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Addressee: WIPO, UNESCO, CBD Secretariat, UN entities

Paragraph #66 Session #21 (2022)

Full Text

The Permanent Forum urges the World Intellectual Property Organization, UNESCO, the secretariat of the Convention on Biological Diversity and other relevant United Nations entities to align their internal policies, within their respective mandates, so as to recognize and protect the collective intellectual property rights of indigenous peoples in respect of their creations, discoveries, traditional knowledge and knowledge of biodiversity. The Permanent Forum invites the above-mentioned United Nations entities to report back to future sessions on the progress made in that regard.

Comments

WIPO

Following up on par. 66 of the Permanent Forum's report in document E/2022/43-E/C.19/2022/11 relating to the recognition and protection of the "collective intellectual property rights of Indigenous Peoples in respect of their creations, discoveries, traditional knowledge and knowledge of biodiversity », the WIPO Secretariat wishes to report back to the Permanent Forum as follows.

The WIPO Secretariat organized a Panel of Indigenous and local communities on the theme: “Collective Nature of Traditional Knowledge and Traditional Cultural Expressions: Perspectives of Indigenous Peoples and Local Communities”⁷ , that took place on September 12, 2022, and allowed representatives of Indigenous Peoples to express their views on this topic before participants at the 44th session of the IGC.

A publication by WIPO, of specific interest for Indigenous Peoples, describes intellectual property tools that could be useful for Indigenous Peoples, as well as their purposes, and provides basic practical guidance on how to use them, if Indigenous Peoples so wish.⁸ Practical assistance is also provided to help Indigenous Peoples to optimize the use of intellectual property tools in support of their businesses. More details on the practical assistance provided is available in WIPO’s answers under part B.5 of the Questionnaire.

In parallel, and as referred to above, negotiations are taking place at the IGC with the objective to finalize an agreement on an international legal instrument(s) relating to intellectual property, which will ensure a balanced and effective protection of genetic resources, traditional knowledge and traditional cultural expressions. The two drafts that have been developed so far by the IGC on TK and TCEs⁹ envisage Indigenous Peoples as beneficiaries and include drafting options that emphasize the collective nature of the rights envisaged in those drafts. -
Page 4

B.5 - Developing the capacities of States, indigenous peoples, civil society and UN personnel

WIPO’s relevant activities include workshops, distance-learning courses, training and mentoring, involving Member States’ officials, civil society and Indigenous

Peoples separately or jointly, as well as publications (some of them specifically addressed to Indigenous Peoples, as well as local communities).

Technical-assistance activities in support of Indigenous Peoples continued in 2022, online and in-person, with the organization of several webinars and training activities, with particular emphasis on entrepreneurship initiatives among Indigenous Peoples, particularly women. – pages 8 and 9.

UNESCO

Collaboration with WIPO on the intellectual property rights of Indigenous Peoples with relation to content and resources uploaded on the IDIL2022-2032 platform.

Area of Work

Intellectual Property