

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

Forty-Sixth Session
Geneva, February 27 to March 3, 2023

BRIEF SUMMARY OF DOCUMENTS

Document prepared by the Secretariat

I. WORKING DOCUMENTS FOR THE FORTY-SIXTH SESSION

1. The following is a brief summary of the documents prepared for the Forty-Sixth Session of the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (the “Committee” or “IGC”) as at February 7, 2023. Each of these documents, as well as any additional documents, will be posted as soon as they are finalized at: https://www.wipo.int/meetings/en/details.jsp?meeting_id=75328.

WIPO/GRTKF/IC/46/1 Prov. 2: Draft Agenda for the Forty-Sixth Session

2. This document contains the proposed items to be dealt with by the Committee, and is submitted to the Committee for possible adoption.

WIPO/GRTKF/IC/46/2: Accreditation of Certain Organizations

3. This document sets out the name, contact details and aims and objectives of one organization which has applied to the Committee for accreditation as an *ad hoc* observer to the current and future sessions of the Committee.

WIPO/GRTKF/IC/46/3: Participation of Indigenous and Local Communities: Voluntary Fund

4. The WIPO General Assembly, in 2005, established the “WIPO Voluntary Fund for Accredited Indigenous and Local Communities”. The decision was taken on the basis of document WO/GA/32/6, subsequently amended by the WIPO General Assembly in September 2010, which sets out the objectives and operation of the Fund. This document refers to the appointment of the Fund’s Advisory Board, and provides information on the fund-raising drive initiated by the Secretariat. The required information note providing details of contributions received and beneficiaries is circulated in parallel as document WIPO/GRTKF/IC/46/INF/4.

WIPO/GRTKF/IC/46/4: The Protection of Traditional Knowledge: Draft Articles

5. At its Forty-Fifth Session, which took place from December 5 to 9, 2022, the Committee developed, on the basis of document WIPO/GRTKF/IC/45/4, a further text, “The Protection of Traditional Knowledge: Draft Articles – Facilitators’ Rev.”. The Committee decided that this text, as at the close of Agenda Item on “Traditional Knowledge/Traditional Cultural Expressions” on December 9, 2022, be transmitted to the Forty-Sixth Session of the Committee, in accordance with the Committee’s mandate for 2022-2023 and the work program for 2022. This document has been prepared for this session pursuant to this decision.

WIPO/GRTKF/IC/46/5: The Protection of Traditional Cultural Expressions: Draft Articles

6. At its Forty-Fifth Session, which took place from December 5 to 9, 2022, the Committee developed, on the basis of document WIPO/GRTKF/IC/45/5, a further text, “The Protection of Traditional Cultural Expressions: Draft Articles – Facilitators’ Rev.”. The Committee decided that this text, as at the close of Agenda Item on “Traditional Knowledge/Traditional Cultural Expressions” on December 9, 2022, be transmitted to the Forty-Sixth Session of the Committee, in accordance with the Committee’s mandate for 2022-2023 and the work program for 2022. This document has been prepared for this session pursuant to this decision.

WIPO/GRTKF/IC/46/6: The Protection of Traditional Knowledge: Updated Draft Gap Analysis

7. At its Twelfth Session, held in Geneva from February 25 to 29, 2008, the IGC decided that the WIPO Secretariat would, taking into account the previous work of the IGC, prepare a draft of the gap analysis on the protection of traditional knowledge, as a working document for the Thirteenth Session of the IGC. In 2017, the WIPO General Assembly requested the Secretariat to “update the 2008 gap analyses on the existing protection regimes related to TK and TCEs.” Document WIPO/GRTKF/IC/37/6 was prepared for the Thirty-Seventh Session pursuant to this decision. The same document was re-issued for IGCs 38, 39, 40, 44 and 45, and has been re-issued for this session as document WIPO/GRTKF/IC/46/6.

WIPO/GRTKF/IC/46/7: The Protection of Traditional Cultural Expressions: Updated Draft Gap Analysis

8. At its Twelfth Session, held in Geneva from February 25 to 29, 2008, the IGC decided that the WIPO Secretariat would, taking into account the previous work of the IGC, prepare a draft of the gap analysis on the protection of traditional cultural expressions, as a working document for the Thirteenth Session of the IGC. In 2017, the WIPO General Assembly requested the Secretariat to “update the 2008 gap analyses on the existing protection regimes related to TK and TCEs.” Document WIPO/GRTKF/IC/37/7 was prepared for the Thirty-Seventh Session

pursuant to this decision. The same document was re-issued for IGCs 38, 39, 40, 44 and 45, and has been re-issued for this session as document WIPO/GRTKF/IC/46/7.

WIPO/GRTKF/IC/46/8: Report on the Compilation of Materials on Databases Relating to Genetic Resources and Associated Traditional Knowledge

9. The WIPO General Assembly in 2017 requested the Secretariat to “produce a report(s) compiling and updating studies, proposals and other materials relating to tools and activities on databases and on existing disclosure regimes relating to GR and associated TK, with a view to identify any gaps.” Pursuant to this decision, document WIPO/GRTKF/IC/35/5 was prepared for IGC 35, and the same documents were prepared with a few updates for IGC 36, 37, 38, 39, 40, 42, 43, 44 and 45. The same document has been prepared as document WIPO/GRTKF/IC/46/8.

WIPO/GRTKF/IC/46/9: Report on the Compilation of Materials on Disclosure Regimes Relating to Genetic Resources and Associated Traditional Knowledge

10. The WIPO General Assembly in 2017 requested the Secretariat to “produce a report(s) compiling and updating studies, proposals and other materials relating to tools and activities on databases and on existing disclosure regimes relating to GR and associated TK, with a view to identify any gaps.” Pursuant to this decision, document WIPO/GRTKF/IC/35/6 was prepared for IGC 35, and the same documents were prepared with a few updates for IGC 36, 37, 38, 39, 40, 42, 43, 44 and 45. The same document has been re-issued as document WIPO/GRTKF/IC/46/9.

WIPO/GRTKF/IC/46/10: Legal Principles related to an International Instrument

11. At its Forty-Fifth Session, the Committee “requested the Secretariat to update and streamline by IGC 46 some documents from the early years of the IGC on topics such as rights and measures-based approaches, the interplay between national and international instruments, the differences between minimum and maximum standards, and options for the legal nature of international instruments.” This document has been prepared for this session pursuant to this decision.

WIPO/GRTKF/IC/46/11: Joint Recommendation on Genetic Resources and Associated Traditional Knowledge

12. During the Twentieth Session of the IGC, which took place in February 2012, the Delegations of Canada, Japan, Norway, the Republic of Korea and the United States of America made available a “Joint Recommendation on Genetic Resources and Associated Traditional Knowledge”. This was contained in document WIPO/GRTKF/IC/20/9 Rev. The Delegations of Japan, the Republic of Korea and the United States of America have resubmitted this joint recommendation as a working document for this session.

WIPO/GRTKF/IC/46/12: Joint Recommendation on the Use of Databases for the Defensive Protection of Genetic Resources and Traditional Knowledge Associated with Genetic Resources

13. During the Twenty-Third Session of the IGC, which took place in February 2013, a joint recommendation regarding the use of databases for the defensive protection of genetic resources and traditional knowledge associated with genetic resources was co-sponsored by the Delegations of Canada, Japan, the Republic of Korea and the United States of America. This proposal was contained in document WIPO/GRTKF/IC/23/7. The Delegations of Japan, the Republic of Korea and the United States of America have resubmitted this joint recommendation as a working document for this session.

WIPO/GRTKF/IC/46/13: Traditional Cultural Expressions: A Discussion Paper

14. During the Thirty-Third Session of the IGC, which took place in February 2017, a discussion paper on traditional cultural expressions was made available by the Delegation of the United States of America. This discussion paper was contained in document WIPO/GRTKF/IC/33/5. The Delegation of the United States of America resubmitted this discussion paper with some updates as a working document at IGC 40, and has resubmitted this discussion paper for this session.

WIPO/GRTKF/IC/46/14: Identifying Examples of Traditional Knowledge to Stimulate a Discussion of what should be Protectable Subject Matter and what is not Intended to be Protected

15. During the Thirty-Second Session of the IGC, which took place in November 2016, a document identifying examples of traditional knowledge to stimulate a discussion of what should be protectable subject matter and what is not intended to be protected, was made available by the Delegation of the United States of America. This was contained in document WIPO/GRTKF/IC/32/10. The Delegation has resubmitted the same document as a working document for this session.

II. INFORMATION DOCUMENTS FOR THE FORTY-SIXTH SESSION

WIPO/GRTKF/IC/46/INF/1: List of Participants

16. A draft list of participants will be circulated at the Forty-Sixth Session of the Committee.

WIPO/GRTKF/IC/46/INF/2: Brief Summary of Documents

17. The present document has been prepared as an informal guide to the Committee's documentation.

WIPO/GRTKF/IC/46/INF/3: Draft Program for the Forty-Sixth Session

18. In line with the Committee's request at its Tenth Session, this document sets out a suggested program and identifies a possible timing for each agenda item. This draft program is indicative only, and the actual organization of work of the Committee would be determined by the Chair and its members in line with the rules of procedure.

WIPO/GRTKF/IC/46/INF/4: Voluntary Fund for Accredited Indigenous and Local Communities: Information Note on Contributions and Applications for Support

19. This document sets out information required to be reported to the Committee on the operation of the Voluntary Fund for Accredited Indigenous and Local Communities. The rules are set out in the Annex to document WO/GA/32/6, as approved by the WIPO General Assembly at its Thirty-Second Session and subsequently amended by the WIPO General Assembly in September 2010. In particular, it gives information on contributions received or pledged, and actual support provided to representatives of accredited indigenous and local communities.

WIPO/GRTKF/IC/46/INF/5: Information Note for the Panel of Indigenous and Local Communities

20. Following a decision of the Committee at its Seventh Session, each subsequent session of the Committee has commenced with a panel chaired by a member of an indigenous community. The panel has been held at the commencement of the previous 37 sessions of the Committee. On each occasion, representatives of indigenous peoples and local communities gave presentations on a specific theme related to the IGC's negotiations. The presentations are available on WIPO's site at: <https://wipo.int/tk/en/igc/panels.html> and may also be accessed through the Indigenous Portal on the WIPO website. This document sets out the proposed practical arrangements for the panel at the Forty-Sixth Session of the Committee.

WIPO/GRTKF/IC/46/INF/7: Glossary of Key Terms Related to Intellectual Property and Genetic Resources, Traditional Knowledge and Traditional Cultural Expressions

21. At its Nineteenth Session, "the Committee invited the Secretariat to update the glossaries available in documents WIPO/GRTKF/IC/19/INF/7 ('Glossary of Key Terms Related to Intellectual Property and Traditional Cultural Expressions'), WIPO/GRTKF/IC/19/INF/8 ('Glossary of Key Terms Related to Intellectual Property and Traditional Knowledge') and WIPO/GRTKF/IC/19/INF/9 ('Glossary of Key Terms Related to Intellectual Property and Genetic Resources'), to combine them in a single document and to publish the consolidated glossary as an information document for the next session of the Committee". This document is made available in the same version of the consolidated glossary for the session.

WIPO/GRTKF/IC/46/INF/8: Update of the Technical Review of Key Intellectual Property-Related Issues of the WIPO Draft Instruments on Genetic Resources, Traditional Knowledge and Traditional Cultural Expressions Within the Framework of Indigenous Human Rights

22. At its Fortieth Session, the Committee requested the Secretariat to commission, within existing resources, the updating by an indigenous expert of the Technical Review of Key Intellectual Property-related Issues of the WIPO Draft Instruments on Genetic Resources, Traditional Knowledge and Traditional Cultural Expressions ("the Technical Review"), submitted to the Committee as an information document during the Twenty-Ninth Session of the Committee. Ms. Neva Collings, Board Director, NSW Aboriginal Housing Office, Department of Family and Community Services, Australia, and Mr. Elifuraha Laltaika, Senior Lecturer and Director, Research Tumaini University Makumira, Tanzania, were commissioned to update the Technical Review. This document provides an updated version of the Technical Review.

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