

SRE



SECRETARÍA
DE RELACIONES
EXTERIORES

Topic 1: Perspectives on the WIPO Intergovernmental Committee

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Background

- In October 2000, WIPO established during its 26th Assemblies Series of meetings, the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC) in order to examine three main issues:
 - Access to genetic resources and benefit sharing;
 - Protection of traditional knowledge, innovations and creativity;
 - Protection of expressions of folklore.

Tasks undertaken by the Committee

- Gather information and develop structured surveys, questionnaires and other forms of collection of different practical experiences, as well as the numerous laws and regional and national regulations.
- Undertake research and analysis of various aspects of protection and related issues.
- Discuss policies largely on the most appropriate protection of TK, TCEs and genetic resources issues related to intellectual property.

Tasks undertaken by the Committee

- Develop and discuss draft objectives and principles for protection.
- Discuss and analyze the international dimension of protection.
- Develop standards, guidelines and principles for several areas of TK, TCEs and genetic resources.
- Develop practical tools for capacity building to support community initiatives.

Mexico's position on the committee's mandate

- The need to have a negotiating text emerging from consensus, based on the five texts developed by the Secretariat of WIPO.
- These and other relevant documents are important for us to prepare the draft text or texts as a basis for future negotiations to move forward in pursuit of international legal instruments for the protection of TCEs, TK and genetic resources associated with them.
- It is a priority to have an appropriate methodology and timetable to guide future work.

Mexico's position on the committee's mandate

- We urge all delegations and regional groups to find common ground, keeping in mind the potential beneficiaries of our work: indigenous peoples and local communities in the world.
- In the consultation process undertaken by my country with its 62 indigenous peoples, on the forms of protection of traditional knowledge, folklore and genetic resources associated with them, there is great expectation and hope about the progress of the Committee.

Future work

Agreements:

- The Committee will, during the next two years, and without prejudice to the work pursued in other fora, continue its work and undertake text-based negotiations with the objective of reaching agreement on a text of an international legal instrument or instruments.
- The Committee will follow a clearly defined work program in 2010-2011: In addition to the 15th session of the Committee scheduled for December 2009, we will have four sessions of the IGC and three inter-seasonal working groups.

Future work

- The focus of the Committee's work will build on the existing work carried out until now and use all WIPO working documents, including 9/4, 9/5 and 11/8A.
- The Committee is requested to submit to the 2011 General Assembly the text or texts of an international legal instrument or instruments and the Assembly will decide on convening a Diplomatic Conference.

Future work

Key
highlights

1. The term “international legal instrument” does not necessarily mean international treaty or agreement.

.../...

Future work

Key highlights

2. The mandate clearly provides a timeframe for the conclusion of the IGC process spread over two years from the 2009 General Assembly to 2011 General Assembly. But it remains some uncertainties:

- Length for inter-sessional meetings? A week or two weeks?
- The three items in each inter-sessional meeting?
- An inter-sessional meeting per item?
- Only experts (without representation?)
- Only delegates (Parties)?
- Experts as part of the delegations?
- Representation: Regional? Each party? Each region? NOGs? Industry? Indigenous caucus or national representatives?
- Format of the Inter-sessional meetings?
- Output of the inter-sessional meetings?

Future work

Key highlights

3. We need a clear indication of WIPO to understand the phrase "Without prejudice to the work pursued in other fora" ..., and the implications for the negotiation:

- Linkage or not with the CBD?
- The Matter to be protected (genetic resources associated or not with traditional knowledge / ok in the CBD but in WIPO?)
- Prior informed consent
- Mutual agreed terms
- Negotiations in TRIPs Council and / or in WIPO?

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Thanks

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