

DRAFT

Indicative Methodology and Program for IGC 29

(February 15 to 19, 2016)

As prepared by the IGC Chair-elect, Mr. Ian Goss

February 12, 2016

Introduction

1. This note sets out a draft informal description of the proposed working methodology and program for IGC 29, especially for agenda item 7 (“Genetic Resources”). The proposed program and working methodology will be flexible and dynamic, based on the progress made, and they are subject to change.
2. This session will last for 5 working days. The morning and afternoon portions of the session will commence at 10h00 and 15h00 sharp, unless otherwise indicated. Substantive work under agenda item 7 should start as soon as possible.
3. Monday morning will be largely devoted to agenda items 1 to 6, and the Indigenous Panel. It is expected that agenda item 7 will be opened at around 12 noon on Monday.
4. The Regional Groups will be invited to deliver opening statements, if they wish to do so (this would be under agenda item 2); as agreed, each statement should be no longer than three (3) minutes. Other opening statements may be handed to the Secretariat in writing and they will be included in the report.
5. Observers will be able to make statements and proposals at all times, and they would do so interspersed with Member State statements, as in the past. Member States and observers are strongly encouraged to interact with each other informally, as this increases the chances that Member States will be aware of, understand and perhaps support observer proposals.

6. According to the new mandate, this session should “[u]ndertake negotiations on GRs with a focus on addressing unresolved issues and considering options for a draft legal instrument” and “[e]laborate an indicative list of outstanding/pending issues to be tackled/solved at the next session on GRs”.

7. The objectives of the session are to transmit to IGC 30 (1) a further version of document WIPO/GRTKF/IC/29/4 (Consolidated Document Related to Intellectual Property and Genetic Resources) and (2) an indicative list of outstanding/pending issues.

8. Pursuant to the mandate, the Chair proposes that the core issues to be focused on at this session are those contained in Annex A.

9. The proposed indicative program for the session is set out in Annex B.

Working Methodology on Agenda Item 7

10. Work will begin in the **plenary** and will address, in order, the issues set out in Annex A. The Chair will introduce each issue and open the floor for comments. If there is text in document WIPO/GRTKF/IC/29/4 (Consolidated Document Related to Intellectual Property and Genetic Resources) pertaining to the issue under discussion, it will be placed on the screen for information only. It is not intended to conduct live drafting in the plenary. However, if there is a clear agreement on a particular change to the existing text, the Chair may allow the change to be introduced on the screen. Observers’ drafting proposals would remain in the text only if supported by a Member State. The plenary remains the decision-making body and its discussions will be reported on as usual. The plenary will review and decide on whether to accept any revisions or new text proposed by the facilitator(s) or working groups or “informal informals”(see below). At the end of each day, the Chair will brief the plenary on: (1) his views on the outcomes of the day; (2) any issues that may be considered as “outstanding/pending” for discussion at the next session; and (3) the plan for the following day.

11. The Chair will invite a **facilitator** (or perhaps two) to assist. The facilitator(s) would be person(s) knowledgeable in the subject matter and skilled in drafting. The facilitator(s) will follow the plenary discussions closely and, if so requested by the Chair, and based on the plenary discussions, will undertake drafting. The facilitator(s) will generally complete this work in the evenings or during lunch times. The facilitator(s) may also take the floor and

make proposals for consideration by the plenary and/or seek the guidance of the plenary on a particular point. Any text prepared by the facilitator(s) would be presented to the plenary, and only new facilitator's text which receives the plenary's agreement would be entered into document WIPO/GRTKF/IC/29/4 (Consolidated Document Related to Intellectual Property and Genetic Resources).

12. The Chair may, depending on progress made in the plenary, establish one or more **open-ended informal working group(s)** or "**informal informals**" to tackle a particular issue in an informal and focused setting. The number of participants of such working groups and "informal informals" will be decided by the Chair, after consultation, depending on the issue/s to be tackled. The Chair would appoint a chair from among the Vice-Chairs for each of such working groups or "informal informals", who would be assisted by the facilitator(s). Any such working groups and "informal informals" would not meet at the same time as the plenary or other working group(s) or "informal informals". The results, if any, of such working groups and "informal informals" would be reported on by their respective chairs to the plenary. All participants are requested to respect the informality of such working groups and "informal informals", and not to communicate to the public, whether 'live' or at any future time, the content or nature of the discussions taking place in the working group(s) or the informal informals, whether in general terms or by way of quoting specific individuals or delegations. This includes restrictions on tweeting, blog posts, news stories and email list-serves.

13. At the request of the Chair, the Secretariat will be on hand to take notes at/undertake typing/perform other administrative tasks at working groups and "informal informals".

Annex A

Core issues

1. Policy objectives

2. Subject matter

Approaches/Options to Achieve Objectives

3. Disclosure requirement:

- (a) Subject matter and content of disclosure**
- (b) Nature of the obligation to disclose**
- (c) Exceptions and limitations**
- (d) Consequence of non-compliance**
- (e) Trigger**
- (f) Relationship with national and domestic ABS regimes**

4. No disclosure and/or defensive measures

- (a) Types of defensive measures**
- (b) Databases**

Annex B
Draft Program

| Time | Activity | Working documents | Other remarks |
|------------------------------------|--|--|---|
| Monday morning 10h00 – 13h00 | - Plenary: Agenda items 1 – 6 - Indigenous Panel - Plenary: Opening of agenda item 7 | | |
| Monday afternoon 15h00 – 18h00 | - Plenary: Discussion of core issues | WIPO/GRTKF/IC/29/4 WIPO/GRTKF/IC/29/5 WIPO/GRTKF/IC/29/6 WIPO/GRTKF/IC/29/7 | Open-ended informal working group(s) or “informal informals” could be established at any stage. |
| Tuesday morning 10h00 – 13h00 | - Plenary: Discussion of core issues, continued | WIPO/GRTKF/IC/29/4 WIPO/GRTKF/IC/29/5 WIPO/GRTKF/IC/29/6 WIPO/GRTKF/IC/29/7 | Open-ended informal working group(s) or “informal informals” could be established at any stage. |
| Tuesday afternoon 15h00 – 18h00 | - Plenary: Discussion of core issues, continued | WIPO/GRTKF/IC/29/4 WIPO/GRTKF/IC/29/5 WIPO/GRTKF/IC/29/6 WIPO/GRTKF/IC/29/7 | Open-ended informal working group(s) or “informal informals” could be established at any stage. |
| Wednesday morning 10h00 – 13h00 | - Plenary: Discussion of core issues, continued | WIPO/GRTKF/IC/29/4 WIPO/GRTKF/IC/29/5 WIPO/GRTKF/IC/29/6 WIPO/GRTKF/IC/29/7 | Open-ended informal working group(s) or “informal informals” could be established at any stage. |

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| Wednesday afternoon 15h00 – 18h00 | <ul style="list-style-type: none"> - Plenary: Review of new text (if any) presented by the facilitator(s) - Alternatively, discussion on core issues, continued | <p>WIPO/GRTKF/IC/29/4 WIPO/GRTKF/IC/29/5 WIPO/GRTKF/IC/29/6 WIPO/GRTKF/IC/29/7</p> | Open-ended informal working group(s) or “informal informals” could be established at any stage. |
| Thursday morning 10h00 – 13h00 | <ul style="list-style-type: none"> - Plenary: Discussion of core issues, continued | <p>WIPO/GRTKF/IC/29/4 WIPO/GRTKF/IC/29/5 WIPO/GRTKF/IC/29/6 WIPO/GRTKF/IC/29/7</p> | Open-ended informal working group(s) or “informal informals” could be established at any stage. |
| Thursday afternoon 13h00 – 18h00 | <ul style="list-style-type: none"> - Plenary: Discussion of core issues, continued | <p>WIPO/GRTKF/IC/29/4 WIPO/GRTKF/IC/29/5 WIPO/GRTKF/IC/29/6 WIPO/GRTKF/IC/29/7</p> | Open-ended informal working group(s) or “informal informals” could be established at any stage. |
| Friday morning 10h00 – 13h00 | <ul style="list-style-type: none"> - Plenary: Review of next text (if any) presented by facilitator(s), and noting and transmission of further version of WIPO/GRTKF/IC/29/4 to IGC 30 - Plenary: Review of list of unresolved/outstanding issues and transmission to IGC 30 | | |
| Friday afternoon 15h00 – 18h00 | <ul style="list-style-type: none"> - Agenda item 8: Any other business - Confirmation of decisions already adopted - Closing of session | | |