

Draft Chairman's Proposal for Accelerated Work at IGC 14 - 15

Two IGC sessions to be held in 2009 prior to the September 2009 Assemblies, representing an accelerated pace of work, to be constituted as follows:

IGC 14, from March 9 to 13, 2009, according to the following structure:

- plenary session to open on March 9, 2009, with one morning reserved for general business;
- IGC immediately after general business to form three informal expert working groups on (i) TCEs/EoF, (ii) TK, and (iii) GR, to be chaired by individuals with expertise in the relevant subject matter, appointed by the IGC following Chair consultations, with terms of reference as outlined below
- WIPO funding and invitations to members and observers to take into account the need for having expertise in all three subjects among participants
- participation in the expert working groups to be open to all members and observers
- the expert groups to work in parallel
- the WIPO Secretariat to provide such assistance to the groups as required by them
- expert groups to report to the plenary on March 13, for their work to be noted but not necessarily to be formally adopted by the Committee
- one or more brief plenary meetings may be held at the discretion of the IGC chair for the purpose of updating on progress in one or more of the expert groups
- summary reports of the expert group considerations will be translated and circulated by the Secretariat, including into Arabic, Chinese and Russian to facilitate domestic consultations, for comments by all Members and observers in the Committee

The Chair will, during IGC 14 (as well as before and after the session) continue consultations with regional groups and individual delegations.

IGC 15, from June 29 to July 3, 2009, to be conducted as a regular plenary session, including as working materials:

- the report of the expert group on the relevant agenda item and a compilation of comments received on each group's report
- other working documents that remain on the table for each agenda item in accordance with previous decisions of the IGC, the Gap Analyses being open to written comments from Committee Members and observers until April 30, 2009

IGC 15 will review the expert working group procedures conducted at the IGC 14 to be reviewed under the Future Work item

IGC 15 will consider and work towards agreement on substantive elements of a recommendation to the WIPO General Assembly under an agenda item on 'Recommendation to the Assembly'

DRAFT Terms of reference

Working Group on TCEs/EoF

The Working Group on TCEs/EoF is to develop common elements for responses to items 1-3 in the list of ten issues:

1. Definition(s) of TCEs/EoF that should be protected
 2. Who should benefit from any such protection or who should hold the rights to protectable TCEs/EoF?
 3. What objective is sought to be achieved through according intellectual property protection (economic rights, moral rights)?
- as well as identifying core element of *sui generis* options for the international protection of TCEs/EoF

Materials to support deliberations:

- Draft objectives and principles on protection of TCEs
- Draft TCE Gap Analysis
- List of Ten Issues for TCEs
- Factual Extraction for TCEs
- Additional submissions by Committee Members and observers to be submitted through process to Secretariat prior to January 30

Working Group on TK

The Working Group on TK is to develop common elements for responses to items 1-3 in the list of ten issues:

1. Definition(s) of TK that should be protected
 2. Who should benefit from any such protection or who should hold the rights to protectable TK?
 3. What objective is sought to be achieved through according intellectual property protection (economic rights, moral rights)?
- as well as identifying core element of *sui generis* options for the international protection of TK

Materials to support deliberations:

- Draft objectives and principles

- Draft TK Gap Analysis
- List of Ten Issues for TK
- Factual Extraction for TK
- Additional submissions by Committee Members and observers to be submitted through process to Secretariat prior to January 30

Working Group on GR

The Working Group on GR will focus on clarifying options for advancing options for work in the areas of disclosure requirement and alternative proposals for dealing with the relationship between intellectual property and genetic resources, and the intellectual property aspects of access and benefit-sharing contracts, pursuant the decision of the Committee at its tenth session. This includes:

1. options for arrangements to ensure equitable benefit sharing.
2. Disclosure requirements and alternative proposals for addressing the relationship between IP and GR
3. Implementation issues of databases to prevent the erroneous grant of patents.

Materials to support deliberations:

- List of Options for Future Work
- Existing submissions and additional submissions by Committee Members and observers to be submitted through process to Secretariat prior to January 30