

**Indicative List of Outstanding/Pending Issues
to be Tackled/Solved at the Next Session**

1. Use and meanings of certain terms and concepts

References to “protection” and “protected” traditional knowledge and relationship with eligibility criteria / scope of protection.

References to “innovation” and “tradition-based creation and innovation”.

Terms to denote nature of the harm for which protection may be sought, such as “misappropriation”, “misuse”, “unauthorized use”, “unlawful appropriation” and “illicit appropriation”.

Terms describing or relevant to extent of diffusion of the traditional knowledge, such as “public domain”, “publicly available”, “secret”, “sacred”, “narrowly diffused” and “widely diffused”.

Terms relevant to beneficiaries, such as “[Indigenous [peoples]]”.

2. Subject matter

Where and how to include criteria for eligibility.

Whether to include examples or “fields” of traditional knowledge and, if so, which ones.

3. Beneficiaries

Whether to include “nations” and/or “States”.

Role and nature of a “competent authority” as a beneficiary, if any.

4. Scope of protection

“Rights-based” and/or “measures-based” approaches.

Whether a “tiered approach” is feasible, and, if so, how it would be formulated.

Economic and/or moral rights.

Roles, nature and design of “complementary measures”, including databases, if any.

Disclosure requirement, and possible link with text on genetic resources.

5. Exceptions and limitations¹

6. Sanctions, remedies and exercise of rights / application

¹ Issues 5 to 13 were not discussed at IGC 31.

7. Administration of rights/interests
 8. Term of protection / rights
 9. Formalities
 10. Transitional measures
 11. Relationship with other international agreements
 12. National treatment
 13. Transboundary cooperation
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