

Terms of Reference for the 3 Intersessional Working Groups:

The Intersessional Working Group is a technical space and not a negotiating or decision making body.

The Intersessional Working Group will be guided by the principles of effectiveness, transparency and representativity.

- The Intersessional Working Group shall provide legal and technical advice including where appropriate options and scenarios for consideration of the Committee on all aforementioned issues without prejudice to any outcome.
- The Intersessional Working Group shall submit a report on its debate reflecting all views and recommendations for consideration by the IGC for its further work according to its mandate.

Each Intersessional Working Group shall be regionally balanced and composed of 41 experts nominated by Member States on a regional basis, and 10 experts nominated by Accredited Observers. Accredited Observers would include 7 expert observers from indigenous and local communities nominated by them, and the remaining expert observers from, inter alia, international organizations and agreements, industry, research institutions/academia and non-governmental organizations.

Member States, shall be entitled to attend as observers in the work of the Intersessional Working Group, through its regional coordinators +2 and will be able to participate at the end of each working day, while ensuring the most effective contribution of the IWG.

- The participation of representatives from developing countries and LDCs shall be funded by WIPO.
- The participation of representatives from indigenous representatives shall be funded by the WIPO Voluntary Fund for accredited Indigenous and Local Communities.
- The Rules of Procedure of the IGC (as contained in WIPO/GRTKF/IC/1/2), which incorporate the General Rules of Procedures of WIPO, will apply to the intersessional working groups unless otherwise decided by the IGC.
- The working languages of the intersessional working groups are the six official UN languages.
- The IGC would give the intersessional working groups its mandate.

- The Intersessional Working Groups will take as a basis of its work, all WIPO working documents, including WIPO/GRTKF/IC/9/5, WIPO/GRTKF/IC/9/4, WIPO/GRTKF/IC/11/8(a) in line with the WIPO GA mandate.

The outcome of the Group's work as presented to the IGC shall be translated into all United Nations languages, as well as published to the fullest extent possible, and circulated as a WIPO document no later than one month before the 16th session of the IGC.

Frequency and venue of the meetings

- The three Intersessional Working Groups shall meet according to the work plan annexed to the General Assembly 2009 decision.
- The duration of each meeting shall be 10 days.
- The meetings shall take place in Geneva at WIPO Headquarters.

The Chairman of the IGC shall appoint, in consultation with regional groups and with the members of the Working Group, a coordinator of the Group from among the experts in order to facilitate its proceedings.

Recognizing the need for intersessional work as highlighted at the 12th Session of the IGC and in view of the mandate to decide on a date for the Diplomatic Conference in 2011, the following three (3) Intersessional Working Groups are proposed:

First Intersessional Working Group – February/March 2010

Intersessional Working Group shall focus on Traditional Cultural Expressions (TCEs) and Traditional Knowledge (with the exception of the TK associated with Genetic Resources)

Second Intersessional Working Group – October 2010

Intersessional Working Group shall focus on Traditional Knowledge (TK) associated to Genetic Resources and Genetic Resources

Third Intersessional Working Group – February/March 2011

The IGC/17 will determine the issues to be addressed for Traditional Cultural Expressions, Traditional Knowledge and Genetic resources by the third IWG