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The WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore

Established in 2000, the WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC) is a forum where WIPO member states discuss the intellectual property issues that arise in the context of access to genetic resources and benefit-sharing as well as the protection of traditional knowledge and traditional cultural expressions (the terms “traditional cultural expressions” and “expressions of folklore” are used interchangeably in WIPO discussions).

The IGC holds formal negotiations with the objective of reaching agreement on one or more international legal instruments that would ensure the effective protection of genetic resources, traditional knowledge and traditional cultural expressions. Such an instrument or instruments could range from a recommendation to WIPO members to a formal treaty that would bind countries choosing to ratify it.

This brief describes the origins and rationale of the IGC, the participation of members and observers including indigenous and local communities, its achievements and the state of ongoing negotiations under its mandate.

Origins and rationale

Work within the intellectual property (IP) community on the protection of traditional cultural expressions (TCEs) goes back to the 1960s. The impetus came from a growing sense in developing countries that folklore embodied creativity and was part of the cultural identity of indigenous and local communities; it was therefore seen as worthy of IP protection, especially since new technologies were making folklore increasingly vulnerable to exploitation and misuse.

The 1967 revision of the Berne Convention for the Protection of Literary and Artistic Works, where protection is based on originality and identifiable authorship, fell short of ensuring adequate protection for TCEs. The member states of WIPO and UNESCO (United Nations Educational, Scientific and Cultural Organization) developed in 1982 a set of Model Provisions for national laws to serve as a source of inspiration for interested countries. In 1996, the WIPO Performances and Phonograms Treaty succeeded in providing for the protection of the rights of performers of expressions of folklore.

Work on the relationship between IP, traditional knowledge (TK) and genetic resources (GRs) is more recent, and stems from concerns regarding the role that IP protection should play in achieving global policy objectives as varied as the conservation of biodiversity (as enshrined in the Convention on Biological Diversity, 1992), food security, free and fair trade, and development.