowledge (TK) and traditional cultural expressions (TCEs). The proposal also requests the WIPO Secretariat to prepare a summary report of responses to the questionnaire and to present the results of the questionnaire at an IGC meeting. The report and presentation will serve as a compilation of how these *sui generis* systems operate in practice.

Context

2. Over the course of the IGC, WIPO has never focused its attention on the actual use of *sui generis* systems for TK and TCE protection and, in particular, on how such systems function in practice when a TK or TCE holder seeks to use them. That omission is a critical missing piece of the evidence needed to evaluate policy proposals at the IGC. The proposed questionnaire, summary report, and presentation will help fill an information gap and also work to address the requirement in the IGC's mandate that undertake work following "an evidence-based approach with actual examples, including national/regional experiences" and "conducting/updating studies covering, inter alia, examples of national experiences."

The questionnaire followed by a summary report and presentation

3. This proposal envisions a concise questionnaire that seeks to ascertain the operational aspects¹ of *sui generis* systems in existence for the protection of TK and TCEs. Such aspects include instances of compliance with requirements under such systems (e.g., registration of TK and TCEs, recordation of agreements, government approvals), information on the number and details of any adjudications or enforcement outcomes or other forms of dispute resolution occurring under these systems, concrete outcomes delivered by the systems (for TK and TCE holders, governments, interested third parties, and society at large (including commercialization of TK or TCEs)), and financial sustainability (including the costs of administering the systems versus economic benefits generated (e.g., royalties)).

The Secretariat is requested to carry out the following actions:

- Prepare, and issue a circular inviting Member States to complete, the questionnaire;
- Prepare a report summarizing responses received; and
- Present results of the questionnaire for consideration by the IGC at the Fifty-third session of the IGC.

[End of Annex and of document]

¹ Considering preexisting WIPO compilations of the laws for the *sui generis* protection of TK and TCEs, questions should focus on examples of how such laws have been used in practice.