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NOTE

From:	General Secretariat of the Council
To:	Delegations
No. prev. doc.:	9641/23
Subject:	47th session of the WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC) (Geneva, 5-9 June 2023) - Final EU/Member States statements

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

Delegations are also informed that, during IGC 47, the EU also made statements related to item 5, reflecting on site EU coordinations during IGC 47. More specifically, on item 5 the EU made interventions related to Use of Terms, Eligibility Criteria, Scope of Protection, and Exceptions and Limitations. Also, in addition to the general statement on item 6, during the negotiations at IGC 47, the EU made subsequent statements on the future work of the Committee.

47th session of WIPO's Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC)

(5-9 June 2023)

Opening Statement

Madam Chair,

1. On behalf of the European Union and its Member States, let me first thank you and your Vice Chairs for your efforts to facilitate ongoing work in the IGC on Traditional Knowledge/Traditional Cultural Expressions. In the lead up to this last session under the current IGC mandate, we appreciated the organisation of informal consultations to streamline discussions on stocktaking and a new mandate for 2024/2025. We would also like to thank the Secretariat for preparing this session, including for the report on virtual activities decided by IGC 43.
2. As regards potential outcomes of the negotiations, we stress our view that any international instrument on TK or TCE should be non-binding and support a balanced, flexible and measured-based approach. We have studied the REV documents prepared by the facilitators at the last IGC session and we are prepared to share our views on preferable wording in the articles.
3. Madam Chair, we are hopeful that the WIPO membership will be able to agree on a recommendation to the 2023 WIPO General Assembly concerning the IGC's new mandate for 2024/2025. In our view, such consensual recommendation would be a major outcome resulting from this session.
4. The EU and its Member States stay committed to engaging constructively in further work on TK/TCEs in the upcoming biennium.

Thank you.

Item 6

Taking Stock of Progress and Making a Recommendation to the General Assembly

Madam Chair,

1. On behalf of the European Union and its Member States, we would like to thank you again for conducting informal consultations on a new mandate for 2024/2025, as well as for circulating a draft text for a new IGC mandate as proposed by you.
2. We reiterate our position that any international instrument on TK or TCE should be non-binding and support a balanced, flexible and measured-based approach. With that caveat, we are hopeful that the WIPO membership will be able to agree on a recommendation to the 2023 WIPO General Assembly concerning the IGC's new mandate for 2024/2025. In our view, such consensual recommendation would be a major outcome resulting from this session.
3. In our understanding, the decision of the 2022 General Assembly to convene a Diplomatic Conference to conclude an international legal instrument relating to Intellectual Property, Genetic Resources and Traditional Knowledge associated with Genetic Resources, to be held no later than 2024, is of particular importance in the context of the new IGC mandate. That decision implies the fast-tracking of the work strand on GRs/ATK to a Diplomatic Conference, as prepared by a special session of the IGC and a Preparatory Committee, both scheduled for September 2023. It thus appears that regular IGC activities should focus on the work strand on TK/TCEs. Furthermore, the decision concerning two Diplomatic Conferences in 2024 results in an exceptionally loaded agenda for WIPO meetings in the first year of the new IGC mandate.
4. Against such backdrop, we are of the view that the new Work Program should contain a reduced number of IGC sessions accordingly. This could, for example, mean scheduling only three sessions instead of six sessions and only one *ad hoc* Expert Group instead of three *ad hoc* Expert Groups. Two sessions would focus on further narrowing gaps on TK/TCEs and a third session, alongside negotiations on TK/TCEs, could also address stocktaking and a recommendation to the 2025 General Assembly. As to the timing of sessions, we think that the Work Program should include one session in the second half of 2024 and two sessions in the first half of 2025.

5. Madam Chair, the EU and its Member States stand ready to explore different options for a new IGC mandate and we stay committed to engaging constructively in further work on TK/TCEs in the upcoming biennium.

Thank you.

Closing Statement

Madam Chair,

1. The EU and its Member States would like to thank you, the Vice Chairs, the Facilitators and the Secretariat for your work during this session.
2. We are pleased that IGC 47 has succeeded in adopting a recommendation for a new mandate of the IGC for 2024/2025, which we find a major achievement at this session. We would also like to express our appreciation to the group coordinators and to all delegations for their constructive engagement and the spirit of cooperation resulting in that positive outcome.

Thank you.
