
**WIPO/GRTKF/IWG/3/16 PROV.
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**Intergovernmental Committee on Intellectual Property and
Genetic Resources, Traditional Knowledge and Folklore**

Third Intersessional Working Group

Geneva, February 28 to March 4, 2011

DRAFT SUMMARY REPORT OF THE THIRD INTERSESSIONAL WORKING GROUP

prepared by the Secretariat

Agenda Item 1: Opening of the session

1. The session was opened by Mr. Johannes Christian Wichard, Deputy Director General, on behalf of the Director General, Mr. Francis Gurry.
2. Mr. Wend Wendland (WIPO) acted as Secretary to the Third Intersessional Working Group (IWG 3).

Agenda Item 2: Election of officers

3. Mr. José Ramón López de León Ibarra (Mexico) was elected Chair and Mr. Ian Goss (Australia) and Mr. Tom Suchanandan (South Africa) were elected Vice-chairs of IWG 3.

Agenda Item 3: Adoption of the agenda

4. IWG 3 adopted the draft agenda (WIPO/GRTKF/IWG/3/1 Prov. 2) as its agenda without modifications.

Agenda Item 4: Genetic resources

5. Guided by the suggestions made regarding IWG 3 by the WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (the IGC) at its 17th session, IWG 3 discussed both objectives and principles regarding intellectual property (IP) and genetic resources and options for future work on IP and genetic resources. The program for the work of IWG 3 is annexed to this document.
6. In particular, and with reference to documents WIPO/GRTKF/IWG/3/7, WIPO/GRTKF/IWG/3/8, WIPO/GRTKF/IWG/3/9, WIPO/GRTKF/IWG/3/10 and WIPO/GRTKF/IWG/3/15, IWG 3 first discussed objectives and principles, in plenary. The text of objectives and principles as originally proposed in the IGC by Australia, Canada, New Zealand, Norway and the United States of America (as contained in document WIPO/GRTKF/IWG/3/7), as amended by the African Group (as reflected in document WIPO/GRTKF/IWG/3/8), was placed on a screen and experts made comments and drafting proposals on the text. Drafting proposals were incorporated in the text. The Chair of IWG 3 then established an open-ended drafting group which met to review and, as far as possible, streamline and 'clean up' the plenary's text. The drafting group's text was then presented to the plenary by the drafting group's rapporteur and all experts were invited to comment thereon, during a session of the plenary that took place on the afternoon of Thursday, March 3, 2011. IWG 3 noted the text of objectives and principles but did not adopt or endorse them. IWG 3 requested that the text, together with the rapporteur's introduction and comments on the text made during the IWG 3 plenary on the afternoon of Thursday, March 3, 2011, be compiled as document WIPO/GRTKF/IWG/3/17, and be transmitted to the IGC for its consideration at its 18th session (May 9 to 13, 2011).
7. Regarding options for future work related to IP and genetic resources, IWG 3 considered and extensively discussed the three clusters of options as contained in document WIPO/GRTKF/IWG/3/6, with reference also to documents WIPO/GRTKF/IWG/3/2, WIPO/GRTKF/IWG/3/3, WIPO/GRTKF/IWG/3/4, WIPO/GRTKF/IWG/3/5, WIPO/GRTKF/IWG/3/11, WIPO/GRTKF/IWG/3/12, WIPO/GRTKF/IWG/3/14 and WIPO/GRTKF/IWG/3/15. IWG 3 also discussed which options are most likely to achieve the objectives as prepared by the drafting group as referred to in paragraph 6 above. IWG 3 requested that a summary of its discussion on the options be compiled as document WIPO/GRTKF/IWG/3/18 and be transmitted

to the IGC for its consideration at its 18th session. Such document should include, if possible, a matrix which links objectives with options. Based on the discussion of the options as referred to above, IWG 3 also recommended that the IGC request the Secretariat to proceed with and finalize, subject to a need for continued updating where applicable, its work on the practical mechanisms and activities referred to in options A3, C1, C2 and C3 as referred to in document WIPO/GRTKF/IWG/3/6.

8. IWG 3 noted the "Glossary of Key Terms related to Intellectual Property and Genetic Resources" (WIPO/GRTKF/IWG/3/13) and agreed that it be re-issued as an information document at the next session of the IGC.
9. IWG 3 requested that the present document (WIPO/GRTKF/IWG/3/16), to which should be attached the List of Participants of IWG 3, be submitted to the IGC at its next session.

Agenda Item 5: Any other business

10. Ms. Deyanira Camacho Toral (Ecuador) requested WIPO to provide a distance learning course on IP and genetic resources.
11. Mr. Albert Deterville (GRTKF International) requested special consideration for small and developing states and least developed countries in terms of capacity-building. The WIPO Secretariat should take note of initiatives by indigenous peoples and local communities at the national, regional and international levels in establishing databases and he requested the Secretariat's assistance in this regard.
12. Mr. Ronald Barnes (CISA) expressed concern about the status of indigenous participation in the IGC's negotiations and suggested that the mandate of the IGC be revisited to take into account the views and aspirations of indigenous peoples and local communities.
13. Mr. Bala Moussa Coulibaly (Senegal) stated that the bio-cultural heritage of Senegal had been misappropriated and this generated profits for others. He lauded initiatives to reestablish sovereign rights over genetic resources and biodiversity.
14. Ms. Lucia Inacio Belfort (INBRAPI) supported the statement made by Mr. Ronald Barnes and encouraged contributions to the WIPO Voluntary Fund for Accredited Indigenous and Local Communities. She thanked the Chair of IWG 3 for the way in which the work in IWG 3 had been conducted and, in particular, for there having been interpretation and translation services during the drafting group and the plenary.

Agenda item 6: Adoption of report

15. IWG 3 adopted this summary report on March 4, 2011.

Agenda item 7: Closing of the session

16. The Chair thanked all the experts for their active participation and dedication and closed the session.

[Annex follows]

IWG 3

Program of work

Monday February 28, 2011

10h00 – 11h00: Opening, Election of Officers and Adoption of the Draft Agenda

11h00 – 13h00: Plenary discussion of Objectives and Principles

Tuesday March 1, 2011

10h00 – 13h00: Plenary discussion of Objectives and Principles, *continued*

15h00 – 18h00: Plenary discussion of Options

18h00 – 21h00: Drafting group on Objectives and Principles

Wednesday March 2, 2011

10h00 – 17h00: Plenary discussion on Options, *continued*

17h00 – 21h00: Drafting group on Objectives and Principles, *continued*

Thursday March 3, 2011

09h00 – 12h00: Drafting group on Objectives and Principles, *continued*

15h00 – 18h00: Plenary discussion of drafting group's text on Objectives and Principles

Friday March 4, 2011

10h00 – 13h00: Plenary discussion of Options; Any other business

15h30: Adoption of the Report and Closing.

[End of Annex and of document]