

**Committee on Trade and Environment
Council for Trade-Related Aspects
of Intellectual Property Rights***

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**THE WIPO INTERGOVERNMENTAL COMMITTEE ON INTELLECTUAL PROPERTY
AND GENETIC RESOURCES, TRADITIONAL KNOWLEDGE AND FOLKLORE
FIRST SESSION, GENEVA, 30 APRIL – 3 MAY 2001**

Submission by the World Intellectual Property Organization (WIPO)

I. INTRODUCTION

1. Since 1998 WIPO has taken an exploratory approach to emerging intellectual property issues related to trade and the environment. Specifically, Main Program 11 of the WIPO Program and Budget, which is entitled 'Global Intellectual Property Issues,' addresses the relationship between the effective protection of intellectual property rights and genetic resources, traditional knowledge and expressions of folklore. A summary of the activities undertaken under this Main Program in 1998-1999 and the 2000-2001 biennia was submitted in a WIPO Statement to the Committee on Trade and Environment, at its meeting on 13-14 February 2001 (WT/CTE/W/182-IP/C/W/242).

2. As an outcome of these activities and extensive discussions about intellectual property and genetic resources among WIPO Member States since September 1999, the WIPO General Assembly, at its 26th Session, held in Geneva from 26 September to 3 October 2000, decided that a distinct body should be established within WIPO to facilitate discussions among Member States on intellectual property issues related to genetic resources, traditional knowledge and expressions of folklore. To this end, the Member States decided to establish an Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore.

3. The Intergovernmental Committee constitutes a forum in which discussions may proceed among Member States on three primary themes: intellectual property issues that arise in the context of: (i) access to genetic resources and benefit-sharing; (ii) protection of traditional knowledge, whether or not associated with those resources; and (iii) the protection of expressions of folklore.

4. The Intergovernmental Committee is open to all Member States of WIPO. As is usual in WIPO bodies, relevant intergovernmental organizations and accredited international and regional non-governmental organizations are invited to participate in an observer capacity.

II. THE INTERGOVERNMENTAL COMMITTEE ON INTELLECTUAL PROPERTY AND GENETIC RESOURCES, TRADITIONAL KNOWLEDGE AND FOLKLORE

5. The WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore held its first session from 30 April to 3 May 2001. The first Session was attended by 102 States members of WIPO or the Paris Union for the Protection of Industrial Property, 18 intergovernmental organizations and secretariats, and 15 accredited non-

* At its meeting of 21-22 September 2000, the Council for TRIPS agreed that future documents to be circulated in the Committee on Trade and Environment in relation to item 8 of the work programme of that Committee concerning "the Relevant Provisions of the TRIPS Agreement" be circulated jointly in the Committee on Trade and Environment and the Council for TRIPS (document IP/C/M/28, paragraph 138).

governmental organizations. The working documents of the session can be obtained from the Secretariat and are also available at: <http://www.wipo.int/>. The working documents included four which were submitted to the Committee by Member States and regional integration organizations.

6. At the first session of the Intergovernmental Committee, WIPO Member States expressed support for a work programme intended to advance discussion on the three themes, which comprises the following items:

1. Genetic resources

- Considering the development of “guide contractual practices,” guidelines, and model intellectual property clauses for contractual agreements on access to genetic resources and benefit-sharing, taking into account the specific nature and needs of different stakeholders, different genetic resources, and different transfers within different sectors of genetic resource policy.

2. Traditional knowledge

- Delineating the scope of subject matter in respect of which the Member States wish to discuss the application of intellectual property protection, for the purpose of having a definition of the term “traditional knowledge.”
- Compiling, comparing and assessing information on the availability and scope of intellectual property protection for traditional knowledge within the scope of subject matter which was delimited for the term traditional knowledge under the above item and identifying any elements of the agreed subject matter which require additional protection.
- Considering the revision of existing criteria and developing new criteria which would allow the effective integration of traditional knowledge documentation into searchable prior art.
- Considering ways of assisting traditional knowledge holders in relation to the enforcement of intellectual property rights, in particular by assisting them to strengthen their capacity to enforce their rights.

3. Expressions of Folklore

- undertaking a collection and analysis of national experiences with regard to the protection of folklore.

The second Session of the Intergovernmental Committee is expected to take place in Geneva from 10 to 14 December 2001.

III. CONCLUSION

7. WIPO recognizes that intellectual property rights may be of relevance in the fields of trade as well as environmental policy. At the crossroads of discussions on these aspects of intellectual property rights, WIPO’s work has focused on intellectual property issues related to genetic resources, traditional knowledge and folklore. As the specialized UN-agency responsible for intellectual property protection, WIPO is aiming to facilitate discussions among all relevant stakeholders on these topics. The creation and first Session of the WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore have established a forum in which discussions may proceed on these three themes.
