

S. Ramu Rao 17/05/05, #3(c)
WIPO

Madam Chairperson,

WIPO has participated in the development of the IASG position on MDGs and indigenous peoples, which is contained in Doc. E/C.19/2005/2, and we also join in the statement made on behalf of IASG by UNDP representative. As the IASG position paper alluded, the knowledge systems and cultural expressions of indigenous peoples are of immense value not only to themselves but also to the world as a whole. Thus, preservation of and protecting and promoting traditional knowledge and cultural expressions contribute toward the achievement of MDGs.

The General Assembly of WIPO established in 2000 the Intergovernmental Committee on the Traditional Knowledge, Genetic Resources and Expressions of Folklore (IGC) with the mandate of protection of intellectual property aspects of traditional knowledge (TK) whether or not associated with genetic resources, as well as traditional cultural expressions (TCEs). The mandate of the IGC was renewed in 2003 to accelerate its work and to focus in particular on the international aspects of intellectual property protection on TK and TCEs. The new mandate of the Committee is not limited in the range of possible outcomes and does not exclude the possible development of international instrument or instruments. So far, the WIPO IGC has held seven sessions, with the next sessions scheduled for June 6 – 10, 2005 in Geneva.

In its work on TK and TCEs, WIPO followed empirical approach of holding direct consultations with rights holders with a view to identify the nature of issues involved. The IGC followed a transparent and inclusive process. The Committee is open to participation of all categories of relevant stakeholders including States and intergovernmental organizations (IGOs) as well as to civil society and non-governmental organizations (NGOs), in particular representatives of indigenous and local communities - about 100 such organizations are accredited to the WIPO IGC.

WIPO has taken several practical steps to ensure participation of indigenous peoples in the work of the IGC. Some of them are as follows. It encouraged practical arrangements for inclusion of indigenous and local representatives on the delegations of their respective Member States as well as voluntary funding to promote their participation in the IGC sessions. The next session of the IGC will also have before it a proposal for Voluntary Fund to further enhance indigenous peoples' participation in the work of the IGC. It is also agreed that the sessions of the IGC should be preceded by panel presentations chaired by a representative of indigenous or local community. Accordingly, a one-day meeting on patent disclosure requirements is scheduled for the June 2005 session of the IGC. An Australian indigenous attorney and expert in intellectual property, Ms. Terri Janke, supported a WIPO project and authored a book on case studies titled, "Minding Cultures". The book shows how intellectual property system was actually made use of in Australia for the advantage of indigenous peoples.

WIPO and the Permanent Forum have established a mutually supportive relationship. WIPO, on its part, has participated in all meetings of the Forum and has invited the Forum, its Members and the Secretariat to participate in the meetings of the

IGC. We thank the Forum Members and Secretariat for their participation in the meetings of WIPO IGC. Similarly, WIPO is fully committed to interagency coordination. WIPO actively participates in the work of the Inter-Agency Support Group (IASG) as noted in the statement made on behalf of IASG, and has in fact taken part in the UNDP organized IASG meeting on MDGs. We have also participated in the workshop on free, Prior and Informed Consent and also the workshop on Indigenous Issues for UN Diplomats recently. WIPO has also made available relevant information notes to the Forum, from time to time. We are committed to continuing this cooperation further.

In terms of substantive normative development, IGC has registered significant progress in work on TK and TCEs, and has currently reached the stage of considering first drafts of two instruments. These two draft instruments are aimed at recognizing, among other things, collective interests in traditional know-how and expressions of traditional cultures, which are innovative, creative and characteristic of a distinct cultural entity. They aim to strengthen the legal basis for the prevention of misappropriation and misuse of TK and TCEs held by traditional and local communities, including indigenous peoples. These drafts include compliance with a free, prior and informed consent principle and the recognition of customary laws and practices in the protection of TK and TCEs. In this framework, discussion of technical, and often complex, aspects of intellectual property relating to patents, trademarks and copyrights takes place in WIPO.

At the level of coordination, WIPO IGC carries out its mandate in close cooperation with other international organizations and specialized agencies, in particular CBD, UNESCO, FAO and others. For instance, WIPO prepared a technical study on patent disclosure requirements for CBD at its request.

At a practical level, WIPO has developed a toolkit for the use of traditional and local communities, on intellectual property protection of TK and TCEs.

Thank you, Madame Chairperson.