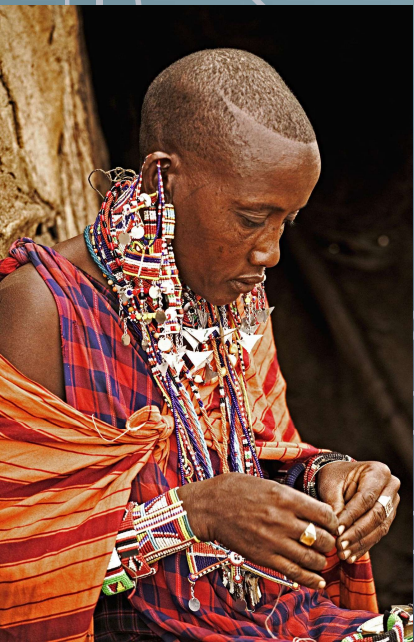




**INFORMATION SESSION OF THE WIPO
INTERGOVERNMENTAL COMMITTEE (IGC 52) ON
INTELLECTUAL PROPERTY AND GENETIC RESOURCES,
TRADITIONAL KNOWLEDGE AND FOLKLORE**

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WHY TK, TCES & GR PROTECTION IS URGENT

Persistent global misappropriation

Digital exploitation without consent

Misuse of associated GRs and traditional knowledge

Need for binding international standards



KENYA'S CONSTITUTIONAL FOUNDATION

Culture and heritage constitutionally protected

Recognition of community rights over TK & TCEs

State duty to safeguard associated GRs

Intergenerational custodianship

LEGISLATIVE & POLICY EVOLUTION



National TK Policy

Sui generis TK & TCE legislation

ABS framework relating to GRs

Multi-agency & county implementation

INTEGRATED APPROACH: TK, TCES & GRS



TK often linked to GR utilization

TCEs reflect embedded traditional knowledge

GR access must respect TK holders

Coherent legal framework required

SCOPE OF PROTECTED TK & TCES



- Oral knowledge systems
- Cultural expressions & performances
- Crafts, textiles & artistic designs
- Knowledge associated with GR use

RIGHTS STRUCTURE FOR TK & TCE'S

- Authorize or deny access and use
- Equitable remuneration
- Prevent distortion or misrepresentation
- Prevent false endorsement



PRIOR INFORMED CONSENT (PIC) FRAMEWORK

- Identification of TK/TCE holders
- Disclosure of intended GR or knowledge use
- Negotiation of access conditions
- Formal consent agreement



MUTUALLY AGREED TERMS (MAT) & ACCESS BENEFIT SHARING AGREEMENT



- Benefit-sharing arrangements
- Monetary & non-monetary benefits
- Conditions determined by communities
- ABS obligations linked to GR utilization

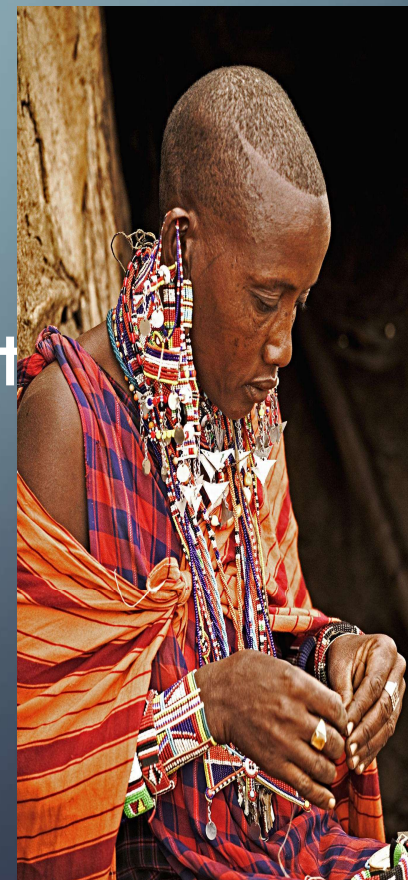
PROTECTION AGAINST MISAPPROPRIATION



- Unauthorized reproduction or use of TK & TCE
- Unlawful patenting involving GR-related TK
- Derogatory or misleading commercial use
- Acquisition of IP without PIC

DURATION OF PROTECTION

- Intergenerational protection
- Not time-limited like conventional IP
- Protection continues while criteria met



ENFORCEMENT MECHANISMS



- Civil and administrative remedies
- Sanctions for misuse of TK & TCEs
- Measures addressing GR-related misappropriation
- Cross-border cooperation required

NEGOTIATIONS ON GENETIC RESOURCES (GRS)



- Disclosure requirements in patent applications
- Link between GRs and associated TK
- Transparency in origin/source
- Prevent erroneous grant of IP rights



NEGOTIATIONS ON TK AND TCES

- International legal instrument discussions
- Recognition of customary law
- Mandatory Prior Informed Consent (PIC) standards
- Effective global enforcement mechanisms

REGIONAL CONTEXT



- Swakopmund Protocol
- African regional solidarity
- Cross-border shared TK, TCEs & GRs

CROSS BORDER COOPERATION



KENYAN MAASAI OR TANZANIAN MAASAI?



KENYA'S NEGOTIATION POSITION



- Adoption of binding instrument
- Clear PIC & ABS obligations
- Disclosure of origin for GRs & TK
- Strong anti-misappropriation standards

ALIGNMENT WITH AFRICAN GROUP

- Equitable benefit-sharing
- Development-oriented approach
- Community-centered framework
- Balanced yet effective international instrument



COMMITMENT TO CULTURAL JUSTICE AND EQUITY



- A commitment to cultural justice and equity means recognizing, protecting, and advancing the rights, identities, traditions, **traditional knowledge, traditional cultural expressions, and associated genetic resources** of all cultural communities—particularly those that have been historically marginalized, excluded, or exploited.



- This commitment affirms that traditions, traditional knowledge systems, traditional cultural expressions, and genetic resources are living assets with cultural, scientific, economic, and spiritual value. They must be safeguarded through appropriate legal protection, prior informed consent, and fair and equitable benefit-sharing mechanisms, ensuring that the communities who preserve and steward them are recognized, respected, and empowered.

KALENJIN MURSIK



KIKUYU TRADITIONAL DANCE





- “Kenya’s experience with medicinal plants such as *Prunus africana*, cultural expressions such as Maasai beadwork, and indigenous livestock breeds demonstrates that Traditional Knowledge, Traditional Cultural Expressions and Genetic Resources are living economic assets requiring enforceable protection.”



- Red Maasai sheep (parasite resistance)
- Indigenous cattle adapted to arid zones
- Climate-resilient breeds
- Bio-innovation potential





HOW THEY LINK TO PURPLE ECONOMY

- These examples show:
- Culture → Creative industries
- TK → Bio-innovation
- GRs → Regulated value chains
- ABS → Equity
- Protection → Investment confidence

IP&LCS: INDIGENOUS PEOPLES AND LOCAL COMMUNITIES

Full recognition of the rights of **Indigenous Peoples and Local Communities (IPLCs)**.

Respecting their ownership and custodianship of traditional knowledge and associated genetic resources,

Upholding the principle of **free, prior, and informed consent (FPIC)**, and

Ensuring fair and equitable benefit-sharing mechanisms that directly support and empower IPLCs.



DoDi – Indigenous Knowledge Innovation Bank (InKiBank)

Repository Modules:

- TK Records
- TCE Archive
- Genetic Resources
- County Registry
- ABS Tracking
- Disclosure Support

Total Records:

13

Counties Covered:

Controlled Access
Levels

ABS Agreements Linked

CALL FOR DECISIVE ACTION



Move

Move beyond soft-law approaches

Ensure

Ensure enforceable standards for TK, TCEs & GRs

Promote

Promote legal certainty in IP system

Protect

Protect cultural dignity and biodiversity

African Group – Strategic Contribution to WIPO IGC



Bridge Builder

Balanced
Global
Outcomes

Practical Models

Legal Clarity

Predictability

Structured Process

Multilateral
Credibility

CONCLUSION



KENYA READY FOR
CONSTRUCTIVE
ENGAGEMENT



SUPPORT CONCLUSION
OF NEGOTIATIONS



COMMITMENT TO
CULTURAL JUSTICE AND
EQUITY



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- THANK YOU!
- ASANTE SANA!

