

Selected Documents submitted by Member States and Observers at the WIPO Intergovernmental Committee (IGC) on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore

IGC1 to IGC51

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***First session, April 30 to May 3, 2001**

Traditional Knowledge and the Need to Give it Adequate Intellectual Property Protection. WIPO Committee on the Relationship between Intellectual Property, Genetic Resources and Traditional Knowledge (documents submitted by the Group of Countries of Latin America and the Caribbean (GRULAC), WIPO/GRTKF/IC/1/5, March 16, 2001, https://www.wipo.int/edocs/mdocs/tk/en/wipo_grtkf_ic_1/wipo_grtkf_ic_1_5.pdf

“In a world of globalization, the promotion of technological innovation has to benefit all possible owners or users of the technology, regardless of their particular characteristics. And yet all that technical knowledge lacks one single form of creation, or alternatively uniform criteria governing its creation. Such is the case of the knowledge, innovations and practices of indigenous and local communities. There are some who ask themselves why intellectual property protection should be conferred on “primitive” activities when science and technology are so advanced. The reply to this is that much knowledge, even without the strict application of scientific

methods, is capable of offering solutions to problems that have as yet not been solved in the modern world. Examples of this are natural healing processes or natural medicine, and cures like acupuncture, which are generally used to complement, or as substitutes for, mainstream medicine when it becomes inadequate, inaccessible or ineffective. Apart from that, the knowledge and innovations of indigenous and local communities represent intellectual added value in relation to the natural state of the product or process that is presented, whether by an individual or by a group.

Licenses of right or “domaine public payant.” One could contemplate introducing a system that imposes the obligation to pay a fee or contribution to a particular beneficiary specified in the legislation (which may be a community or other corporate entity, or a representative institution) whenever an expression of the traditional or indigenous culture of any people is exploited commercially. Beneficiaries (communities or peoples who have produced and who preserve an expression of culture) would not, as they would under a conventional industrial property right, have the right to object to the use or exploitation of works in the public domain. They would, however, be entitled to compensation or remuneration according to the exploitation.

V. Elements of “traditional” knowledge (in the broad sense)

Before we can analyze this subject, we have to differentiate between its component elements, owing to their particular nature and characteristics.

These include the following:

1. Traditional knowledge (in the strict sense): this is a non-limitative reference to knowledge and practices associated with plants and animals, natural medicines and medical treatments, nutritional and cosmetic knowledge, knowledge of perfumery, etc., that embody intellectual added value and are in the public domain.⁸ In that case what should be investigated is the introduction of ownership rights that are either collective or individual, based on a right to compensation for their use. It does not seem right to look for any right of exclusion as in the case of intellectual property, as the subject matter of protection is in the public domain. It would be better to concentrate on the system whereby fair compensation or equitable distribution of profits from third-party use or marketing may be secured and channeled towards the legitimate originators of the knowledge.

Possible “sui generis” solutions

A. Common Regime for Access to Genetic Resources of the Andean Community of Nations (Decision 391 of 1996): this common system regulates the conditions governing access to genetic resources, including material derived from genetic resources. It also provides that access contracts have to consider the rights and interests of the providers of the genetic resources and derived subject matter and also intangible elements. The latter are defined as any individual or collective

knowledge, innovation or practice having actual or potential value that is associated with the genetic resource, or derived products, or with the biological resource that contains it, whether or not it is protected under intellectual property provisions. Where there is a resource that has an intangible component, the Decision requires: (a) identification of the provider of the genetic resource and its derived subject matter having an intangible component, and (b) incorporation of an appendix to the access contract in which provision has been made for the equitable distribution of the benefits resulting from access to the elements mentioned.

C. Draft protection regime for the collective knowledge of the indigenous peoples of Peru: this system would function through optional registration of the collective knowledge of the indigenous peoples that are associated with biological resources. Access to the information contained in the register entry would be subject to authorization by the indigenous people, with the exception of information that deals with the uses that the indigenous communities make of the genetic resources, and also that identifying the communities in question. As for a possible commercial use of the knowledge, the system would allow it only where a license contract has been entered into between the communities and those interested in the use. The draft likewise offers a number of interesting definitions of collective knowledge, indigenous peoples, the public domain, biological resources and other things in an attempt to demarcate precisely the constituent elements of the regime.

D. System of sui generis databases: among the positions taken by legal writers, there are some that tend to claim that the best way of protecting traditional knowledge, given its characteristics, variety and sheer scale, would be through the introduction of sui generis databases. Apart from the standard rights in databases that are original in terms of the selection or arrangement of their contents, these would be characterized by the following additional features:

- Protection of undisclosed information: protection of the arrangement of the information within the database would not be sufficient; there would have to be rights in the knowledge actually recorded. Without protection of the subject matter, there would be no incentive to pass it on in the case of innovations, or to organize it and refine it in the case of traditional knowledge.

- Right of exclusion applicable not only to reproduction of the information, but also to the use of registered information.

- No need for prior fixing of the information as a condition of the grant of protection. These options are important initial efforts which aim to address clearly the problem of the lack of protection for the knowledge, innovations and practices of indigenous and local communities, and which must be thoroughly investigated and duly taken into account in the planning of a universal solution.

VII. Possible action to be taken by Member States of WIPO

Regardless of whether the sui generis route is taken or that of revision of existing intellectual property systems, it is necessary to examine and agree on the beginnings of a solution that will satisfy not only Member States and the public at large but also the indigenous and local communities themselves.

Consequently, the countries that sign this document request the creation of a Standing Committee on access to the genetic resources and traditional knowledge of local and indigenous communities. The work of that Standing Committee would have to be directed towards defining internationally recognized practical methods of securing adequate protection for the intellectual property rights in traditional knowledge.”

[Note: GRULAC provided details (Annex II) on the terms of reference for a WIPO “Committee on the Relationship between Intellectual Property, Genetic Resources and Traditional Knowledge.]

Annex II

The Committee could consider the appropriateness and feasibility of recognizing rights in traditional works and knowledge currently in the public domain, and investigating machinery to limit and control certain kinds of unauthorized exploitation. Consideration could among other things be given to licenses of right and regimes comparable to the domaine public payant (fee-paying public domain), and also to systems for the collective management of the exploitation of the knowledge, including the creation of funds in which the proceeds from economic exploitation would be deposited.

Recognition of collective rights Intellectual property is designed in terms of the ownership of exclusive rights that are accorded to an identified or identifiable natural person or legal entity. However, much traditional knowledge is generated, maintained and passed on in a collective fashion, by a specific community or by a group of communities within a nation. For instance, there are aspects of collective folklore that at present are insufficiently protected because the person entitled to the rights is not readily identifiable. The fact of a traditional work or piece of knowledge being impossible to attribute directly to a person or to a definite number of persons must not be a reason for allowing unauthorized access to the work or knowledge and its reproduction and exploitation. The Committee could investigate ways of safeguarding the rights in collective traditional works and knowledge by considering machinery for limiting and controlling such unauthorized exploitation. Consideration could among other things be given to systems for the collective management of the exploitation of the knowledge, and the creation of funds in which the proceeds from economic exploitation of the works and knowledge would be deposited for subsequent distribution.

Document of the Holy See on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore, WIPO/GRTKF/IC/1/7, April 26, 2001,
https://www.wipo.int/edocs/mdocs/tk/en/wipo_grtkf_ic_1/wipo_grtkf_ic_1_7.pdf

Directive 98/44/EC of the European Parliament and of the Council on the Legal Protection of Biotechnological Inventions. Explanatory Note on Recital 27 of the Above Directive Concerning the Indication of the Geographical Origin of Biotechnological Inventions. Communication by the European Union and its Member States on the Relationship Between the Convention on Biological Diversity and the TRIPS Agreement. Paper on the Relationship Between Intellectual Property Rights and Biodiversity (submitted by the European Community and its Member States), WIPO/GRTKF/IC/1/8, April 26, 2001
https://www.wipo.int/edocs/mdocs/tk/en/wipo_grtkf_ic_1/wipo_grtkf_ic_1_8-main1.pdf

“The European Community and its Member States are sensitive to the concerns raised by developing countries with respect to genetic resources, traditional knowledge and expressions of folklore. For this very reason, we have repeatedly stressed in WIPO and other relevant international organizations our readiness to participate constructively and in a positive spirit in future discussions on those issues. Needless to say that we also believe that WIPO as the specialized UN agency is the right place to take up all intellectual property-related issues that have been raised in this context.

Without prejudice to our future position as regards substantial matters, the European Community and its Member States agreed to share a number of documents for information with participants at the newly established Intergovernmental Committee (IGC). As an initial contribution to the upcoming examination of issues related to genetic resources, traditional knowledge and folklore, the European Community and its Member States wish to submit the following documents to the IGC (see annexes):

- Directive 98/44/EC of the European Parliament and of the Council on the legal protection of biotechnological inventions;
- An explanatory note on recital 27 of the above Directive concerning the indication of the geographical origin of biotechnological inventions (animal and plant aspects); and
- A Communication by the European Communities and their Member States on the relationship between the CBD and the TRIPS Agreement, as submitted to the TRIPS Council (cf. WTO Document IP/C/W/254 of 3 April); and
- A paper on the relationship between IPRs and biodiversity, submitted by the EU to Mr. Zedhan of the CBD Secretariat on 5 February 2001 (in accordance with Decision 26 of the Fifth Conference of the Parties to the CBD).”

Draft Guidelines on Access and Benefit Sharing Regarding the Utilisation of Genetic Resources (submitted by the Government of Switzerland), WIPO/GRTKF/IC/1/9, April 27, 2001, https://www.wipo.int/edocs/mdocs/tk/en/wipo_grtkf_ic_1/wipo_grtkf_ic_1_9.pdf

This information document introduces the “Draft Guidelines on Access and Benefit Sharing Regarding the Utilisation of Genetic Resources” (Draft Guidelines) proposed by the Swiss Government. It summarises the process which led to the drawing up of these Draft Guidelines, explains their main features and describes some of the responsibilities of the main stakeholders involved in access to genetic resources and the sharing of the benefit arising from their use, and explicates the system of prior informed consent. Finally, this information document contains remarks on the provisions of the Draft Guidelines dealing with traditional knowledge related to genetic resources.

The Draft Guidelines are intended to serve as a point of reference for the stakeholders involved in access to genetic resources and the sharing of benefits arising from their use. In other words, the stakeholders shall have an instrument of orientation for their work at hand. Therefore, the Draft Guidelines set standards and contain principles that should be observed by those entities which adhere to them.

The aim of the Draft Guidelines is twofold:

Firstly, they aim at the fair and equitable sharing of the benefits arising from the use of genetic resources. The benefit sharing shall be designated to contribute to the conservation of the biological diversity and to foster the sustainable use of genetic resources.

Secondly, they aim at promoting the appropriate access to genetic resources. Access activities shall create only minimum adverse environmental impacts.

The Draft Guidelines are intended to facilitate the considerations on access to genetic resources and the sharing of the benefits arising from their use within the relevant international fora, such as the CBD and WIPO. They address the issue of traditional knowledge only in the context of access and benefit sharing. Nevertheless, the provisions of the Draft Guidelines dealing with these aspects of traditional knowledge could be further expanded. They relate to intellectual property rights where appropriate, but allow to take into account other regulatory choices. In our view, the Draft Guidelines show that an instrument that is process-based and that accordingly lists the responsibilities of the various stakeholders involved, may be the appropriate way of addressing the issues arising at the multilateral level. It is possible to take into account the interests of the different stakeholders involved in one single tool. This single tool approach is not only able to ensure the needed degree of flexibility, but also to provide predictability and an equally levelled playing field.”

Proposal Presented by the African Group to the First Meeting of the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and

1.1 Intellectual property protection carves out exclusive rights to an individual (either a natural person or a legal one) to exploit particular creations of human ingenuity. The broadening in recent years of intellectual property protection through the recognition and inclusion of new rights and subjects of protection has been informed by modern economic and technological development interests and has been, in particular, promoted by needs and interests of firms and economies of the industrialized world. It does not take sufficiently into account traditional knowledge and innovations generated by local communities and indigenous peoples around the world.

1.3 Traditional knowledge is thus the totality of all knowledge and practices, whether explicit or implicit, used in the management of socio-economic and ecological facets of life. This knowledge is established on past experiences and observation. It is usually a collective property of a society. Many members of the particular society contribute to it over time, and it is modified and enlarged as it is used over time. This knowledge is transmitted from generation to generation. It is generally an attribute of a particular people, who are intimately linked to a particular socio-ecological context through various economic, cultural and religious activities. In addition, traditional knowledge is dynamic in nature and changes its character as the needs of local people change. Examples of traditional knowledge include knowledge about the use of specific plants and/or parts thereof, identification of medicinal properties in plants, and harvesting practices.

1.4 Recent years have witnessed a paradigm shift in the recognition of and appreciation for the role of traditional knowledge in all aspects of human activity. Over the past decade or so, biotechnology, pharmaceutical and human health care industries have increased their interest in natural products as sources of new biochemical compounds for drug, chemical and agro-products development. The decade has also witnessed a resurgence of interest in traditional knowledge and medicine. This interest has been stimulated by the importance of traditional knowledge as a lead in new product development. African countries and their local communities have contributed considerably to these industries. However, intellectual property rights of these communities are not often recognized and protected. In addition, indigenous and local communities do not share, at least in a fair and equitable manner, benefits arising from the appropriation of their knowledge and its subsequent commercial use.

2. Intellectual Property Protection Regimes 2.1 International Conventions

b) i) The Convention on Biological Diversity (CBD) explicitly recognizes the importance of traditional knowledge, and the rights of indigenous and local communities in that knowledge. It creates a framework for ensuring that local people share benefits arising from appropriation and use of their knowledge. In its preamble the CBD recognizes: "the close and traditional dependence of many indigenous and

local communities embodying traditional lifestyles on biological resources, and the desirability of sharing equitably benefits arising from the use of traditional knowledge, innovations and practices relevant to the conservation of biological diversity and the sustainable use of its components.” Articles 8(j), 10(c) and 18(4) make reference to the rights of indigenous and local communities. Article 10(c), for example, provides that each Contracting Party “shall [p]rotect and encourage customary use of biological resources in accordance with traditional cultural practices that are compatible with conservation or sustainable use requirements.” Article 18(4) defines technologies broadly to include “indigenous and traditional technologies”

ii) Article 8(j) is perhaps the most authoritative provision dealing with traditional knowledge. It provides that each Contracting Party shall, as far as possible and as appropriate, “subject to its national legislation, respect, preserve, and maintain knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant to the conservation and sustainable use of biological diversity and promote their wider application with the approval and involvement of the holders of such knowledge, innovations and practices and encourage the equitable sharing of the benefits arising from the utilization of such knowledge, innovations and practices.”

iii) There are a number of limitations with Article 8(j) in so far as the question of intellectual property rights in traditional knowledge is concerned. First, the Convention leaves the protection of the knowledge, innovations and practices of indigenous and local communities to the discretion of parties through language such as “subject to national legislation” and “as far as possible and as appropriate”. Second, Article 8(j) does not talk of protection of the knowledge but merely calls on parties to “respect, preserve and maintain” it. It does not guarantee indigenous and local communities any rights in traditional knowledge. iv) Parties to the Convention have recognized limitations of Article 8(j). An open-ended inter-sessional working group composed of Parties including indigenous and local communities was established to advance further the work on the implementation of Article 8 (j) and related provisions, in order to, inter alia “provide advice as a priority on the application and development of legal and other appropriate forms of protection for the knowledge, innovations and practices of indigenous and local communities.”

On the above mentioned matters, the African Group has made extensive proposals in the framework of the World Trade Organization. d) The International Convention for the Protection of New Varieties of Plants (UPOV) is the only international treaty focusing on plant variety protection with the specific aim of introducing private property rights on plant varieties. The 1978 version of the Convention allows farmers to re-use propagating material from the previous seasons’ harvest and to freely exchange seeds of protected varieties with farmers. Although, membership of UPOV is currently mainly made up of developed countries, developing countries have been incited, in recent years, to adopt UPOV as a sui generis for plant variety protection system. However, new members can only accede to the 1991 version of the Convention, which does not contain any provisions for recognizing the knowledge

and other contributions that indigenous and local peoples make to plant breeding programs.

3 Proposals of the African Group

3.1 As it has been highlighted by this paper, the protection of traditional knowledge under current forms of intellectual property protection is incomplete and inadequate and has its limitations because of the rigidities built in these forms and the very nature of traditional knowledge. The African group considers that the establishment of this Intergovernmental Committee constitutes a historic opportunity to redress the imbalance in the current international property protection regime and improve it in order to make it work to the benefit of all the members of the international community.

3.2 In consequence, the African Group of countries therefore requests the establishment of a Standing Committee on genetic resources, traditional knowledge, and folklore.

3.3 This Committee would, inter alia, engage in the following tasks:

- a) Examine the means by which intellectual property registration systems could be adapted to enhance the protection provided to traditional knowledge and expressions of folklore.**
- b) Examine the relationship between customary laws governing custodianship, use and transmission of traditional knowledge, on the one hand, and the formal intellectual property system to ensure that intellectual property rights don't preclude continued customary use of genetic resources and related knowledge.**
- d) Examine issues concerning the regulation of use and exploitation of genetic resources and biodiversity including the misappropriation of genetic resources and traditional knowledge related to those resources.**
- e) Exchanging views and information with a view to negotiating a comprehensive international binding instrument on the protection of genetic resources traditional knowledge and expressions of folklore**

3.4 In accomplishing the tasks mentioned above, the Committee could examine the following non-exhaustive list of issues:

- a) Discuss and reach an agreement on the international level on a common definitions to the terms and concepts relating to genetic resources, traditional knowledge and folklore.
- b) Developing documentation of traditional knowledge, expressions of folklore and genetic resources, especially through the formation of databases on traditional knowledge and expression of folklore at a national and international level to disseminate concise information on these matters.

- c) Examine the expansion of intellectual property protection requirements in order to enhance intellectual protection given to genetic resources, traditional knowledge and expressions of folklore.
- d) Examine the current international framework for access to and benefit sharing of genetic resources in a view to harmonize and standardize it in a way favorable to the equitable sharing of resources and the protection of traditional knowledge associated with these resources.
- e) Examine the practical measures to address the misappropriation of genetic resources and traditional knowledge associated with it.

Decision 345 - Common Provisions on the Protection of the Rights of Breeders of New Plant Varieties. Decision 351 - Common Provisions on Copyright and Neighboring Rights. Decision 391 - Common Regime on Access to Genetic Resources. Decision 486 - Common Intellectual Property Regime (submitted by the Member States of the Andean Community), WIPO/GRTKF/IC/1/11, May 1, 2001,
https://www.wipo.int/edocs/mdocs/tk/en/wipo_grtkf_ic_1/wipo_grtkf_ic_1_11.pdf

Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (submitted by the Delegation of Zambia), WIPO/GRTKF/IC/1/12, May 3, 2001,
https://www.wipo.int/edocs/mdocs/tk/en/wipo_grtkf_ic_1/wipo_grtkf_ic_1_12.pdf

Second session, December 10 to December 14, 2001

Position Paper of the Asian Group and China (submitted by the Asian Group and China), WIPO/GRTKF/IC/2/10, December 3, 2001,
https://www.wipo.int/edocs/mdocs/tk/en/wipo_grtkf_ic_2/wipo_grtkf_ic_2_10.pdf

Recognizing that the WIPO Arbitration and Mediation Center offers arbitration and mediation services for the resolution of international commercial disputes between private parties, WIPO should study possibilities of offering alternative dispute resolution services, including but not limited to arbitration and mediation, which are particularly appropriate for the problems involving intellectual property issues related to traditional knowledge and folklore;

Member States may document their traditional knowledge to avoid its loss with the passing away of the older generations. When documenting the traditional knowledge, governments may take into account existing intellectual property standards and distinguish between traditional knowledge which is in the public domain and traditional knowledge which is not in the public domain. Based on this distinction, Member States may: as appropriate, compile databases of traditional knowledge which is in the public domain and make these databases available to patent-granting authorities for the purposes of prior art searches, in order to prevent the grant of any intellectual property rights over such public domain knowledge; establish registers of traditional knowledge elements which are not in the public domain and keep the contents of the registers undisclosed, pending the possible establishment of

new protection standards for the traditional knowledge elements contained in the registers.

Declaration of Shamans on Intellectual Property and Protection of Traditional Knowledge and Genetic Resources (submitted by the Delegation of Brazil), WIPO/GRTKF/IC/2/14, December 12, 2001,

https://www.wipo.int/edocs/mdocs/tk/en/wipo_grtkf_ic_2/wipo_grtkf_ic_2_14.pdf

We propose the adoption of a universal instrument of legal protection of traditional knowledge - an alternative, sui generis system distinct from the regimes of protection of intellectual property rights and that addresses, among other aspects: the recognition of indigenous lands and territories and consequently its demarcation; the recognition of the collective property of traditional knowledge as not subject to expiration in time and as non-negotiable and of the resources as public interest goods; the right of local indigenous peoples and communities to deny access to traditional knowledge and to the existing genetic resources in their territories; the recognition of the traditional forms of organization of the indigenous peoples; the inclusion of the principle of prior informed consent and a clear disposition with respect to the participation of indigenous peoples in the fair and equitable distribution of benefits resulting from the use of these resources and knowledge; and the continuity of free exchange of resources and traditional knowledge among indigenous peoples.

We propose that the creation of a database of registry on traditional knowledge be widely discussed among indigenous communities and organizations and that its implementation be carried out after the rights mentioned in this document are ensured.

WIPO/GRTKF/IC/2/15 Patents Using Biological Sources Material (I) and Mention of the Country of Origin in Patents Using Biological Source Material (II) (submitted by the Delegation of Spain), December 13, 2001,

https://www.wipo.int/edocs/mdocs/tk/en/wipo_grtkf_ic_2/wipo_grtkf_ic_2_15.pdf

Third session, June 13 to June 21, 2002

Current Status on the Protection and Legislation of National Folklore in China, WIPO/GRTKF/IC/3/14, June 14, 2002,

https://www.wipo.int/edocs/mdocs/tk/en/wipo_grtkf_ic_3/wipo_grtkf_ic_3_14.pdf

The Position of the African Group (Presented by the African Group),

WIPO/GRTKF/IC/3/15, June 14, 2002,

https://www.wipo.int/edocs/mdocs/tk/en/wipo_grtkf_ic_3/wipo_grtkf_ic_3_15.pdf

Traditional Knowledge and Intellectual Property Rights, Submission by the European Community and its Member States on Traditional Knowledge and Intellectual Property

Rights, WIPO/GRTKF/IC/3/16, June 14, 2002,
https://www.wipo.int/edocs/mdocs/tk/en/wipo_grtkf_ic_3/wipo_grtkf_ic_3_16.pdf

It appears difficult to protect all types of TK under existing IP regimes. However, it may be possible, to a certain extent, to protect certain types of TK or, at least, the way in which it is presented, or products incorporating TK, through existing IP regimes. Therefore, the EC and its Member States believe that TK holders should be encouraged to make full use of the existing IP system whenever possible.

. . . patent offices should fully include TK in prior art searches, to the extent that this information is available to them. In order to make this effective, TK should be more systematically documented in registers or databases. This should happen with the full involvement and prior informed consent of the indigenous and local communities which are the TK holders. The relevant information should be made readily available to patent offices which should effectively consult these registers and databases.

Fourth session, December 9 to 17, 2002

Access to Genetic Resources Regime of the United States National Parks (Submitted by the Delegation of the United States of America), WIPO/GRTKF/IC/4/13, December 6, 2002

Technical Proposals on Databases and Registries of Traditional Knowledge and Biological/Genetic Resources (Submitted by the Asian Group), WIPO/GRTKF/IC/4/14, December 6,
https://www.wipo.int/edocs/mdocs/tk/en/wipo_grtkf_ic_4/wipo_grtkf_ic_4_14.pdf

Fifth session, July 7 to 15, 2003

Isfahan Declaration, WIPO/GRTKF/IC/5/14, Islamic Republic of Iran, July 7, 2003,
https://www.wipo.int/edocs/mdocs/tk/en/wipo_grtkf_ic_5/wipo_grtkf_ic_5_14.pdf

Patents Referring to *Lepidium Meyenii* (maca): Responses of Peru, WIPO/GRTKF/IC/5/13m May 12, 2003,
https://www.wipo.int/edocs/mdocs/tk/en/wipo_grtkf_ic_5/wipo_grtkf_ic_5_13.pdf

Sixth session, March 15 to 19, 2004

Submission by the African Group: Objectives, Principles and Elements of an International Instrument, or Instruments, on Intellectual Property in Relation to Genetic Resources and on the Protection of Traditional Knowledge and Folklore, WIPO/GRTKF/IC/6/12, March 15, 2004, https://www.wipo.int/edocs/mdocs/tk/en/wipo_grtkf_ic_6/wipo_grtkf_ic_6_12.pdf

Seventh session, November 1 to November 2004

Decisions and Recommendations of the Third Session of the United Nations Permanent Forum on Indigenous Issues Relevant to the World Intellectual Property Organization (WIPO) (submitted by the Under-Secretary-General for Economic and Social Affairs, United Nations), WIPO/GRTKF/IC/7/13, September 10, 2004,
https://www.wipo.int/edocs/mdocs/tk/en/wipo_grtkf_ic_7/wipo_grtkf_ic_7_13.pdf

New Zealand Proposal - Practical Participation of Indigenous and Local Communities (submitted by the Delegation of New Zealand), WIPO/GRTKF/IC/7/14, November 2, 2004,
https://www.wipo.int/edocs/mdocs/tk/en/wipo_grtkf_ic_7/wipo_grtkf_ic_7_14.pdf

Eighth session, June 6 to June 10, 2005

Disclosure of Origin or Source of Genetic Resources and Associated Traditional Knowledge in Patent Applications, Document submitted by the European Community and its Member States, WIPO/GRTKF/IC/8/11, May 17, 2005,
https://www.wipo.int/edocs/mdocs/tk/en/wipo_grtkf_ic_8/wipo_grtkf_ic_8_11.pdf

Patent System and the Fight Against Biopiracy - The Peruvian Experience (submitted by Peru), WIPO/GRTKF/IC/8/12, May 30, 2005,
https://www.wipo.int/edocs/mdocs/tk/en/wipo_grtkf_ic_8/wipo_grtkf_ic_8_12.pdf

Ministry of Agriculture, Rural Development and Fisheries, Decree-Law No. 118/2002 (submitted by Portugal), WIPO/GRTKF/IC/8/13, June 1, 2005,
https://www.wipo.int/edocs/mdocs/tk/en/wipo_grtkf_ic_8/wipo_grtkf_ic_8_13.pdf

Ninth session, April 24 to April 28, 2006

Analysis of Potential Cases of Biopiracy, Document submitted by Peru, WIPO/GRTKF/IC/9/10, March 15, 2006,
https://www.wipo.int/edocs/mdocs/tk/en/wipo_grtkf_ic_9/wipo_grtkf_ic_9_10.pdf

Republic of South Africa: Indigenous Knowledge Systems Policy, WIPO/GRTKF/IC/9/11, March 15, 2006,
https://www.wipo.int/edocs/mdocs/tk/en/wipo_grtkf_ic_9/wipo_grtkf_ic_9_11.pdf

Norway: Memorandum on Documents WIPO/GRKTF/IC/9/4 and WIPO/GRKTF/IC/9/5, WIPO/GRTKF/IC/9/12, April 20, 2006,
https://www.wipo.int/edocs/mdocs/tk/en/wipo_grtkf_ic_9/wipo_grtkf_ic_9_12.pdf

The Patent System and Genetic Resources, Document submitted by Japan, WIPO/GRTKF/IC/9/13,
https://www.wipo.int/edocs/mdocs/tk/en/wipo_grtkf_ic_9/wipo_grtkf_ic_9_13.pdf

Tenth session, November 30 to December 8, 2006

No country submissions

Eleventh session, July 3 to 12, 2007

Declaration of the Source of Genetic Resources and Traditional Knowledge in Patent Applications: Proposals by Switzerland, WIPO/GRTKF/IC/11/10, June 6, 2007, https://www.wipo.int/edocs/mdocs/tk/en/wipo_grtkf_ic_11/wipo_grtkf_ic_11_10.pdf

Additional Explanation from Japan Regarding the Document WIPO/GRTKF/IC/9/13 on the Patent System and Genetic Resources, WIPO/GRTKF/IC/11/11, June 25, 2007, https://www.wipo.int/edocs/mdocs/tk/en/wipo_grtkf_ic_11/wipo_grtkf_ic_11_11.pdf

Bandung Declaration on the Protection of Traditional Cultural Expressions, Traditional Knowledge, and Genetic Resources, WIPO/GRTKF/IC/11/12, June 28, 2007, https://www.wipo.int/edocs/mdocs/tk/en/wipo_grtkf_ic_11/wipo_grtkf_ic_11_12.pdf

Combating Biopiracy - The Peruvian Experience, WIPO/GRTKF/IC/11/13, July 9, 2007, https://www.wipo.int/edocs/mdocs/tk/en/wipo_grtkf_ic_11/wipo_grtkf_ic_11_13.pdf

Twelfth session, February 25 to February 29, 2008

No country submissions

Thirteenth session, October 13 to October 17, 2008

African Group Proposal on the Protection of Traditional Knowledge, Traditional Cultural Expressions and Genetic Resources, WIPO/GRTKF/IC/13/9, September 18, 2008, https://www.wipo.int/edocs/mdocs/tk/en/wipo_grtkf_ic_13/wipo_grtkf_ic_13_9.pdf

Fourteenth session, June 29 to July 3, 2009

Proposal of the African Group on the Mandate of the Intergovernmental Committee, WIPO/GRTKF/IC/14/8 REV., June 26, 2009, https://www.wipo.int/edocs/mdocs/tk/en/wipo_grtkf_ic_14/wipo_grtkf_ic_14_8_rev.pdf

African Group Submission on Document WIPO/GRTKF/IC/13/9, WIPO/GRTKF/IC/14/9, June 26, 2009, https://www.wipo.int/edocs/mdocs/tk/en/wipo_grtkf_ic_14/wipo_grtkf_ic_14_9.pdf

Issue 1 - Definition of Traditional Knowledge

View 1:

The definition should:

- Include “knowledge systems, generated from local indigenous or traditional communities” as well those “generated, preserved and transmitted in different approaches, different people, including ethical (minorities) groups”.
- “Be anthropological”
- “Be accumulated knowledge that was the result of intellectual activity and insight into a traditional context and included the know-how, skills, innovations ... embodied in the traditional lifestyle systems”.

Issue 2 - Who Should Benefit From Any Such Protection Or Who Should Hold The Rights To Protectable Traditional Knowledge

View 1:

“Protection of TK should benefit the communities who generated, preserved and transmitted the knowledge in a traditional and intergenerational context, who were associated with it and who identified with it.”

. . . The State will act as custodians of the TK taking into due consideration the interests of the local communities concerned.

Ownership of transnational TK should be treated as a special category as it is not a norm.

Issue 5 - Should There Be Any Exception Or Limitations To Rights Attaching To Protectable Traditional Knowledge

View 1:

The rights of TK holders should have lesser limitations and exceptions than in the case of other IPRs

Way Forward:

We are of the view that there should be some limitations and exceptions taking into account, inter alia, public interest and the continuing customary use and practice of the community.

African Group Submission on Document WIPO/GRTKF/IC/13/10, WIPO/GRTKF/IC/14/10, June 25, 2009,

https://www.wipo.int/edocs/mdocs/tk/en/wipo_grtkf_ic_14/wipo_grtkf_ic_14_10.pdf

Elements for the New Mandate - Proposal by the European Community and its Member States, WIPO/GRTKF/IC/14/11, July 3, 2009,

https://www.wipo.int/edocs/mdocs/tk/en/wipo_grtkf_ic_14/wipo_grtkf_ic_14_11.pdf

Fifteenth session, December 7 to 11, 2009

The African Group for Intersessional Working Groups for the Intergovernmental Committee, WIPO/GRTKF/IC/15/5, December 8, 2009,

https://www.wipo.int/edocs/mdocs/tk/en/wipo_grtkf_ic_15/wipo_grtkf_ic_15_5.pdf

Proposal of Group B and Group of Central European and Baltic States for Intersessional Working Groups for the Intergovernmental Committee, WIPO/GRTKF/IC/15/6, December 11, 2009

https://www.wipo.int/edocs/mdocs/tk/en/wipo_grtkf_ic_15/wipo_grtkf_ic_15_6.pdf

***Sixteenth session, May 3 to May 7, 2010**

Policies, Measures and Experiences Regarding Intellectual Property and Genetic Resources: Submission by the Nigeria Natural Medicine Development Agency (NNMDA), WIPO/GRTKF/IC/16/INF/7, February 19, 2010,
https://www.wipo.int/edocs/mdocs/tk/en/wipo_grtkf_ic_16/wipo_grtkf_ic_16_inf_7.pdf

Policies, Measures and Experiences Regarding Intellectual Property and Genetic Resources: Submission by Zambia, WIPO/GRTKF/IC/16/INF/8, February 19, 2010,
https://www.wipo.int/edocs/mdocs/tk/en/wipo_grtkf_ic_16/wipo_grtkf_ic_16_inf_8.pdf

Policies, Measures and Experiences Regarding Intellectual Property and Genetic Resources: Submission by Brazil, WIPO/GRTKF/IC/16/INF/9, February 19, 2010,
https://www.wipo.int/edocs/mdocs/tk/en/wipo_grtkf_ic_16/wipo_grtkf_ic_16_inf_9.pdf

Policies, Measures and Experiences Regarding Intellectual Property and Genetic Resources: Submission by Algeria, WIPO/GRTKF/IC/16/INF/10, February 19, 2010,
https://www.wipo.int/edocs/mdocs/tk/en/wipo_grtkf_ic_16/wipo_grtkf_ic_16_inf_10.pdf

Policies, Measures and Experiences Regarding Intellectual Property and Genetic Resources: Submission by Kyrgyzstan, February 19, 2010,
https://www.wipo.int/edocs/mdocs/tk/en/wipo_grtkf_ic_16/wipo_grtkf_ic_16_inf_11.pdf

Policies, Measures and Experiences Regarding Intellectual Property and Genetic Resources: Submission by Norway, WIPO/GRTKF/IC/16/INF/12, February 19, 2010,
https://www.wipo.int/edocs/mdocs/tk/en/wipo_grtkf_ic_16/wipo_grtkf_ic_16_inf_12.pdf

Policies, Measures and Experiences Regarding Intellectual Property and Genetic Resources: Submission by the International Institute for Environment and Development (IIED), WIPO/GRTKF/IC/16/INF/13, February 19, 2010,
https://www.wipo.int/edocs/mdocs/tk/en/wipo_grtkf_ic_16/wipo_grtkf_ic_16_inf_13.pdf

Policies, Measures and Experiences Regarding Intellectual Property and Genetic Resources: Submission by Switzerland, WIPO/GRTKF/IC/16/INF/14, February 19, 2010,
https://www.wipo.int/edocs/mdocs/tk/en/wipo_grtkf_ic_16/wipo_grtkf_ic_16_inf_14.pdf

Policies, Measures and Experiences Regarding Intellectual Property and Genetic Resources: Submission by the European Union and its Member States, WIPO/GRTKF/IC/16/INF/15, February 19, 2010,
https://www.wipo.int/edocs/mdocs/tk/en/wipo_grtkf_ic_16/wipo_grtkf_ic_16_inf_15.pdf

Policies, Measures and Experiences Regarding Intellectual Property and Genetic Resources: Submission by Mexico, WIPO/GRTKF/IC/16/INF/16, February 19, 2010,
https://www.wipo.int/edocs/mdocs/tk/en/wipo_grtkf_ic_16/wipo_grtkf_ic_16_inf_16.pdf

Policies, Measures and Experiences Regarding Intellectual Property and Genetic Resources: Submission by the Center for Peace Building and Poverty Reduction Among Indigenous African Peoples (CEPPER), WIPO/GRTKF/IC/16/INF/17, February 19, 2010, https://www.wipo.int/edocs/mdocs/tk/en/wipo_grtkf_ic_16/wipo_grtkf_ic_16_inf_17.pdf

Policies, Measures and Experiences Regarding Intellectual Property and Genetic Resources: Submission by Australia, February 19, 2010, https://www.wipo.int/edocs/mdocs/tk/en/wipo_grtkf_ic_16/wipo_grtkf_ic_16_inf_18.pdf

Policies, Measures and Experiences Regarding Intellectual Property and Genetic Resources: Submission by Turkey, WIPO/GRTKF/IC/16/INF/19, February 19, 2010, https://www.wipo.int/edocs/mdocs/tk/en/wipo_grtkf_ic_16/wipo_grtkf_ic_16_inf_19.pdf

Policies, Measures and Experiences Regarding Intellectual Property and Genetic Resources: Submission by the Food and Agriculture Organization of the United Nations (FAO), WIPO/GRTKF/IC/16/INF/20, February 19, 2010, https://www.wipo.int/edocs/mdocs/tk/en/wipo_grtkf_ic_16/wipo_grtkf_ic_16_inf_20.pdf

Policies, Measures and Experiences Regarding Intellectual Property and Genetic Resources: Submission by the Biotechnology Industry Organization (BIO) and the International Federation of Pharmaceutical Manufacturers and Associations (IFPMA), WIPO/GRTKF/IC/16/INF/21, February 19, 2010, https://www.wipo.int/edocs/mdocs/tk/en/wipo_grtkf_ic_16/wipo_grtkf_ic_16_inf_21.pdf

Policies, Measures and Experiences Regarding Intellectual Property and Genetic Resources: Submission by Kenya, WIPO/GRTKF/IC/16/INF/22, February 19, 2010, https://www.wipo.int/edocs/mdocs/tk/en/wipo_grtkf_ic_16/wipo_grtkf_ic_16_inf_22.pdf

Policies, Measures and Experiences Regarding Intellectual Property and Genetic Resources: Communication by **Colombia**, WIPO/GRTKF/IC/16/INF/23, February 19, 2010, https://www.wipo.int/edocs/mdocs/tk/en/wipo_grtkf_ic_16/wipo_grtkf_ic_16_inf_23.pdf

The procedures for monitoring and controlling access to genetic resources must be optimized. The following mechanisms have been proposed: setting up robust information systems which make it possible to monitor activities under Decision 391; limiting the length of time an accessed resource can be used; defining the purpose of use and in order to do so establishing a procedure for informing the competent authority of the change in the use of the resource (from research to commercial use, etc.); developing and promoting the taking of inventories of native flora, fauna and microorganisms, which help determine whether the accessed resource is owned by the Colombian State; and hiring audit firms.

Submission of Botswana on Behalf of the Member States of the African Regional Intellectual Property Organisation (ARIPO): The African Regional Intellectual Property Organisation (ARIPO) Draft Protocol on the Protection of Traditional Knowledge and Expressions of

Folklore, WIPO/GRTKF/IC/16/INF/24, February 19, 2010,
https://www.wipo.int/edocs/mdocs/tk/en/wipo_grtkf_ic_16/wipo_grtkf_ic_16_inf_24.pdf

Submission of Kenya: The National Policy on Traditional Knowledge, Genetic Resources and Traditional Cultural Expressions, July 2009, WIPO/GRTKF/IC/16/INF/25, February 19, 2010, https://www.wipo.int/edocs/mdocs/tk/en/wipo_grtkf_ic_16/wipo_grtkf_ic_16_inf_25.pdf

Policies, Measures and Experiences Regarding Intellectual Property and Genetic Resources: Submission by the Russian Federation, WIPO/GRTKF/IC/16/INF/26, February 19, 2010,
https://www.wipo.int/edocs/mdocs/tk/en/wipo_grtkf_ic_16/wipo_grtkf_ic_16_inf_26.pdf

Policies, Measures and Experiences Regarding Intellectual Property and Genetic Resources: Submission by China, WIPO/GRTKF/IC/16/INF/27, February 19, 2010,
https://www.wipo.int/edocs/mdocs/tk/en/wipo_grtkf_ic_16/wipo_grtkf_ic_16_inf_27.pdf

Submission by Australia, Canada, New Zealand, Norway and the United States of America, WIPO/GRTKF/IC/16/7, May 6, 2010,
https://www.wipo.int/edocs/mdocs/tk/en/wipo_grtkf_ic_16/wipo_grtkf_ic_16_7.pdf

***Seventeenth session, December 6 to December 10, 2010**

Compilation of Comments on WIPO/GRTKF/IC/16/7 "Submission by Australia, Canada, New Zealand, Norway and the United States of America", WIPO/GRTKF/IC/17/INF/10, September 15, 2010,
https://www.wipo.int/edocs/mdocs/tk/en/wipo_grtkf_ic_17/wipo_grtkf_ic_17_inf_10.pdf

Submission by the Russian Federation: Report on the International Symposium on Intellectual Property and Traditional Knowledge, Traditional Cultural Expressions and Genetic Resources: Towards Sustainable Development for Indigenous Communities, WIPO/GRTKF/IC/17/INF/14, December 6, 2010,
https://www.wipo.int/edocs/mdocs/tk/en/wipo_grtkf_ic_17/wipo_grtkf_ic_17_inf_14.pdf

Submission by Australia, Canada, New Zealand, Norway and the United States of America, WIPO/GRTKF/IC/17/7, September 15, 2010,
https://www.wipo.int/edocs/mdocs/tk/en/wipo_grtkf_ic_17/wipo_grtkf_ic_17_7.pdf

Proposal of the African Group on Genetic Resources and Future Work, WIPO/GRTKF/IC/17/10, December 8, 2010,
https://www.wipo.int/edocs/mdocs/tk/en/wipo_grtkf_ic_17/wipo_grtkf_ic_17_10.pdf

6.2 Option C 1– Online database of IP clauses on MAT “Consideration of options for expanded use, scope and accessibility of the online database on IP clauses in MAT for access and equitable benefit sharing. The contents of the online database would be published in additional, more accessible forms for wider accessibility and easier use by all relevant stakeholders.”

Option C.2 - Draft Guidelines for contractual practices “Considering options for stakeholder consultations on and further elaboration of the draft guidelines for contractual practices.”

Submission by Australia, Canada, Japan, Norway, New Zealand and the United States of America, WIPO/GRTKF/IC/17/11, December 9, 2010,
https://www.wipo.int/edocs/mdocs/tk/en/wipo_grtkf_ic_17/wipo_grtkf_ic_17_11.pdf

Eighteenth session, May 9 to May 13, 2011

No country submissions

***Nineteenth session, July 18 to July 22, 2011**

Submission by Oman: Report on the International Technical Symposium on Intellectual Property and Sustainable Development: Documentation and Registration of Traditional Knowledge and Traditional Cultural Expressions, WIPO/GRTKF/IC/19/INF/10, June 29, 2011, https://www.wipo.int/edocs/mdocs/tk/en/wipo_grtkf_ic_19/wipo_grtkf_ic_19_inf_10.pdf

Concerning IP issues, documentation and registration systems raise questions relating to: (a) Process: why, and by whom documentation or registration is carried out; (b) Property: ownership of the data, control, legal effect, ‘public domain’, competing claims, and (c) Access: who has access to the data and on what terms;

Like-Minded Countries Contribution to the Draft Articles on the Protection of Traditional Cultural Expressions, WIPO/GRTKF/IC/19/9, July 18, 2011,
https://www.wipo.int/edocs/mdocs/tk/en/wipo_grtkf_ic_19/wipo_grtkf_ic_19_9.pdf

Like-Minded Countries Contribution to the Draft Articles on the Protection of Traditional Knowledge, WIPO/GRTKF/IC/19/10, July 16, 2011,
https://www.wipo.int/edocs/mdocs/tk/en/wipo_grtkf_ic_19/wipo_grtkf_ic_19_10.pdf

Twentieth session, February 14 to 22, 2012

Joint Recommendation on Genetic Resources and Associated Traditional Knowledge, Document submitted by the Delegations of Canada, Japan, Norway, the Republic of Korea and the United States of America, WIPO/GRTKF/IC/20/9 REV, February 21, 2012,
https://www.wipo.int/edocs/mdocs/tk/en/wipo_grtkf_ic_20/wipo_grtkf_ic_20_9_rev.pdf

Twenty-first session, April 16, to April 20, 2012

No new country submissions

Twenty-second session, July 9 to July 13, 2012

No new country submissions

Twenty-third session, February 4 to 8, 2013

Joint Recommendation on Genetic Resources and Associated Traditional Knowledge, Document submitted by the Delegations of Canada, Japan, Norway, the Republic of Korea and the United States of America WIPO/GRTKF/IC/23/5, January 17, 2013.

https://www.wipo.int/edocs/mdocs/tk/en/wipo_grtkf_ic_23/wipo_grtkf_ic_23_5.pdf

Proposal for the Terms of Reference for the Study by the WIPO Secretariat on Measures Related to the Avoidance of the Erroneous Grant of Patents and Compliance with Existing Access and Benefit-Sharing Systems, Document submitted by the Delegations of Canada, Japan, the Republic of Korea and the United States of America, WIPO/GRTKF/IC/23/6, February 4, 2013,

https://www.wipo.int/edocs/mdocs/tk/en/wipo_grtkf_ic_23/wipo_grtkf_ic_23_6.pdf

Joint Recommendation on the Use of Databases for the Defensive Protection of Genetic Resources and Traditional Knowledge Associated with Genetic Resources, Document submitted by the Delegations of Canada, Japan, the Republic of Korea and the United States of America, WIPO/GRTKF/IC/23/7, February 5, 2013,

https://www.wipo.int/edocs/mdocs/tk/en/wipo_grtkf_ic_23/wipo_grtkf_ic_23_7.pdf

***Twenty-fourth session, April 22 to 26, 2013**

Proposal for the Terms of Reference for the Study by the WIPO Secretariat on Measures Related to the Avoidance of the Erroneous Grant of Patents and Compliance with Existing Access and Benefit-Sharing Systems, Document submitted by the Delegations of Canada, Japan, the Republic of Korea, the Russian Federation and the United States of America , WIPO/GRTKF/IC/24/6 REV., April 22, 2013,

https://www.wipo.int/edocs/mdocs/tk/en/wipo_grtkf_ic_24/wipo_grtkf_ic_24_6_rev.pdf

In this proposal, Canada, Japan, The Republic of Korea, the Russian federation and the US propose that

“ the IGC requests the Secretariat with the involvement of the Chief Economist to undertake additional work as follows: To update the WIPO Technical Study on Patent Disclosure Requirements Related to Genetic Resources and Traditional Knowledge (Study No. 3, 2004), with information regarding disclosure requirements and related Access and Benefit Sharing (ABS) systems that have been implemented by WIPO Members. Having regard to the need for a fact based analysis of whether disclosure requirements and related ABS systems address concerns regarding erroneous patents and address misappropriation, without reducing the incentive to innovate or benefit sharing,

quote:The study should analyze:

1. Benefits received by provider countries due to disclosure requirements and related ABS systems;
2. Costs to national offices / jurisdictions resulting from a disclosure requirement; and
3. Costs associated with a disclosure requirement and related requirements (proof of prior informed consent (PIC) and mutually agreed terms (MAT)) to patent applicants.
4. Costs incurred by those applicants who have actually used a GR and/or TKa, and those who may not have used a GR and /or TKa but need to determine what is required of them in respect to the disclosure requirement. End of quote

Followed by many questions to ask member states that already have the disclosure requirements in their national laws.

Twenty-fifth session, July 15 to July 24, 2013

No country submissions

Twenty-sixth session, February 3 to February 7, 2014

No new country submissions

Twenty-seventh session, March 24 to April 4, 2014

No new country submissions

Twenty-eight session, July 7 to July 9, 2014

Participation of Indigenous and Local Communities: Proposal for Subsidiary Contributions to the Voluntary Fund, Proposal by the Delegations of Australia, Finland, New Zealand and Switzerland, WIPO/GRTKF/IC/28/10, May 19, 2014,
https://www.wipo.int/edocs/mdocs/tk/en/wipo_grtkf_ic_28/wipo_grtkf_ic_28_10.pdf

Twenty-ninth session, February 15 to 19, 2016

No new country submissions

Thirtieth session, May 30 to June 16, 2016

List of References for Relevant Resources submitted by Member States and Observers, WIPO/GRTKF/IC/30/INF/9, April 27, 2016,
https://www.wipo.int/edocs/mdocs/tk/en/wipo_grtkf_ic_30/wipo_grtkf_ic_30_inf_9.pdf

“Pursuant to the above decision, two Member States (the Republic of Korea and the United States of America) and three observers (Asociación Kunas Unidos por Napguana (KUNA), Phuthadikobo Museum and the United Nations Educational,

Scientific and Cultural Organization (UNESCO)) submitted references for resources that may be relevant for Committee participants.”

Seeking a Better Understanding of Switzerland’s “Federal Act on the Protection of Nature and Cultural Heritage” and “Federal Act on Patents for Inventions” by Hypothetically Applying them to U.S. Patent Number 5,137,870, WIPO/GRTKF/IC/30/9, June 1, 2016, https://www.wipo.int/edocs/mdocs/tk/en/wipo_grtkf_ic_30/wipo_grtkf_ic_30_9.pdf

Thirty-first session, September 19 to September 23, 2016

The Declaration of the Source of Genetic Resources and Traditional Knowledge in the Swiss Patent Act and Related Swiss Regulations on Genetic Resources – Submission by Switzerland in Response to Document WIPO/GRTKF/IC/30/9, WIPO/GRTKF/IC/31/8 , September 12, 2016, https://www.wipo.int/edocs/mdocs/tk/en/wipo_grtkf_ic_31/wipo_grtkf_ic_31_8.pdf

Proposal for the Terms of Reference for a Study, Document submitted by the Permanent Delegation of the European Union in Geneva, on behalf of the European Union and its Member States, WIPO/GRTKF/IC/31/9, September 13, 2016, https://www.wipo.int/edocs/mdocs/tk/en/wipo_grtkf_ic_31/wipo_grtkf_ic_31_9.pdf

Thirty-second session, November 28 to December 2, 2016

Identifying Examples of Traditional Knowledge to Stimulate a Discussion of What Should be Protectable Subject Matter and What is Not Intended to be Protected, Document submitted by the Delegation of the United States of America, WIPO/GRTKF/IC/32/10, November 30, 2016, https://www.wipo.int/edocs/mdocs/tk/en/wipo_grtkf_ic_32/wipo_grtkf_ic_32_10.pdf

Thirty-third session, February 27 to March 3, 2017

Traditional Cultural Expressions: A Discussion Paper, Document submitted by the Delegation of the United States of America, WIPO/GRTKF/IC/33/5, February 20, 2017, https://www.wipo.int/edocs/mdocs/tk/en/wipo_grtkf_ic_33/wipo_grtkf_ic_33_5.pdf

EU Proposal for a Study, WIPO/GRTKF/IC/33/6, February 20, 2017, https://www.wipo.int/edocs/mdocs/tk/en/wipo_grtkf_ic_33/wipo_grtkf_ic_33_6.pdf

Thirty-fourth session, June 12 to June 16, 2017

No new country submissions

Thirty-fifth session, March 19 to March 23, 2018

No new country submissions

Thirty-sixth session, June 25 to June 29, 2018

The Economic Impact of Patent Delays and Uncertainty: U.S. Concerns about Proposals for New Patent Disclosure Requirements, WIPO/GRTKF/IC/36/10, June 26, 2018,
https://www.wipo.int/edocs/mdocs/tk/en/wipo_grtkf_ic_36/wipo_grtkf_ic_36_10.pdf

Thirty-seventh session, August 27 to August 31, 2018

Proposal for the Terms of Reference for a Study on Existing Sui Generis Systems for the Protection of Traditional Knowledge, Document submitted by the Delegations of the United States of America and Japan, WIPO/GRTKF/IC/37/16, August 29, 2018,
https://www.wipo.int/edocs/mdocs/tk/en/wipo_grtkf_ic_37/wipo_grtkf_ic_37_16.pdf

***Thirty-eighth session, December 10 to December 14, 2018**

Proposal for a Study by the WIPO Secretariat on Existing Sui Generis Systems for the Protection of Traditional Knowledge in WIPO Member States [updated], Document submitted by the Delegations of the United States of America and Japan, WIPO/GRTKF/IC/38/13, November 16, 2018,
https://www.wipo.int/edocs/mdocs/tk/en/wipo_grtkf_ic_38/wipo_grtkf_ic_38_13.pdf

Identifying Examples of Traditional Knowledge to Stimulate a Discussion of what should be Protectable Subject Matter and what is not Intended to be Protected [updated], Document submitted by the Delegation of the United States of America WIPO/GRTKF/IC/38/14, November 16, 2018,
https://www.wipo.int/edocs/mdocs/tk/en/wipo_grtkf_ic_38/wipo_grtkf_ic_38_14.pdf

This US paper is about which TK subject matter should be subject to protection and which should be excluded. Examples include: syringes, popcorn, football, anesthetics, surfing, chocolate, antibiotics, tea, coffee, chewing gum, rubber, gorgonzola, churkhela.

The Economic Impact of Patent Delays and Uncertainty: U.S. Concerns about Proposals for New Patent Disclosure Requirements [updated], WIPO/GRTKF/IC/38/15,
https://www.wipo.int/edocs/mdocs/tk/en/wipo_grtkf_ic_38/wipo_grtkf_ic_38_15.pdf

Thirty-ninth session, March 18 to March 22, 2019

No new country submissions

Fortieth session, June 17 to June 21, 2019

No new country submissions

Forty-first session, August 30 to September 3, 2021

No new country submissions

*Forty-second session, February 28 to March 4, 2022

An International Disclosure of Source Requirement for Genetic Resources and Associated Traditional Knowledge in Patent Applications – A Contribution to the Evidence-Based Approach, Document submitted by the Delegation of Switzerland, February 4, 2022, WIPO/GRTKF/IC/42/12, https://www.wipo.int/edocs/mdocs/tk/en/wipo_grtkf_ic_42/wipo_grtkf_ic_42_12.pdf

The summary of the submission by Switzerland provides an overview of the legal, technological and patent landscapes related to GRs/ATK (see Section 2).

Quote: Evidence shows that these landscapes have evolved significantly in the last years, both at the international and the national level:

- Legal landscape: International instruments related to GRs/ATK have been adopted, revised or are currently under negotiation. At the national level, more than 30 PDRs have been introduced. They vary greatly in terms of geographical scope, subject matter, “trigger,” “content,” and consequences for non-compliance. Without a standard for PDRs in an international legal instrument of WIPO, it is likely that the variability of national PDRs will increase further, leading to fragmented regulations and possible negative impacts on innovations based on GRs/ATK.
- Technological and patent landscapes: A few specific GRs make up the majority of GRs referred to in patent applications, and many GRs can be obtained from various sources, including from multiple countries of origin. Additionally, technologies and practices to use GRs have evolved. Today, innovations rely increasingly on international collaboration. This leads to GRs often being exchanged multiple times and among different jurisdictions. Therefore, in many cases, at the time of applying for a patent it is unlikely that there is a “straight line” to the country of origin of a GR, which could easily be disclosed, but rather a complex web of providers and users of this GR.

[...]

Section 3 describes key modalities on how an international PDR in a WIPO instrument could still become a useful tool. In particular, the modalities should:

- be drafted as a “transparency measure” about the source of GRs/ATK. GRs should thereby be understood as defined in the Convention on Biological Diversity (CBD);
- contain a “trigger”, which provides sufficient clarity for which GRs/ATK the PDR will apply, and a “content” that reflects the actual circumstances under which GRs/ATK can be sourced;
- include a “maximum standard” for sanctions and remedies. In particular, revocation or invalidation of established patent rights should not be an option. Should the IGC consider revocation or invalidation for exceptional circumstances, the patent owner should in any case first be granted the possibility to rectify the failure and to provide the information specified in the Instrument within a reasonable amount of time.

Forty-third session, May 30 to June 3, 2022

No new country submissions

Forty-fourth session, September 12 to September 16, 2022

No new country submissions

***Forty-fifth session, December 5 to December 9, 2022**

Joint Recommendation on Genetic Resources and Associated Traditional Knowledge [updated], Document submitted by the Delegations of Japan, the Republic of Korea and the United States of America, WIPO/GRTKF/IC/45/10, November 30, 2022,
https://www.wipo.int/edocs/mdocs/tk/en/wipo_grtkf_ic_45/wipo_grtkf_ic_45_10.pdf

“On November 29, 2022, the International Bureau of the World Intellectual Property Organization (WIPO) received a request from the Permanent Mission of the United States of America to International Organizations in Geneva, on behalf of the Delegations of Japan, the Republic of Korea and the United States of America, to resubmit the “Joint Recommendation on Genetic Resources and Associated Traditional Knowledge”, as contained in document WIPO/GRTKF/IC/44/10 with an update to reflect the decisions of the 2022 General Assembly, for discussion by the Forty-Fifth Session of the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC).”

Joint Recommendation on the Use of Databases for the Defensive Protection of Genetic Resources and Traditional Knowledge Associated with Genetic Resources [updated], Document submitted by the Delegations of Japan, the Republic of Korea and the United States of America, WIPO/GRTKF/IC/45/11, November 30, 2022,
https://www.wipo.int/edocs/mdocs/tk/en/wipo_grtkf_ic_45/wipo_grtkf_ic_45_11.pdf

“On November 29, 2022, the International Bureau of the World Intellectual Property Organization (WIPO) received a request from the Permanent Mission of the United States of America to International Organizations in Geneva, on behalf of the Delegations of Japan, the Republic of Korea and the United States of America, to resubmit the “Joint Recommendation on the Use of Databases for the Defensive Protection of Genetic Resources and Traditional Knowledge Associated with Genetic Resources”, as contained in document WIPO/GRTKF/IC/44/11 with an update to reflect the decisions of the 2022 General Assembly, for discussion by the Forty-Fifth Session of the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC).”

USA, Japan and Republic of Korea Recommendation for a one-click database, developed with consultation with indigenous stakeholders, accessible with only registered IP addresses.

Quote: 3. A one-click database search system would help examiners conduct searches more efficiently for prior art or reference material concerned with genetic resources and non-secret traditional knowledge associated with genetic resources, while preventing inappropriate access to its contents by third parties.

[...]

In developing national databases, Member States should consult with relevant indigenous stakeholders in the territory prior to putting indigenous traditional knowledge and genetic resources from tribal lands into the databases. [...]

Further work of the IGC may include the development of a uniform and interoperable format for information contained in the database.

[...]

10. To prevent third party access, the WIPO portal site will be made accessible only from registered IP (Internet Protocol) addresses. Specifically, an IP (Internet Protocol) Address Authentication System (IPAAS) will be incorporated into the WIPO portal site. Then, access will be provided only to registered IP (Internet Protocol) addresses. (See Figure 1.)

Forty-sixth session, February 27 to March 3, 2023

No new country submissions

Forty-seventh session, June 5 to June 9 2023

No new country submissions

Forty-eight session, November 29, 2024

No new country submissions

Forty-ninth session, December 2 to December 6, 2024

Proposal for Updating the List of Non-Governmental Organizations admitted as Ad Hoc Observers to the IGC, Document submitted by the Delegation of the Russian Federation, WIPO/GRTKF/IC/49/8, November 14, 2024,

https://www.wipo.int/edocs/mdocs/tk/en/wipo_grtkf_ic_49/wipo_grtkf_ic_49_8.pdf

Fiftieth session, March 3 to March 7, 2025

No new country submissions

Fifty-first session, May 30 to June 5, 2025

No new country submissions