

**Proposal on the Establishment of an *Ad Hoc* Expert Group
on Genetic Resources**

*prepared by the IGC Chair, Mr. Ian Goss,
upon the request of Regional Coordinators*

Draft

March 22, 2018

The mandate of the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC or Committee) for the biennium 2018/2019 provides that the IGC “may establish *ad hoc* expert group(s) to address a specific legal, policy or technical issue”, and “the results of the work of such group(s) will be submitted to the IGC for consideration”. The mandate also notes that the “expert group(s) will have a balanced regional representation and use an efficient working methodology”, and “work during the weeks of the sessions of the IGC”.

With this background, it is proposed that an *ad hoc* expert group on genetic resources be organized as follows:

Mandate

The IGC plenary is the negotiating and decision-making body. The *ad hoc* expert group is to support and facilitate the negotiations of the IGC.

The *ad hoc* expert group will provide legal, policy and technical advice and analysis, including, where appropriate, texts for consideration of the IGC, on legal, policy or technical issues identified from among the indicative list of issues in the annex. The specific issues to be addressed by the group will be identified by the IGC Chair and the Chair or co-Chairs of the *ad hoc* expert group and communicated to the experts in advance of the group’s meeting.

The *ad hoc* expert group will report to the IGC plenary at IGC 36 on the outcomes of its work and submit to the plenary recommendations and/or texts, if any.

The agenda for IGC 36 will make provision for such a report by the *ad hoc* expert group, which will be presented by the Chair or co-Chairs of the *ad hoc* expert group. The report will be oral and may be accompanied by a text.

Composition

Each regional group will be represented by a maximum of four experts. The Indigenous caucus will be invited to nominate two indigenous experts to participate. The experts, who should preferably be subject-matter specialists, shall participate in their personal capacities.

The Regional Groups and Indigenous Caucus will be invited by the Secretariat to nominate their experts by May 31, 2018, so that the necessary arrangements can be made.

The Secretariat is authorised to invite up to three experts from academia, civil society and industry, to assist in the *ad hoc* expert group, such as by making presentations and answering technical questions. They will also participate in their personal capacities.

The Chair and Vice-chairs of the IGC will be invited to attend the *ad hoc* expert group meeting.

Date and venue

The *ad hoc* expert group on genetic resources will meet on Sunday June 24, 2018, at WIPO Headquarters in Geneva, in Room NB 0.107, from 09h00 to 17h00.

Funding

According to the agreed funding formula for the IGC process, one participant each from 36 countries (seven countries from each region and China) will be funded for the 36th session of the IGC. Regional Coordinators will be invited, as usual, to provide the names of the countries to be funded. Funded countries will then be invited to nominate the funded participants to the IGC.

For those experts from each regional group attending the *ad hoc* expert group who are the funded participants to the IGC, one more daily subsistence allowance at the usual IGC rate will be provided by WIPO. WIPO will not cover the expenses of the other experts or any other additional expenses.

This funding arrangement for the *ad hoc* expert group does not constitute a precedent for other WIPO meetings.

If the indigenous experts to participate in the *ad hoc* expert group are funded by the Voluntary Fund as decided by the Advisory Board or are the panellists for the Indigenous Panel at the 36th session of the IGC, WIPO will provide one daily subsistence allowance at the usual IGC rate. WIPO will not cover the expenses of the other indigenous experts or any other additional expenses.

Languages

The working languages of the *ad hoc* expert group will be English, French and Spanish.

Chair or co-Chairs of the *ad hoc* expert group

The Chair or co-Chairs will be identified by the Chair of the IGC from among the participating experts.

Informality

The *ad hoc* expert group will not be webcasted, or reported on in the same manner as the IGC plenary.

All participants are requested to respect the informality of the *ad hoc* expert group, 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 *ad hoc* expert group, whether in general terms or by way of

quoting specific experts. This includes restrictions on tweeting, blog posts, news stories and email list-serves.

Secretariat services

The WIPO Secretariat will facilitate the conduct of the meeting and provide secretariat services.

[Annex follows]

Indicative List of Specific Issues

1. List of terms relating to the operative text
 - a. Traditional knowledge associated with genetic resources
 - b. Country of origin
 - c. Providing country
 - d. Country providing genetic resources
 - e. Invention directly based on
 - f. Genetic resources/genetic materials/derivative
 - g. Source
 - h. Utilization
 2. Subject matter
 - a. Should the instrument apply to:
 - i. Any IP rights or only patent right
 - b. In addition to GRs:
 - i. Derivatives
 - ii. TK associated with GRs
 3. Disclosure
 - a. Trigger
 - b. Content of disclosure
 - c. Exceptions and limitations
 - d. Consequence of non-compliance
 4. Due diligence measures/Databases
-