

PROPOSAL OF THE AFRICAN GROUP
ON WIPO IGC INTERSESSIONAL WORK

October 16, 2008

The African Group recognizes the need for intersessional work as highlighted in the 12th Session and in view of the mandate to accelerate the work of the Committee.

In view of this proposal and in line with the decision of IGC 12 to consider at its next session intersessional work, the African Group proposes that three (3) experts groups be established to meet intersessionally.

The African Group proposes the following technical expert groups to be established:

1- Expert 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- Expert 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- Expert 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 ABS arrangements that could ensure benefit-sharing. In doing so, also develop a structured 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 GR as requested by the CBD.
- Developing guidelines and procedures with regards to dealing effectively with the IP aspects of access and benefit-sharing arrangements.

Proposed Terms of Reference for the expert groups:

- Each expert group 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.
- The participation of representatives from developing countries, including LDCs and indigenous representatives shall be funded by WIPO.
- The expert 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 expert 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 expert groups shall meet at least once prior to the 14th session of the IGC. The meetings should not be held concurrently.
- The duration of each meeting shall be 5 days.
- Each expert 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).