



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 18 February 2013

6548/13

PI 24

WORKING DOCUMENT

from:	General Secretariat
to:	Delegations
No prev.doc.:	5994/13 PI 13
Subject:	23rd Session of WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (Geneva, 4 to 8 February 2013) - Final EU/ Member States statements

Delegations will find in the Annex the final EU/ Member States statements at the above mentioned WIPO meeting.

**23rd Session of WIPO Intergovernmental Committee on Intellectual property and Genetic
Resources, Traditional Knowledge and Folklore
(Geneva, 4 to 8 February 2013)**

EU Opening statement

Mr Chairman,

On behalf of the European Union and its Member States, I would like to extend our thanks to you for your continued stewardship of this Committee. We look forward to making progress under your guidance. I would also like to thank the facilitators at IGC 20, and the WIPO Secretariat, for their hard work in preparing consolidated document 23/4.

We welcome the continued involvement of facilitators given their valuable contribution to advancing discussions and enabling the convergence of the various texts at IGC 20. We hope that delegations can continue to engage positively, in a spirit of compromise, and real progress can be achieved on a broad range of outstanding issues, this week.

The nature of legal instrument that will emerge from this and the other IGCs remains undecided at this point. With this in mind, the EU and its Member States consider it in the best interests of advancing discussions at IGC 23 if the primary focus continues to remain on clarifying and refining the objectives and principles of the text and the policy options contained therein.

The EU and its Member States stress the importance of discussions remaining in the scope of intellectual property and genetic resources, as per the IGC mandate. The inclusion of other, wider issues, irrespective of their own merits, could encroach on the competences of other international bodies and may serve to hinder timely agreement among delegations. In addition, the EU feels that the best option for advancing these discussions is to ensure the genetic resources discussions remain separate from the other IGC strands of traditional knowledge and traditional cultural expression. Each of the IGC strands are at different stages of maturity, and relate to separate, though linked, subject matter. Merging them would be counterproductive, and not something the EU could agree.

The EU has a long-stated position (WIPO/GRTKF/IC/8/11) with regard to disclosure of origin, which is conscious of the importance of not introducing fresh burdens to innovation, and, more specifically, the patent examination process. Neither should disclosure requirements place an unfair burden on applicants or patent offices. Disclosure of origin should be a set of formal requirements, rather than an issue requiring scrutiny during the patent examination process. Issues arising from difficulties with this method of disclosure are best remedied at national level. The EU and its Member States continue to view this approach as a fair, balanced and proportionate approach to access and benefit-sharing.

23rd Session of WIPO Intergovernmental Committee on Intellectual property and Genetic Resources, Traditional Knowledge and Folklore
(Geneva, 4 to 8 February 2013)

23/5: Joint Recommendation on Genetic Resources and Associated Traditional Knowledge

The EU and its MS welcome the opportunity to consider the Joint Recommendation 23/5. The EU and its MS are of the opinion that, while the Consolidated Document Relating to Intellectual Property and Genetic Resources (23/4) emerged from IGC 20, other texts, including the Joint Recommendation, remain relevant and on the table.

23rd Session of WIPO Intergovernmental Committee on Intellectual property and Genetic Resources, Traditional Knowledge and Folklore
(Geneva, 4 to 8 February 2013)

23/6: Proposal for the terms of reference of a study

The EU and its MS consider the proposal on the terms of reference for a study, submitted by CA, JP, KR and US, to be of interest, and note that the suggested approach appears well considered and inclusive of the needs of WIPO MS across the spectrum of development. The EU and its MS note that studies have been carried out in other areas of WIPO's normative work, and indeed, the EU and its MS follow evidence-based policymaking internally. The EU and its MS are flexible as to whether further studies are carried out in relation to the GR aspects of the IGC; however, we understand that some investigations on disclosure requirements have been carried out by AIPPI and the WTO, and in any future decisions these should be taken into account to avoid duplication.

23rd Session of WIPO Intergovernmental Committee on Intellectual property and Genetic Resources, Traditional Knowledge and Folklore
(Geneva, 4 to 8 February 2013)

23/7: Joint Recommendation on the use of databases

The EU and its MS consider the revised proposal 23/7 to be of interest and thank the proponents. In view of the recent submission we would require more time to consider it fully.