



Council of the  
European Union

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**NOTE**

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From:	General Secretariat of the Council
To:	Delegations
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Subject:	43rd session of the WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC) (Geneva, 30 May - 3 June 2022) - Final EU/Member States Statements

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Delegations will find at annex, for information, the EU/Member States statements as delivered at the above-mentioned WIPO meeting.

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

**(30 May - 3 June 2022 – hybrid meeting)**

**Ukraine**

Chair,

1. Thank you for giving me the floor. This statement is made by France, in its capacity as Presidency of the Council of the European Union, on behalf of the European Union and its 27 Member States. The EU and its Member States support the statements delivered by Group B and CEBS.
2. Let me recall the EU and its Member States' full solidarity with Ukraine and the Ukrainian people. As we have already said, the EU condemns, in the strongest possible terms, Russia's unprovoked and unjustified military aggression against Ukraine, and demands that Russia immediately cease its military actions in Ukraine and fully respect Ukraine's territorial integrity, sovereignty and independence.
3. In addition, the EU strongly condemns the fact that, while, in WIPO, we discuss IP and genetic resources, Ukraine's national plant gene bank, one of the largest in the world, has been damaged by this aggression.

Thank you.

## Agenda item 1 – Opening statement

Chair,

1. On behalf of the European Union and its Member States, let me first congratulate you on your election and wish you every success in your new role. We would also like to thank the Secretariat for preparing this session, including the organisation of the *ad hoc* Expert Group that took place yesterday.
2. Two experts from the EU participated in discussions at the Expert Group and we look forward to the report by the Chair.
3. We fully acknowledge the importance of active participation of Indigenous and Local Communities in the work of the IGC. We therefore look forward to the Indigenous Panel at this session.
4. We reiterate our commitment to engage constructively in the work of the IGC. We recall that we could support the adoption of the REV.2 document resulting from the last session and we could see some additional value in changes made. However, we reiterate our view that the Chair's Text in document WIPO/GRTKF/IC/43/5 is cleaner and more focused, and its scope is better defined than REV.2, and would therefore constitute a better basis for our further discussions. At the last session we gave our detailed comments on key issues in the context of the Chair's text. We stand ready to actively engage in further discussions on the disclosure model in that text.
5. We welcome the non-paper prepared by the former IGC Chair including a revised version of the former Chair's text on the basis of comments received from delegations. We also note with interest the Addendum contained in the non-paper. While we have not had sufficient time to study the non-paper before IGC 43, we look forward to addressing its contents by means of substantive and technical comments made in a later stage of continued discussions.
6. Chair, the EU and its Member States stand ready to continue negotiations on Genetic Resources at this session. We look forward to participating constructively in substantive discussions throughout this week.

Thank you.

## Agenda item 6 – Genetic Resources

### Comments on ‘Rev. 1’ – 2 June 2022

Chair,

- Thank facilitator for preparing Rev. 1.
- Preamble and new Article X (Review):
  - Cannot support changes in para 5, 6, 8, 9, 10, 12, 13, new para 16 and new Article X (Review).
  - Concerned about strengthened approach that the instrument should be related to the IP system and not only the patent system. Preference for Chair’s text with different language in Preambles and Review clause.
  - Articulation of IP rights “such as designs, trademarks, copyrights, plant varieties” in Article X (Review) is not welcome.
- Article 1 – Definitions:
  - Term “Materially or Directly based on”: Appreciate new ALT (focusing on trigger preferred by EU) but replacement of slash (“Materially/Directly based on”) by “or” does not appear fortunate. Preference would be a choice of one appropriate term. Reiterate concerns about possible inclusion of DSI.
  - Terms “Source of Genetic Resources” and [“Source of Traditional knowledge Associated with Genetic Resources”]: we can support; one textual suggestion in latter term (“scientific and patent literature”)
- Article 4 – Disclosure requirement:
  - Same comment on “materially or directly based on” as on Art. 1
  - 4.1 (a) and (b): we can support new wording
  - 4.3 – 4.5 in ALT 2: we can support new paras
- Article 8 – Sanctions and remedies:
  - Appreciate further elaboration of the wording. Key article for EU.
  - We wish to see a clear ceiling established by this article. New paras 8.2-8.5 are still not quite appropriate to safeguard that. EU might wish to submit textual proposal later on.

Thank you.

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