

**Report on the WIPO Intergovernmental Committee on Intellectual Property  
and Genetic Resources, Traditional Knowledge and Folklore,  
15<sup>th</sup> Session, Geneva, 7 to 11 December 2009**

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**Background**

After the 14<sup>th</sup> Session in summer 2009 had tried to formulate a recommendation on the future work and a possible new two-year-mandate of the Committee, though without success, the General Assembly in fall 2009 had to make the respective decision. It succeeded in the last minute to decide on a new two-year-mandate, which turned out to be surprisingly strong. In particular, it states that the Committee will undertake “text-based negotiations” with the objective of reaching agreement on a text of an international legal instrument (or instruments), which will ensure the effective protection of GRs, TK and TCEs. This part of the decision was certainly a compromise in favour of developing countries, which called for concrete, text-based negotiations that would lead to an international instrument. At the same time, it does not include an obligation to work towards a treaty, since the term “instrument” may also include other options. Still, given the previous resentments of a number of developed countries even to talk about concrete texts (as opposed to mere principles, objectives, and issues), this decision of the General Assembly may be seen as indicating a new direction.

Another important part of the decisions of the General Assembly is the mandate to hold, within the biennium of 2010/2011, not only four sessions of the IGC, but also three inter-sessional working groups, which should enable a faster progress. The Committee is expected to submit to the 2011 General Assembly a text for an international legal instrument, or for several ones, on the effective protection of genetic resources, traditional knowledge and folklore, so that the General Assembly in 2011 will decide on convening a diplomatic conference.

**Discussions**

Given that background, the IGC indeed discussed on the (already existing) draft texts (in particular WIPO/GRTKF/IC/9/4) and many delegations contributed concrete proposals to amend these texts. At the same time, the issue of how to organise the intersessional working groups took an increasing amount of time towards the second part of the week. In particular, the questions of who should participate (all delegates of the IGC plus NGOs, or only a small selection of experts, etc.); whether each of these groups should deal with one topic or with all three topics (genetic resources, traditional knowledge, and traditional cultural expressions); when and where they should be held, etc. Despite numerous coordination meetings and closed meetings of member states, the IGC did not succeed in taking any decision on the intersessional working groups, so that it will be up to the next IGC in May to make such a decision.

[End of report]