



CC/90/15 Add.
ORIGINAL: English
DATE: October 22, 2015

INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS

Geneva

CONSULTATIVE COMMITTEE

Ninetieth Session
Geneva, October 28, 2015

ADDENDUM TO:
DEVELOPMENTS OF RELEVANCE TO UPOV IN OTHER INTERNATIONAL FORA

Document prepared by the Office of the Union

Disclaimer: this document does not represent UPOV policies or guidance

1. The purpose of this document is to provide a report on recent developments of relevance to UPOV in the World Intellectual Property Organization (WIPO).
2. At its Fifty-Fifth Series of Meetings of the Assemblies of the Member States of WIPO held in Geneva, from October 5 to 14, 2015, the WIPO General Assembly considered document WO/GA/47/12 "Matters Concerning the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC)" (see http://www.wipo.int/meetings/en/doc_details.jsp?doc_id=307937) and agreed that "the mandate of the WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (Committee) be renewed, without prejudice to the work pursued in other fora " as provided in the decision reproduced in the Annex to this document.
3. *The Consultative Committee is invited to note the developments of relevance to UPOV in the World Intellectual Property Organization (WIPO).*

[Annex follows]

ANNEX

ASSEMBLIES OF MEMBER STATES OF WIPO
FIFTY-FIFTH SESSION
OCTOBER 5 TO 14, 2015

AGENDA ITEM 17

MATTERS CONCERNING THE INTERGOVERNMENTAL COMMITTEE ON INTELLECTUAL PROPERTY
AND GENETIC RESOURCES, TRADITIONAL KNOWLEDGE AND FOLKLORE

DECISION

Bearing in mind the Development Agenda recommendations and acknowledging the progress made, the WIPO General Assembly agrees that the mandate of the WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (Committee) be renewed, without prejudice to the work pursued in other fora, as follows:

(a) The Committee will, during the next budgetary biennium 2016/2017, continue to expedite its work, with a focus on narrowing existing gaps, with open and full engagement, including text-based negotiations, with the objective of reaching an agreement on an international legal instrument(s), without prejudging the nature of outcome(s), relating to intellectual property which will ensure the balanced and effective protection of genetic resources (GRs), traditional knowledge (TK) and traditional cultural expressions (TCEs).

(b) The Committee's work in the 2016/2017 biennium will build on the existing work carried out by the Committee with a primary focus on reaching a common understanding on core issues, including definition of misappropriation, beneficiaries, subject matter, objectives, and what TK/TCEs subject matter is entitled to protection at an international level, including consideration of exceptions and limitations and the relationship with the public domain.

(c) The Committee will follow, as set out in the table below, a clearly defined work program, based on sound working methods, for the 2016/2017 biennium. This work program will make provision for 6 sessions of the Committee in 2016/2017, including thematic, cross-cutting and stocktaking sessions. The Committee may decide to establish an expert panel(s) and hold further Ambassadorial/Senior Capital-Based Officials meetings during future Committee sessions.

(d) The Committee will use all WIPO working documents, including WIPO/GRTKF/IC/28/4, WIPO/GRTKF/IC/28/5 and WIPO/GRTKF/IC/28/6, as well as any other contributions of member states, using an evidence-based approach, including studies and examples of national experiences, including domestic legislation and examples of protectable subject matter and subject matter that is not intended to be protected; and outputs of any expert panel(s) established by the Committee and IGC-related seminars and workshops conducted under Program 4. However, examples, studies, seminars or workshops are not to delay progress or establish any preconditions for the negotiations.

(e) Taking note of the utility served by the 2015 WIPO seminars on IGC-related subjects, provision shall be made for the Secretariat, under Program 4, to organize inter-sessional seminars and workshops to build regional and cross-regional knowledge and consensus on issues related to IP and GRs, TK and TCEs with a focus on unresolved issues.

(f) In 2016, the Committee is requested to provide, for information only, a factual report to the General Assembly on its work up to that time, and in 2017, submit to the General Assembly the results of its work on an international legal instrument(s) relating to intellectual property which will ensure the balanced and effective protection of GRs, TK and TCEs. The General Assembly in 2017 will take stock of progress made, and decide on whether to convene a diplomatic conference or continue negotiations. It will also consider the need for additional meetings, taking account of the budgetary process.

(g) The Committee may also consider the conversion of the Committee into a Standing Committee and, if so agreed, make a recommendation in this regard to the General Assembly in 2016 or 2017.

(h) The General Assembly requests the International Bureau to continue to assist the Committee by providing Member States with necessary expertise and funding, in the most efficient manner, of the participation of experts from developing countries and LDCs, taking into account the usual formula for the IGC.

Work Program – 6 Sessions

Indicative Dates	Activity
February/March 2016	(IGC 29) Undertake negotiations on GRs with a focus on addressing unresolved issues and considering options for a draft legal instrument Elaborate an indicative list of outstanding/pending issues to be tackled/solved at the next session on GRs Duration 5 days.
May/June 2016	(IGC 30) Undertake negotiations on GRs with a focus on addressing unresolved issues and considering options for a draft legal instrument Duration 5 days.
September 2016	(IGC 31) Undertake negotiations on TK with a focus on addressing unresolved issues and considering options for a draft legal instrument Elaborate an indicative list of outstanding/pending issues to be tackled/solved at the next session on TK Duration 5 days.
September 2016	WIPO General Assembly Factual report
November/December 2016	(IGC 32) Undertake negotiations on TK with a focus on addressing unresolved issues and considering options for a draft legal instrument Duration 5 days.
March/April 2017	(IGC 33) Undertake negotiations on TCEs with a focus on addressing unresolved issues and considering options for a draft legal instrument Elaborate an indicative list of outstanding/pending issues to be tackled/solved at the next session on TCEs Duration 5 days.
June/July 2017	(IGC 34) Undertake negotiations on TCEs with a focus on addressing unresolved issues and considering options for a draft legal instrument Stocktaking session and making a recommendation Duration 5 days.
September 2017	WIPO General Assembly will take stock of and consider the text(s), progress made, and decide on whether to convene a diplomatic conference or continue negotiations. It will also consider the need for additional meetings, taking account of the budgetary process.