

ELEMENTS FOR THE NEW MANDATE – AFRICAN GROUP PROPOSAL

1. "Bearing in mind the Development Agenda recommendations, [AUSTRALIA: the IGC] agreed to recommend to the [MEXICO: next] WIPO General Assembly [MEXICO: in September 2009] that the mandate of the Committee be renewed as follows, namely that,

2. The Committee [EU: agrees to continue its work] will [MEXICO: agrees to] undertake during the next budgetary biennium (2010/2011) [MEXICO: during the biennium] [MEXICO: a clearly defined work program and timeframe including the holding of expert intersessional working groups, as stated in the terms of reference which will be adopted at the fifteenth Intergovernmental Committee meeting,] text-based negotiations [UNITED STATES: outcome-oriented deliberations] [NEW ZEALAND: the development of text, without prejudice to any outcomes, [AUSTRALIA: and with no outcome excluded], including the development of a legally-binding instrument] on genetic resources, traditional knowledge and traditional cultural expressions [BRAZIL/INDIA/MEXICO: taking into account the different levels of development of the texts indicated in the third paragraph] [UNITED STATES: without prejudice to any outcome and on the basis of the Committee's prior work] [EUROPEAN UNION: based on an equal treatment of these three substantive topics] [VENEZUELA: according to the possibilities that could be developed in the framework of their differences] [BRAZIL: taking into account the different levels of development reached by the three substantive topics.] [UNITED STATES: Noting the different levels of development in the texts indicated in the third paragraph, the IGC will undertake to work on the three substantive issues on a non-discriminatory basis]

2 bis MEXICO: The Committee will request to the next WIPO General Assembly to consider the necessary budget for the implementation of the work program of the IGC's renewed mandate.

2/3. alt [COSTA RICA: The Committee will adopt, for the next budgetary biennium (2010/2011), a clearly defined work program and timeframe, including the holding of intersessional work sessions.]

3. It will adopt, as set out in the Annex, a clearly defined work program and timeframe, including the holding of intersessional work sessions. The focus of its work, without prejudice to the work pursued in other fora, will build on the existing work carried out by the Committee and use WIPO documents WIPO/GRTKF/IC/9/4, WIPO/GRTKF/IC/9/5 and WIPO/GRTKF/IC/11/8A (TCE, TK, and GR) which is to constitute the basis of the Committees' work on text based negotiations.

3 alt UNITED STATES: It will adopt, at IGC 15, a clearly defined work program and timeframe, including the holding of extraordinary sessions of the IGC in a format to be agreed. The work will build on the existing work carried out by the Committee.

3 alt [EUROPEAN UNION: The focus of its work, without prejudice to the work pursued in other fora, will build on the existing work carried out by the Committee, and

1. UNITED STATES, EUROPEAN UNION and MEXICO: request deletion of "text-based negotiations"

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will in particular focus on definitions and objectives of protection, beneficiaries, prior informed consent, rights moral/economic, exceptions, limitations and durations, sui generis options for protection, disclosure of origin, and other outstanding issues. In order to increase its efficiency, the Committee will adopt a clearly defined work program that will include holding three sessions per year. Each of the three substantive topics will be allocated a dedicated session per year. These sessions will be result-oriented and focused on positive outcomes. Time will be allocated to technical matters.

[ARGENTINA: The experts will be appointed by the Member States.]

3 alt MEXICO: The experts working groups will take as inputs the documents WIPO/GRTKF/IC/9/4, WIPO/GRTKF/IC/9/5, WIPO/GRTKF/IC/11/8(a), WIPO/GRTKF/IC/13/4(b) and WIPO/GRTKF/IC/13/5(b), from WIPO and benefiting from others produced by other fora, as the experts deem appropriate.

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3 bis MEXICO: The expert working groups will provide a report with recommendations to the Committee to produce a text/s for an international instrument/s.

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4. The Committee is requested to submit to the 2011 GA a text for an internationally legally binding instrument/instruments on TCEs, TK and GR and recommend a date for the Diplomatic Conference as agreed in its work program.

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4 alt UNITED STATES: The Committee is requested to submit to the 2011 GA, recommendations on content for an outcome or outcomes, including the nature, format, and status and how the Committee should finalize its recommendations on TCEs, TK and GR and recommend a date for a high-level meeting to be considered in its work program.

4 alt MEXICO: The Committee is requested to submit to the 2011 GA a text/s for an international instrument/instruments on TCEs, TK and GR and to recommend a date for the Diplomatic Conference, if applicable.

4 alt EUROPEAN UNION: The Committee is requested that the result of its work should lead to an internationally legally binding or non-legally binding instrument/instruments on TCEs, TK and GR.

5. The General Assembly would further request the International Bureau to continue to assist the Committee by providing Member States with necessary expertise, funding of the participation of experts from developing countries and LDCs."

5 alt EUROPEAN UNION: The General Assembly would further request the International Bureau to continue to assist the IGC by providing Member States with necessary expertise and documentation.

5 alt UNITED STATES: The General Assembly would further request the International Bureau to continue to assist the Committee by providing Member States with necessary expertise. In addition, the Committee would continue to seek from the Voluntary Fund funding of the participation of experts from developing countries and LDCs.