



**COUNCIL OF
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NOTE

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to:	Delegations
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Subject:	22nd Session of WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (Geneva, July 9-13, 2012) - Final statements by the European Union and its Member States on TCE

Delegations will find in the Annex, for information, final statements by the European Union and its Member States made at the above mentioned WIPO meeting.

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**INTERGOVERNMENTAL COMMITTEE ON INTELLECTUAL PROPERTY AND
GENETIC RESOURCES, TRADITIONAL KNOWLEDGE AND FOLKLORE
TWENTY-SECOND SESSION**

Geneva, July 9-13, 2012

Agenda item: 8

**Contribution of the Intergovernmental Committee on Intellectual Property and Genetic
Resources, Traditional Knowledge and Folklore (IGC) to the implementation of the respective
Development Agenda Recommendations**

Mr. Chairman,

The European Union and its Member States recall that a number of recommendations of the Development Agenda are relevant to the IGC, in particular Recommendation 18, which emphasizes that the work of the IGC on GR, TK and TCE is "without prejudice to any outcome". The EU and its MS seize this opportunity to reaffirm that any instrument agreed upon should in our view be flexible, sufficiently clear and non-binding, as well as our preference for separate texts.

We are satisfied that the IGC has seen continued progress in its negotiations over the last semester. However, we still believe more substantive work on the texts is needed so as to fulfill the mandate of this committee.

Our norm-setting activities within the IGC have been member-driven and have ensured a participatory process, which takes into consideration the interests and priorities of all IGC members and the viewpoints of other stakeholders, including accredited intergovernmental organizations (IGOs) and NGOs, in line with Recommendation 15. The norm-setting process has considered the boundaries, role and contours of the "public domain" (Recommendations 16 and 20) and has taken into account flexibilities in international IP agreements (Recommendation 17).

Furtermore, the Voluntary Fund for Accredited Indigenous and Local Communities, which has facilitated participation of the observers in IGC sessions, as well as activities of the Indigenous Consultative Forum and IGC Indigenous Panel, and the discussions in Plenary on the participation of observers which led to a number of new decisions in IGC20 should be mentioned in the context of Recommendation 42 referring to "wide participation of civil societies at large in WIPO activities in accordance with its criteria regarding NGO acceptance and accreditation, keeping the issue under review".

The EU and its MS look forward to another productive year for the IGC in 2013.

I thank you Mr. Chairman.

**INTERGOVERNMENTAL COMMITTEE ON INTELLECTUAL PROPERTY AND
GENETIC RESOURCES, TRADITIONAL KNOWLEDGE AND FOLKLORE
TWENTY-SECOND SESSION**

Geneva, July 19-23, 2012

Agenda item: 9

**Expression of Views on Future Matters Concerning the Intergovernmental Committee on
Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC)**

Mr Chairman,

In view of the 41st session of the GA in October 2012, the European Union and its MS would like to share with the committee their views on the future work of IGC, in line with its mandate for the 2012/2013 biennium adopted by the GA in 2011.

Considering the progress made in the last three sessions of the IGC this year, the EU and its MS are of the view that further work is required on the texts, in particular more work on objectives and principles.

In this respect, we wish to recall that this committee hasn't yet reached a decision on the nature of the instruments to be adopted. Once the IGC achieves solid, clear and consolidated texts, and only then, it will have to decide on the nature of the contemplated instruments.

The EU and its MS recall that in our view these instruments on all three topics should be non-binding and make recommendations but not lay down legal obligations.

Furthermore, the EU and its MS reaffirm our strong support for equal treatment of the 3 topics considered in the IGC (GRs, TK and TCEs), which are distinct and should therefore be addressed in separate instruments.

Finally Mr. Chairman, we'd like to voice our disappointment that all delegations were not ready or willing to engage into discussions during this session on the future work of IGC. We would have liked to replicate the good practice of last year when IGC 19 prepared the decision of the GA on the mandate. We nonetheless remain open to considering proposals that would be put forward on future work.

I thank you Mr. Chairman.

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