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Paragraph #37 Session #3 (2004)

Full Text

Recognizing the important partnership of WIPO and the Forum, the Forum makes the following recommendations to further this working relationship:

- (a) The Forum strongly encourages representatives of indigenous peoples and local communities to participate actively in the work of WIPO in relation to genetic resources, traditional knowledge and traditional cultural expressions/ folklore, in particular through the submission of comments, case studies and position papers, including on the new WIPO web page established for this purpose;
- (b) The Forum calls upon WIPO and member States, funds, foundations and other donors to provide funding to facilitate the participation of indigenous peoples, local communities and the Forum in sessions of the WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore and in related consultations, caucuses, briefings and workshops;
- (c) The Forum recommends that, under the auspices of the Forum and in partnership with the Convention on Biological Diversity and the Office of the United Nations High Commissioner for Human Rights, WIPO develop, in close consultation with indigenous peoples and local communities, the Forum and other organizations and stakeholders, as appropriate, guidelines, ethical codes of conduct, best practices and practical guides relating to intellectual property issues and the access to and use of traditional cultural expressions and knowledge by, among others, commercial users, ethnologists, folklorists and anthropologists, and museums and archives;

(d) The Forum confirms its readiness and willingness to provide expert input to the work of WIPO on intellectual property, traditional knowledge and folklore, such as its work on studying how customary and indigenous laws and protocols could be recognized and applied within national, regional and international systems for the protection of traditional knowledge and cultural expressions.

Comments

Governments/States

The Government of Finland reports the following:

b) Finland works within the World Intellectual Property organisation WIPO and the EU with a view to updating the international intellectual property conventions and agreements to respond to the demands of contemporary global information society. Finland's aim is to consolidate the right of the indigenous peoples to their intellectual property.

WIPO:

a) Member states of WIPO have expressed unanimous support for directly involving representatives of indigenous and local communities in the intergovernmental committee of WIPO. Indigenous people and other stakeholders continue to explore questions raised by the WIPO Technical Study on Patent Disclosure Requirements related to Genetic Resources and Traditional Knowledge, prepared at the request of the CBD COP. WIPO Secretariat continues its practice of consulting with interested representatives of indigenous communities on draft documents. At its most recent IGC session, the WIPO intergovernmental committee gave priority to extensive discussions on how to enhance the participation by indigenous and local communities and agreed that sessions of the Committee should be preceded by panel presentations chaired by a representative of an indigenous or local community.

(c) WIPO prepared a Technical Study on Patent Disclosure Requirements related to Genetic Resources and Traditional Knowledge at the request of the CBD COP. Following a further invitation from the CBD COP, WIPO is focusing on interrelation of access to genetic resources and disclosure requirements in intellectual property rights applications. WIPO is also developing materials on intellectual property issues in cooperation with the Secretariat of the CBD, including the creation of a public, electronic database about IP provisions in mutually agreed terms.

WIPO considers that the Forum has played a significant role in contributing expertise and experience to its activities and appreciates mutual cooperation between the Forum and WIPO. Member states of WIPO have repeatedly stressed the priority attached to enhancing the participation of the Forum and indigenous representatives in IGC sessions.

OHCHR reports that the Working Group on Indigenous Populations is developing guidelines on the protection and use of the heritage of indigenous peoples, including their traditional knowledge. These draft guidelines are contained in document E/CN.4/Sub.2/AC.4/2006/5.

Area of Work

Culture