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**NOTE**

From:	General Secretariat of the Council
To:	Delegations
No. prev. doc.:	11963/22 REV1
Subject:	44th session of the WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC) (Geneva, 12 - 16 September 2022) - Final EU/Member States Statements

Delegations will find attached the final EU/Member States statement delivered at the above-mentioned WIPO meeting.

**44<sup>th</sup> session of WIPO's Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC)**

**(12 – 16 September 2022)**

**Opening Statement**

Chair,

1. On behalf of the EU and its Member States, let me first thank you and your Vice-Chairs as well as the Secretariat for the preparation of this first session to discuss Traditional Knowledge/Traditional Cultural Expressions under the current IGC mandate for 2022/2023.
2. The IGC last addressed TK/TCEs at its 40<sup>th</sup> session in June 2019. Under the 2018/2019 IGC mandate, we focused on addressing unresolved and cross-cutting issues and on considering options for a draft legal instrument or instruments. The EU reiterates the view that such an instrument should be non-binding.
3. While divergent positions remain, in our opinion we made some progress on issues concerning, most importantly, the draft articles on terms, eligibility criteria, beneficiaries and scope of protection, as reflected in the main documents WIPO/GRTKF/IC/44/4 and WIPO/GRTKF/IC/44/5. As regards methodology, we reiterate that transparency and inclusiveness remain a necessity and we welcome the proposal made by the IGC Chair for this session.
4. Chair, the EU and its Member States recall that we have previously submitted two proposals for the IGC to consider. These were the proposal for a study relating to TCEs and the proposal for a study relating to TK that were re-issued in documents WIPO/GRTKF/IC/37/10 and WIPO/GRTKF/IC/37/11 and last re-tabled in documents WIPO/GRTKF/IC/39/16 and WIPO/GRTKF/IC/39/17. These proposals aim at establishing a comprehensive understanding of the state of play of national legislation. The EU and its Member States would welcome the opportunity to discuss these proposals at this session.

5. Finally, we thank the Secretariat for updating the gap analyses on TK and TCEs and for re-issuing them once again for this IGC session. We believe that it is crucial to have mutual understanding about how the IP system can, or cannot, assist in serving the interest of the holders of TK and TCEs. We also thank the Secretariat for sharing the ‘Update of the Technical Review of Key Intellectual Property-Related Issues of the WIPO Draft Instruments on Genetic Resources, Traditional Knowledge and Traditional Cultural Expressions within the Framework of Indigenous Human Rights’, as contained in document WIPO/GRTKF/IC/44/INF/8.
6. Chair, the EU and its Member States look forward to participating constructively in discussions on TK and TCEs at this session.

Thank you.

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