

# The WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional knowledge and Folklore (IGC)

Oluwa*tobi*loba Moody
Traditional knowledge Division

#### Presentation overview

- An introduction to the IGC
- The present 2014-2015 mandate
- A brief overview of the current negotiations: main issues and trends



#### Introduction

- WIPO: a specialized agency of the UN charged with the administration and promotion of IP
- IP relates to creations of the mind and the legal rights arising from such intellectual activity
- Helps inventors earn recognition/economic benefits on their creations through a say on how their creations are used by others
- Major forms include patents, copyright, trademarks



## GRs and TK within WIPO

- Capacity-building
  - practical assistance and technical advice on effective use of IP systems to protect GRs and TK, eg.
    - Database of biodiversity-related access and benefitsharing agreements
    - Draft IP Guidelines for Access to GRs and the Equitable Sharing of the Benefits arising from their Utilization
- International norm-building
  - text-based negotiations towards the development of an international legal instrument(s) for the effective protection of GRs, TK and TCEs



The Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore

- The IGC: established 2000
- A policy forum for the discussion of IP issues arising within the context of the protection of GRs, TK and TCEs.
- Participants: Member States, accredited observers (including indigenous representatives, business, civil society, IGOs and NGOs)



## Mandate 2014-2015

- ... continue to expedite its work, with open and full engagement, on text-based negotiations with the objective of reaching an agreement on a text(s) of an international legal instrument(s) which will ensure the effective protection of GRs, TK and TCEs
- build on the existing work of the IGC . . . as well as any other textual contributions by members
- studies or examples might be requested or provided by members . . . examples and studies not to delay progress . .
- "without prejudice to the work pursued in other fora"
- The 2014 GA, with a view to finalizing the text(s) within the biennium, will take stock of and consider the text(s), progress made and decide on convening a Diplomatic Conference



# IGC work program 2014

- IGC 26: February 3 7, 2014 (GRs)
- IGC 27: March 24 April 4, 2014 (TK/TCEs)
- IGC 28: July 7 9, 2014
- 2014 GA: September 22 30, 2014 (tbc)



## IP and genetic resources

- GRs are subject to regulations on access and benefit-sharing
- GRs as encountered in nature are not IP
- Inventions based on/derived from GRs may be patentable
- Main IP issues:
  - Prevention of erroneously granted patents
  - Ensuring and tracking compliance with ABS frameworks
- Main proposed IP solutions:
  - Databases/information systems + patent examination guidelines
  - Disclosure requirement (mandatory/voluntary),
  - Contract (IP clauses in mutually-agreed terms)



## IGC 26: outcomes

- One main objective
  - Prevent the misappropriation of GRs
- Three sub-objectives
  - Ensure IP/patent offices have access to appropriate information to prevent erroneous patent/IP rights
  - Enhance transparency in IP/patent and ABS system
  - Ensure/promote/facilitate complementarity/mutual supportiveness with other international agreements relating to the protection of GRs

TELLECTUAL PROPERTY

#### Disclosure

- What should be the subject matter?
- What should trigger disclosure?
- What should be the content of the disclosure?
- What should be the nature of obligation to disclose?
- What should be the consequence of non-compliance?



- Defensive measures
  - Due diligence, voluntary codes of conduct, databases etc.
- Databases
  - Who should have responsibility for compiling and maintaining the databases?
  - To whom should the databases be accessible?
  - What should be the content of the databases?
  - In what form should the content be expressed?
  - Should there be accompanying guidelines?



## IP and traditional knowledge

#### Main issues (IGC 24):

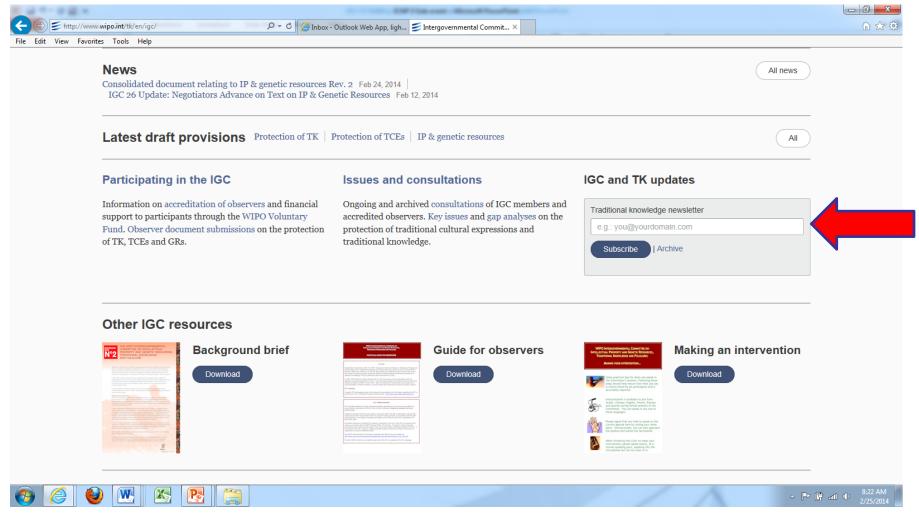
- Definition of TK
- Objectives of the instrument(s)
- Beneficiaries of protection
- Scope of protection
- Rights to be granted; exceptions and limitations; term of protection etc.

#### ■ IGC 27: some possible cross cutting discussions

- The meaning of 'traditional'
- Nations/States as beneficiaries of protection
- What does 'misuse'/'misappropriation' mean?
- The concepts of publicly available/widely diffused TK/TCEs etc.



## Newsletter and updates





# Thank you!

Oluwatobiloba.Moody@wipo.int

