

ESTABLISHMENT OF TASKFORCE GROUP FOR INTERSESSIONAL WORK OF THE WIPO IGC

PROPOSAL OF THE AFRICAN GROUP

Supported by Indonesia, Malaysia, Thailand, Pakistan

October 17, 2008

Recognising the need for intersessional work as highlighted at the 12th Session and in view of the mandate to accelerate the work of the IGC.

In line with the decision of IGC 12 to consider at its next session intersessional work, it is proposed that three (3) technical taskforce groups be established to meet intersessionally.

The following technical taskforce groups are to be established:

1- Taskforce group on Traditional Cultural Expressions (TCEs), which examines the following issues:

- Definitions and Object of Protection
- Exceptions, Limitations and Duration
- Prior Informed Consent (PIC), Rights – Moral/Economic
- Beneficiaries
- *Sui Generis* options for protection

2- Taskforce group on Traditional Knowledge (TK), which examines the following issues :

- Definitions and Object of Protection
- Exceptions, Limitations and Duration
- Prior Informed Consent (PIC), Rights – Moral/Economic
- Beneficiaries
- *Sui Generis* options for protection

3- Taskforce group on Genetic Resources, which examines the following issues, without prejudice to the work in the other international fora;

- Developing a range of options for the IP related aspects of PIC and ABS , and consider a structured and focused menu of options to guide custodians of genetic resources to facilitate their decision making process.
- Developing disclosure requirements and alternative proposals for dealing with the relationship between IP and genetic resources as requested by the Convention on Biological Diversity (CBD).

- Developing guidelines and procedures with regards to dealing effectively with the IP aspects of access and benefit-sharing arrangements.

In its deliberations, the taskforce will take as a basis of its work document WIPO/GRTKF/IC/13/8 (a) and update document WIPO/GRTKF/IC/13/8 (b), prepared by the WIPO Secretariat.

Proposed Terms of Reference for the 3 Taskforce groups:

- Each Taskforce groups shall be regionally balanced and composed of 27 representatives 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.
- Representatives will participate in the Taskforce Group meetings in their individual capacities.
- The participation of representatives from developing countries, including LDCs and indigenous representatives shall be funded by WIPO.
- The Taskforce groups shall provide legal and technical advice including where appropriate options and scenarios for consideration of the Committee on all aforementioned issues without prejudicing any outcome.
- The Taskforce groups shall report their recommendations to the 14th Session of the WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC).

Frequency and venue of the meetings:

- Each of the three Taskforce groups shall meet once prior to the 14th session of the IGC. These meetings should not be held concurrently.
- The duration of each meeting shall be 5 days.
- Each Taskforce group shall appoint a Chair.
- The meetings shall take place in Geneva at WIPO Headquarters.

* Africa (5), Asia (5), Latin American and Caribbean Countries (5), Group B (5), Central European and Baltic States (3), Central Asian Caucasus and Eastern European States (3), China (1), Indigenous representatives (7), Other Accredited Observers (3).