

A STRONGER VOICE

FOR INDIGENOUS AND LOCAL COMMUNITIES
IN WIPO'S WORK ON TRADITIONAL KNOWLEDGE,
TRADITIONAL CULTURAL EXPRESSIONS
AND GENETIC RESOURCES:

THE WIPO VOLUNTARY FUND



Booklet n° 3

This is one of a series of Booklets dealing
with intellectual property and genetic
resources, traditional knowledge and
traditional cultural expressions/folklore


WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

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I. INTRODUCTION: “NOTHING FOR US, WITHOUT US”

The World Intellectual Property Organization (WIPO) launched a fresh policy initiative in 1998: a holistic program of work on traditional knowledge (TK), traditional cultural expressions (TCEs)/expressions of folklore and genetic resources (GR). From the beginning, this program has posed unique challenges. The work is fully global in perspective, considering international responses to concerns about how TK, TCEs and GR are used and disseminated worldwide, but also intrinsically local, recognizing the needs, expectations and cultural and intellectual perspectives that are integral to the very identity and environment of traditional and local communities.

- These are issues of truly global reach. The work deals with international treaties both within and well beyond the realm of intellectual property (IP). It covers virtually every form of IP, including new, distinct forms of protection tailored for TCEs and TK. Policy debates address such broad themes as human rights, cultural policy, indigenous identity and governance, conservation of biodiversity, equitable sharing of the fruits of biodiversity, and international trade.
- Yet this work relates to traditional knowledge systems and forms of cultural expression and transmission that are deeply rooted in the specific forms of life, belief systems, values and customary laws and practices of many diverse communities around the world.

A consistent, central concern has therefore been how to ensure effective and adequate representation and participation of those communities directly concerned. TK and TCEs are typically defined with reference to their community context; what above all distinguishes TK and TCEs from any other form of knowledge or cultural expression is the intrinsic link with the original community and its social and cultural context. Due respect alone would therefore suggest that any discussion should be informed, and any action should be guided, by the needs, expectations, practical experience and distinct perspectives voiced directly by local and traditional communities.

II. THE FACT FINDING CONSULTATIONS

The WIPO program began in 1998 and 1999 with visits to over 3,000 individual stakeholders and community representatives in 60 locations around the world. These ‘fact finding’ consultations – while extensive and open ended – were only a first step, and could not of course be comprehensive. But they did offer a rich variety of perspectives from many communities. Their insights and experience helped to shape WIPO’s subsequent work program, and still guide WIPO’s activities. This crucial input influenced the proposals since developed and put to more formal intergovernmental processes within WIPO.



To give one very simple example, some indigenous and local communities question the term ‘folklore,’ which is used in international legal instruments and many national laws. A number of communities expressed concern that this term can suggest that their cultures were static, dormant, obsolete, or somehow valued less than other cultures. In recognition of those concerns, WIPO commenced using the more neutral term ‘traditional cultural expressions’ in parallel with the synonym, ‘expressions of folklore’. This policy has, in turn, influenced other international and national processes. Of course, there are many more fundamental concerns on the table than simple terminology – but this small example symbolizes a broader process of listening, learning and respecting as representatives of indigenous and local communities make their concerns known.



The WIPO fact-finding consultations culminated in a report, *Intellectual Property Needs and Expectations of TK Holders*, which was developed through an open review process. This wide ranging report distilled the central needs and expectations expressed by TK holders during the consultations in the form of 21 key recommendations. A brief description of progress made on each recommendation follows below.

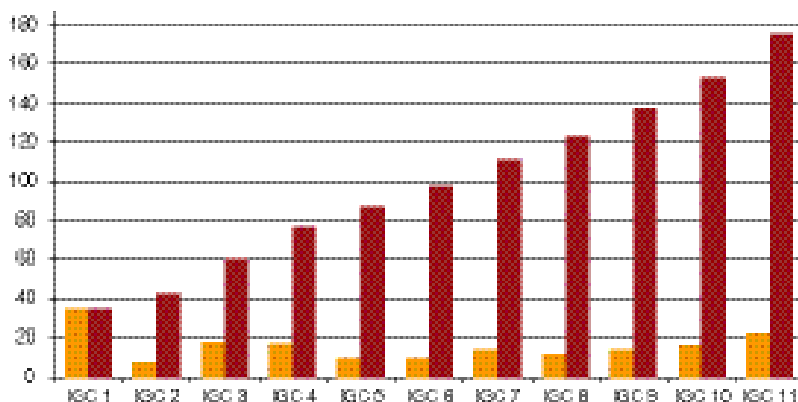


III. THE WIPO INTERGOVERNMENTAL COMMITTEE

In 2001, WIPO convened a purpose-built body to discuss these issues – the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (the 'IGC'). From the outset, there were strong calls for indigenous and local communities to have an active role in its work. The IGC may be taking decisions that directly impact the interests of these communities and that seek to address their concerns. It was stressed that the diverse perspectives of those communities should be clearly heard during any deliberations: 'nothing for us, without us,' as one delegation put it. And communities of course hold unique experience and understanding of the issues and of the real world context of recognition and promotion of traditional knowledge systems, forms of cultural expression, and creative heritage. They also offer indispensable guidance and advice for the Committee.

Therefore, from its first session, indigenous and local communities have played an active role in the IGC's work, arguing strongly for their role to be enhanced. The need to enhance the role of indigenous and local communities has been echoed by many government delegations, and was repeatedly stressed by the IGC itself in its formal decisions, as well as the WIPO General Assembly. Some extracts from these high-level decisions:

- "There was a unanimous view that the participation of local and indigenous communities was of great importance for the work of the Committee."
- The IGC "should consider suitable further mechanisms, as appropriate, for facilitating the involvement of representatives of indigenous and local communities in its work"
- "Member States should be encouraged to include representatives of indigenous and local communities on their delegations to the Intergovernmental Committee"
- "The Permanent Forum on Indigenous Issues should be invited to participate" in the IGC's work.



New and accumulated ad hoc accreditations to the Committee from the first to eleventh sessions (omits general WIPO accreditations). Many represent indigenous and local communities.

IV. PRACTICAL STEPS

A series of practical steps has given effect to these decisions:

- (i) A fast-track accreditation procedure for all non-governmental and intergovernmental organizations has operated since the IGC first met in April 2001. Nearly two hundred observers have been specially accredited to participate in the work of the IGC, additional to many organizations holding a general accreditation to WIPO. The majority of these ad hoc IGC observers represent indigenous and local communities or other holders of TK and TCEs.
- (ii) The Committee decided in 2004 that its sessions should be preceded by panel presentations chaired by a representative of an indigenous or local community. Such panels, with the theme “Indigenous and Local Communities’ Concerns and Experiences in Promoting, Sustaining and Safeguarding their Traditional Knowledge, Traditional Cultural Expressions and Genetic Resources”, have opened the last five sessions of the IGC. The panels comprise seven participants from indigenous and local communities in the geo cultural regions recognized by the UN Permanent Forum on Indigenous Issues. Their participation, as experts, is funded by WIPO.

- (iii) The WIPO General Assembly has extended a formal invitation to the United Nations Permanent Forum on Indigenous Issues to take part in sessions of the IGC and many participants have welcomed the active participation of the Forum. Forum members have chaired the Indigenous panel that commences each session of the IGC, and the Forum Secretariat has had direct input to the working documents of the IGC.
- (iv) Several WIPO Member States have adopted the practice of funding the participation of representatives of indigenous and local communities in IGC sessions, who often speak on behalf of their communities.
- (v) The funds provided by WIPO to support Member State participation from developing countries have been used in some cases by such countries to support the participation of leaders of their indigenous or local communities.
- (vi) Consultations and workshops at the national and regional level and other fora aimed at developing focused input for the IGC have routinely included representatives of the Forum and indigenous and local communities as speakers and participants.
- (vii) The WIPO web site provides space for accredited observers to post written contributions on the issues before the IGC.
- (viii) Specific briefings and consultations for NGO representatives, particularly representatives of indigenous and local communities, are undertaken during IGC meetings and at other events.





- (ix) The WIPO Secretariat has continued its past practice of consulting with interested representatives of indigenous and local communities on draft documents and other material being developed for the IGC, as well as related capacity-building documents, including a series of case studies and a distance learning course contributed to by indigenous experts. Draft materials, particularly the draft provisions on protection of TCEs and TK, have directly incorporated textual proposals and extensive comments by indigenous and local communities taking part in the process.
- (x) WIPO has commissioned indigenous experts to prepare a series of case studies on such questions as the protection of traditional cultural expressions and the recognition of customary law.

V. THE VOLUNTARY FUND FOR INDIGENOUS AND LOCAL COMMUNITIES

One of the most important of these practical steps was the creation of the WIPO Voluntary Fund for Accredited Indigenous and Local Communities. Many representatives of indigenous and local communities have stressed that they confront disproportionate logistical difficulties when seeking to participate in multilateral meetings in Geneva: many communities lack funds for travel and accommodation of their representatives. Increased efforts to address this problem led to extensive consultations within the IGC and a review of best practices in support of indigenous participation in international and United Nations processes.

This work culminated in the 2005 decision of the WIPO General Assembly to establish the Voluntary Fund. The Fund was designed exclusively to promote the participation of representatives of accredited indigenous and local communities,



and other customary holders or custodians of TK and TCEs in IGC sessions. The Fund's aims and rules of operation are set out in a decision of the General Assembly, which follows below (see pp. 25-32).

The Fund is designed to operate transparently and to ensure that all of its funds directly support indigenous and local community participation in the IGC, without placing a strain on the regular budget of

WIPO. The Fund relies exclusively on voluntary contributions by governments, NGOs and other private or public entities. Representatives of indigenous and local communities and government delegates serve on an independent Advisory Board. The Advisory Board assesses the eligibility of applicants for financial support from the Fund against well defined criteria and recommends who should be supported. The WIPO Secretariat has no role in determining which applicant is eligible – its job is simply to provide the necessary administrative support. Some of the key factors that the Advisory Board needs to take into account include:

- the applicant shall be a member of “an accredited observer which represents indigenous or local communities, or otherwise represents customary holders or custodians of traditional knowledge or traditional cultural expressions”

- “ensuring a broad geographical spread of participation among the seven geo cultural regions recognized by the United Nations Permanent Forum on Indigenous Issues”
- “the need to support those who lack alternative financial resources, and particularly of those observers based in developing and least developed countries and small island developing countries”
- “a balance... between male and female beneficiaries, and between the geocultural regions from which they come, in successive sessions insofar as is possible”

The Voluntary Fund had a successful launch. Generous early contributions ensured that all the applicants recommended for funding by the Advisory Board have been funded to take part in IGC sessions, and these representatives of indigenous communities played an active role in the Committee’s work. The UN Permanent Forum on Indigenous Issues “noted with appreciation the establishment of a Voluntary Fund by WIPO to enable the participation of indigenous representatives in the work of the WIPO Intergovernmental Committee on traditional knowledge and traditional cultural expressions, and encourages donors to contribute to the Trust Fund.”

But, clearly, for the Fund to continue strengthening and sustaining the voice of indigenous and local communities in the work of WIPO, it requires a continuing flow both of applicants for support and of financial contributions. The following pages provide guidance on

- (i) how to apply for financial support under the Fund and
- (ii) how to make a contribution.

Full details of the Fund’s operation can be seen in the attached Questions and Answers, and the rules contained in the decision of the WIPO General Assembly to create the Fund. That decision provides the legal basis of the Fund, and therefore prevails over any other document, statement or explanation – including the contents of this booklet, which offer background information only.

VI. PRACTICAL TIPS FOR APPLICANTS AND DONORS

TO BENEFIT FROM THE VOLUNTARY FUND

If you are interested in **applying** for support from the Voluntary Fund, please note the following practical points:

- > To be eligible, you should be a member of an organization that is (i) already accredited to the IGC and (ii) represents indigenous or local communities, or otherwise represents customary holders or custodians of traditional knowledge or traditional cultural expressions.
- > You submit an application by completing a form. Under the rules, an application must be sent to the Secretariat **60 days** before a session of the Committee, in order to be considered at that session, because the Advisory Board that reviews the applications only meets during IGC sessions. This helps reduce overhead, so that all the money in the Fund can be dedicated directly to paying for indigenous and local communities' participation.
- > The independent Advisory Board is composed of indigenous and local community representatives as well as government delegates, elected by the IGC. The Board – not the WIPO Secretariat – decides on who is recommended for support under the Voluntary Fund. The WIPO Secretariat just implements the Board's recommendations – provided that enough funds are available.
- > An application being considered at a meeting of the IGC will relate to funding for participation at the next meeting. For example, the Advisory Board met for the first time during the ninth IGC session. During the ninth session, it reviewed applications for funding to take part in the **tenth** session. The Board met at the tenth session to consider applications for participation in the **eleventh** session, and so on. To be considered for funding at a particular IGC session, you need to submit an application **60 days** before the **previous** IGC session.

- > The data requested on the application form is required only to help the independent Advisory Board to reach its objective assessment against the agreed criteria. It is not used for any other purpose.
- > Brief details of applicants (their name and organization only) and the outcome of each application are published in the official reporting that is required under the rules of the Fund.
- > **If your organization is not accredited**, you may wish to apply for accreditation. This is a simple procedure, requiring a basic application that outlines the nature of your organization and a request for accreditation – details are available at <http://www.wipo.int/tk/en/igc/accreditation.html>. You cannot apply for funding until your organization is accredited. The IGC's rules of procedure provide that only accredited organizations are able to participate actively in its work. It would be pointless to fund an



organization that cannot participate. Decisions on accreditation are not made by the WIPO Secretariat, but by the IGC itself, so you need to apply well in advance of any IGC session to be considered for accreditation.

The application form and additional information can be retrieved on our website:
http://www.wipo.int/tk/en/ngoparticipation/voluntary_fund/index.html

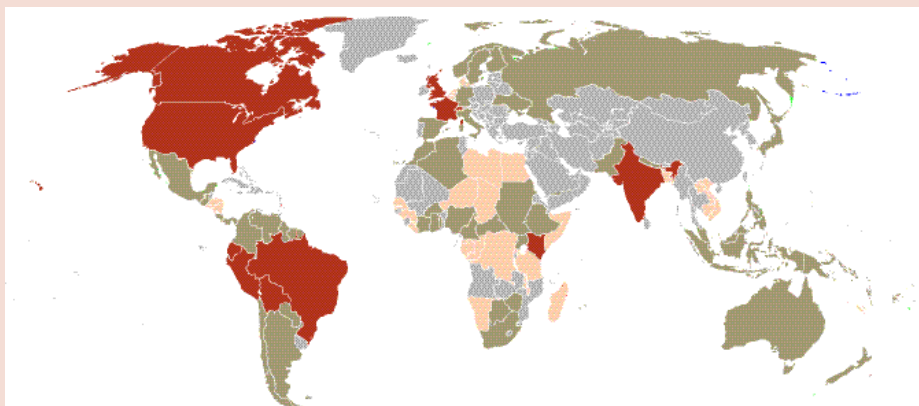
TO CONTRIBUTE TO THE VOLUNTARY FUND

If you are interested in **contributing** to the Fund, please note the following practical points:

- > There are no restrictions on who may contribute. Contributions have so far been received from several Governments and non governmental foundations.
 - > The rules of operation of the Fund are clearly set out in the General Assembly decision, and it is not possible to depart from those rules in relation to any particular contribution. It is however possible to enter into a supplementary understanding with the WIPO Secretariat, typically through a simple exchange of letters.
 - > The rules provide guarantees that any contributions will be wholly applied to the objectives of the Fund. The contributions are used exclusively to support the travel and accommodation of eligible applicants approved by an independent Advisory Board. WIPO draws no administrative charges or costs from the Fund contributions.
- 
- > Contributions are made to a collective Fund, governed and distributed according to the established rules: no individual contribution can be earmarked for a particular class of beneficiary (e.g. a contribution could not be tied to support only beneficiaries from one geographical region). It is the independent Advisory Board that determines eligibility for funding.
 - > A standard report is prepared which gives contributors detailed information about how their contributions are used, including the specific beneficiaries that were supported by the contributions.
 - > The operation of the Fund is subject to auditing, similar to other Funds in Trust operated by WIPO.

- > Funds are expended exactly in the order received in the Voluntary Fund bank account. This means that a contribution could be used for more than one IGC session. This ordering is also important in the event that contributions have to be returned, for instance if the Voluntary Fund was to be wound up in the future and contributions remained unspent.

Locations of activities of organizations accredited to the Committee



1 organization

2 to 5 organizations

more than 5 organizations

TIMELINE FOR APPLICATION

***Note from the Secretariat:** This timeframe constitutes only an informal and brief overview of the procedure applied. Reference should be made to the details as described by the text governing the aims and operation of the Fund in order to become familiar with the stages of the procedure as actually applied.*

PREVIOUS SESSIONS OF THE INTERGOVERNMENTAL COMMITTEE

Observer accreditation

The Member States of WIPO approve in advance the accreditation of the **ad hoc** observer to the Committee at a previous Committee session (or they have previously accredited the observer to WIPO). It is indispensable to take this step in advance before an eligible application can be made for possible financial support from the Fund. The numerous observers **already** accredited do not need to seek accreditation again before submitting an application for support from the Fund.



60 DAYS BEFORE SESSION X OF THE COMMITTEE

Submission of applications

The previously accredited observer and its designated candidate wishing to apply for financial support from the Fund for subsidized participation in Committee session X+1 submit an application form to the Secretariat at the latest 60 days before session X. Consequently, applications for funded participation at the **tenth** session of the Committee were submitted 60 days before the **ninth** session of the Committee.



SESSION X OF THE COMMITTEE

Selection of applicants for the next session

The Committee meets and appoints the members of the Advisory Board. The Advisory Board considers the applications and recommends to the Director General those which will receive funding for participation at the next Committee session (X+1).



BETWEEN SESSION X AND SESSION X+1

Practical measures for session X+1 and applications for session X+2

The Secretariat takes practical steps relating to the funding of the selected applicants for session X+1. Previously accredited observers and their designated candidates submit new applications 60 days before session X+1, with a view to subsidized participation in Committee session X+2.



SESSION X+1 OF THE COMMITTEE

Selection of applicants for the next session

The Committee meets. The subsidized representatives selected at session X participate in that session X+1. The Committee appoints the members of the Advisory Board. The Advisory Board examines the applications and recommends those which will receive funding with a view to next Committee session X+2.

VII. QUESTIONS AND ANSWERS ON THE FUND

The following answers to common questions are taken directly from the rules of the Fund. Supplementary comments are added for background only and do not form part of the rules.

QUESTION 1. WHAT IS THE PURPOSE OF THE FUND?

The Fund is established exclusively to finance the participation in the work of the Committee and other related activities of WIPO of the nominated representatives of accredited observers which represent indigenous or local communities, or otherwise represent customary holders or custodians of traditional knowledge or traditional cultural expressions. (Article 2)



The financial support will cover the purchase of a return economy class ticket, including taxes connected with the ticket, between the domicile of the beneficiary and Geneva or any other meeting place, by the most direct and cheapest route. It will also cover living expenses

in the form of a daily subsistence allowance at the rate specified by the United Nations for Geneva or for the city where said meeting is held, with an additional flat rate of US\$60* to cover expenses incurred at the time of departure and arrival. All other expenses related to the participation of the beneficiaries in the session concerned will be excluded from Fund support. (Article 5 (e))

Each provision of support will relate to a single Committee session and any related activities held consecutively with the Committee session. Provision of support on one occasion shall not prejudice possible support for the participation of the same beneficiary in other sessions. (Article 5 (b))

Supplementary comment: Only the representatives of the observers previously accredited by WIPO or on an ad hoc basis by the Intergovernmental Committee are eligible to submit applications to the Fund. The establishment of the Fund does not therefore replace the procedure of accreditation by the Committee or WIPO, which remains in place. If you wish to participate in the Committee (with or without funding from the Voluntary Fund), but you are not a representative of a previously accredited organization, that organization should begin by

* The IGC at its tenth session confirmed that future terminal expenses should be payable to beneficiaries under the Fund at the rate currently applied under the United Nations system.

submitting a request for accreditation and it must obtain that accreditation, before being eligible to submit an application to the Fund.

The Committee consists of the Member States of WIPO, accredited intergovernmental organizations and non-governmental organizations (NGOs) which have been accredited to participate in the Committee meetings as observers. It is the Member States of WIPO, and not the WIPO Secretariat, which take the decisions relating to the question as to which organizations are accredited. The Secretariat's role is limited to receiving requests for accreditation and submitting them to the Member States for consideration. At the beginning of each session, the Member States participating in the Committee are invited to make ad hoc accreditations for the NGOs that have requested observer status. Currently, nearly two hundred ad hoc observers have been accredited by the Intergovernmental Committee, many of which represent local and indigenous communities and other holders or custodians of traditional knowledge and traditional cultural expressions.

In order to be taken into consideration for accreditation, an organization must send to the WIPO Secretariat, at least two months before the beginning of each Committee session, a request for accreditation as an ad hoc observer, accompanied by a description of the organization, including its full name, its main aims, the link the organization has to intellectual property issues, its full contact details, the names of the countries in which the organization is particularly active, and the name of the person that will represent the organization at the next Committee session, should observer status be granted to it.

Requests for accreditation should preferably be sent by electronic mail to the following address: grtkf@wipo.int or to this postal address:

*World Intellectual Property Organization (WIPO)
Global IP Issues Division
34, chemin des Colombettes,
1211 Geneva 20 Switzerland
Fax: +41 22 338 81 20.*

You will find all the documentation relating to the Committee's meetings on our Internet site at: <http://www.wipo.int/tk/en/index.html>

It is also possible for an organization to obtain an accreditation to WIPO by decision of the General Assembly. Please contact the Secretariat if you wish to receive information on this procedure.

QUESTION 2. WHO CAN SEEK FINANCIAL SUPPORT FROM THE FUND?

To be eligible for financial support, persons would need to satisfy each of the following criteria:

- be a natural person;
- belong, as a member, to an accredited observer which represents indigenous or local communities, or otherwise represents customary holders or custodians of traditional knowledge or traditional cultural expressions;
- have been duly nominated in writing by the observer to represent it at the session designated for the support and as possible beneficiary of support from the Fund;
- be able to participate effectively and contribute to the session intended for the support, such as through expressing the experiences and concerns of indigenous and local communities and other customary holders and custodians of traditional knowledge or traditional cultural expressions;
- and whom the Advisory Board considers would not be able to take part in the session concerned without support from the Fund, owing to a lack of alternative financial resources (Article 5 (c))



Since participation in the Committee's work is restricted by its rules of procedure to its members and accredited observers, and in order to ensure their capacity to participate fully in the Committee's work, the funded representatives should only be the nominated representatives of observers which are duly and previously

accredited to the Committee, either as ad hoc observers accredited by the Committee itself, or as observers accredited to WIPO. (Article 3)

QUESTION 3. WHEN SHOULD I SUBMIT AN APPLICATION AND HOW?

Duly documented requests for financial support enabling participation in a Committee session will be sent to the WIPO Director General by the applicants in their own name, so as to arrive at least 60 days before the opening of the Committee session which precedes the session for which support is requested. Later requests will be considered at the following session. (Article 6 (e))

Supplementary comment: Taking into account articles 3, 5(c) and 6(e), the previously accredited observers and their designated candidates who meet the eligibility criteria are invited to submit their applications in due time (that is to say 60 days before the session which precedes the one for which a Fund intervention is requested) using a form designed to make it easier to process their application. This form is available at http://www.wipo.int/tk/en/ngoparticipation/voluntary_fund/index.html.

QUESTION 4. WHAT INFORMATION IS AVAILABLE ABOUT THE APPLICATIONS ?

Before each Committee session, the WIPO Director General will communicate for the information of participants an information note setting out: a sufficiently detailed description of the applicants seeking support for the following session. (Article 6 (f))

QUESTION 5. HOW IS THE FUND FINANCED, AND WHAT INFORMATION IS PROVIDED ABOUT AVAILABLE RESOURCES?

Fund resources will come exclusively from voluntary contributions by governments, NGOs and other private or public entities, and specifically shall not be drawn from the regular WIPO budget. (Article 6 (a))

Before each Committee session, the WIPO Director General will communicate for the information of participants an information note setting out:

- the level of the voluntary contributions paid into the Fund on the date on which the document was drafted,
- the identity of the contributors (unless individual contributors have expressly requested to remain anonymous),

- the amount of the resources available taking into account the funds disbursed... (Article 6 (f))

QUESTION 6. WHO NOMINATES THE BENEFICIARY(IES) UNDER THE FUND?

Decisions to extend financial support will be taken, for formal purposes, by the WIPO Director General, following an express recommendation by the Advisory Board. The recommendations made by the Advisory Board relating to the choice of beneficiaries will be binding on the Director General and not subject to appeal. (Article 6 (d))

The Advisory Board will comprise nine members, including: the Chair of the Committee, appointed ex officio or, where that proves to be impossible, one of the Vice Chairs nominated by the Chair as his or her deputy; five members from the delegations of Member States of the Committee reflecting an appropriate geographical balance; and three members from accredited observers representing indigenous and local communities or other customary holders or custodians of TK or TCEs. (Article 7).

Apart from the ex officio member, the members of the Advisory Board will be elected by the Committee on the second day of each of its sessions, on a proposal by its Chair, following consultation with the member states and their regional groups and, respectively, accredited observers' representatives. Apart from that of the ex officio member, their mandates will expire with the opening of the following Committee session. (Article 8)

QUESTION 7. WHEN DOES THE ADVISORY BOARD CONSIDER APPLICATIONS?

Following the election of its members, the Advisory Board will be convened by the WIPO Director General to meet on the margins of the Committee session which precedes the session for which support is being considered... (Article 6 (g))

The Advisory Board will meet regularly on the margins of Committee sessions, subject to the requirement that a quorum of seven members, including the Chair or one of the Vice Chairs, should be present. (Article 9)

The Advisory Board will adopt its recommendation before the end of the Committee session on the margins of which it meets... (Article 6 (ii))

QUESTION 8. WHAT ELIGIBILITY CRITERIA DO THE ADVISORY BOARD CONSIDER?

The Advisory Board must ensure that all the criteria for eligibility of applicants set out above, in particular in Article 5, are satisfied during its deliberations, and should agree on a recommended list of eligible applicants who should benefit from Fund support. The Advisory Board should also ensure, when adopting its recommendation, that:

- a balance is maintained between the male and female beneficiaries, and between the geo cultural regions from which they come, in successive sessions insofar as is possible; and
- where necessary, the benefits are taken into account which the Committee's work may derive from the repeated participation in its sessions of the same beneficiary. (Article 6 (h))



In taking account of the need to support those who lack alternative financial resources, the Advisory Board should address the particular needs of observers based in developing and least developed countries, and small island developing countries. In ensuring a reasonable geographical spread of participation, the Advisory Board should also take due account of the seven geo cultural regions recognized by the United Nations Permanent Forum on Indigenous Issues. (Article 5 (d))

Supplementary comment: The seven geocultural regions recognized by the United Nations Permanent Forum on Indigenous Issues are Africa, North America, Latin America, the Arctic Region, Asia, Russia and the Pacific Region.

Support from the Fund will be strictly limited to the maximum resources actually available in the Fund. (Article 5 (a))

QUESTION 9. HOW DOES THE ADVISORY BOARD REACH ITS DECISIONS?

A recommendation for the selection of any beneficiaries will require the agreement of at least seven members of the Advisory Board. If an application is not agreed upon, it may continue to be examined at the following session, unless that application received three votes or fewer. In the latter case, the request will be considered to have been rejected, without prejudice to the right of the applicant to submit a new request at a later date. (Article 10)

Each member of the Advisory Board who has a direct association with an observer which has applied for funding for a representative shall disclose that association to the Advisory Board, and shall abstain from any vote concerning any applicant nominated by that observer. (Article 11).

The members [of the Advisory Board] will serve on an individual basis and will conduct their deliberations independently, notwithstanding any consultations that they might consider as appropriate. (Article 7)

QUESTION 10. WHAT HAPPENS WHEN THE ADVISORY BOARD RECOMMENDS AN APPLICANT?

A recommendation for the selection of any beneficiaries will require the agreement of at least seven members of the Advisory Board ... (Article 10)
The Advisory Board will adopt its recommendation before the end of the Committee session on the margins of which it meets. This recommendation will identify:

- the future session intended for financial support (i.e. the subsequent session of the Committee),
- the applicants whom the Advisory Board agrees should be supported for that session and for whom funds are available,
- any applicant or applicants whom the Advisory Board agrees should be supported in principle but for whom insufficient funds are available...



The Advisory Board will immediately forward the contents of the recommendation to the Director General who will take a decision in accordance with the recommendation. The Director General will inform the Committee immediately and, in any cases, prior to the end of its current session, by means of an information note specifying the decision taken concerning each applicant. (Article 6(ii))

***Supplementary comment:** Two different cases may occur. (i) The application is accepted and the resources available in the Fund are sufficient. In this case, the Secretariat will contact the applicant whose request has been accepted and will make the practical arrangements relating to the financial support provided for the applicant from the Fund. (ii) The application is accepted but the resources available in the Fund are insufficient. In this case, the application is postponed until the following session, but it enjoys priority over the others.*

QUESTION 11. WHAT HAPPENS WHEN THE ADVISORY BOARD DOES NOT ACCEPT AN APPLICATION?

If an application is not agreed upon, it may continue to be examined at the following session, unless that application received three votes or fewer. In the latter case, the request will be considered to have been rejected, without prejudice to the right of the applicant to submit a new request at a later date. (Article 10)

The Advisory Board will adopt its recommendation before the end of the Committee session on the margins of which it meets. This recommendation will identify:

- the future session intended for financial support (i.e. the subsequent session of the Committee)...
- any applicant or applicants whose application has been rejected in accordance with the procedure in Article 10
- any applicant or applicants whose application has been postponed until the next session of the Committee in accordance with the procedure in Article 10.

The Advisory Board will immediately forward the contents of the recommendation to the Director General who will take a decision in accordance with the recommendation. The Director General will inform the Committee immediately and, in any cases, prior to the end of its current session, by means an information note specifying the decision taken concerning each applicant. (Article 6 (i))



***Supplementary comment:** An application may be rejected (if it does not obtain more than three votes): in this case, the applicant must submit a new application in order to be reconsidered. An application may be postponed to the following session (if it obtains more than three votes, but fewer than seven votes): in this case, the applicant is not obliged to submit a new application to be reconsidered.*

QUESTION 12. WHAT HAPPENS WHEN AN APPLICANT IS GRANTED SUPPORT, BUT HAS TO WITHDRAW?

If an applicant who has been selected to benefit from Fund support has to withdraw or is unable to take part in the session concerned, any sums unexpended and recovered, apart from possible cancellation charges, will be transferred to the reserve of the resources available to the Fund and the choice which was made with regard to said applicant shall be considered null and void. The applicant will nonetheless be entitled to submit a new request for the following session, provided that information is submitted giving a good reason for the withdrawal or nature of the event which otherwise made participation impossible. (Article 5 (f))

VIII. THE RULES: FULL TEXT OF THE DECISION ESTABLISHING THE FUND

ESTABLISHMENT OF THE WIPO VOLUNTARY FUND FOR ACCREDITED INDIGENOUS AND LOCAL COMMUNITIE

The WIPO General Assembly (at its 32nd session) adopted the following decision, based on the Annex to document WO/GA/32/6:

Resolved to take appropriate measures to facilitate and encourage the participation of indigenous and local communities, and other customary holders or custodians of traditional knowledge and traditional cultural expressions, in the work of the World Intellectual Property Organization (WIPO) concerning intellectual property relating to genetic resources, traditional knowledge and folklore;

Recognizing that the effectiveness of these measures depends in particular on appropriate financial support;

Recognizing moreover that the existence of an appropriate coordinated framework aimed at financing this participation would encourage such contributions;

[If the WIPO General Assembly decides to renew the mandate of the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore in its current form or in a different form, or if the Assembly decides to create a new body responsible for the matters within the Intergovernmental Committee's remit in its current form (the possible bodies being designated hereinafter by the generic term "the Committee");]

[the Assembly decided] to create a voluntary contribution fund, the name, objective, criteria for support and operation of which would be as follows:

NAME

1. The Fund will be known as the "WIPO Voluntary Fund for Accredited Indigenous and Local Communities"; hereinafter the "Fund".

OBJECTIVE AND SCOPE

2. The Fund is established exclusively to finance the participation in the work of the Committee and other related activities of WIPO of the nominated representatives of accredited observers which represent indigenous or local communities, or otherwise represent customary holders or custodians of traditional knowledge or traditional cultural expressions.

3. Since participation in the Committee's work is restricted by its rules of procedure to its members and accredited observers, and in order to ensure their capacity to participate fully in the Committee's work, the funded representatives should only be the nominated representatives of observers which are duly and previously accredited to the Committee, either as ad hoc observers accredited by the Committee itself, or as observers accredited to WIPO.

4. The creation of the Fund and its operation will not prejudice other established procedures, in particular by the general WIPO Rules of Procedure (WIPO 399 (FE) Rev. 3) implemented in document WIPO/GRTKF/IC/1/2 for the accreditation of indigenous and local communities and other observers, or to organize the effective participation of their members in the sessions. The operation of the Fund shall not pre-empt or override decisions by members of the Committee regarding accreditation and participation in the work of the Committee. It is understood that other direct contributions and other possible forms of direct assistance, either existing or in the future, designed to finance or facilitate such participation, may be pursued outside the framework of the Voluntary Fund, at the choice of the contributor.

CRITERIA FOR FINANCIAL SUPPORT

5. Financial support from the Fund will correspond exclusively to the objective set out in Article 2 and to the following conditions:

(a) Support from the Fund will be strictly limited to the maximum resources actually available in the Fund;

(b) Each provision of support will relate to a single Committee session and any related activities held consecutively with the Committee session. Provision of support on one occasion shall not prejudice possible support for the participation of the same beneficiary on other sessions;

(c) To be eligible for financial support, persons would need to satisfy each of the following criteria:

- (i) be a natural person;
- (ii) belong, as a member, to an accredited observer which represents indigenous or local communities, or otherwise represents customary holders or custodians of traditional knowledge or traditional cultural expressions;
- (iii) have been duly nominated in writing by the observer to represent it at the session designated for the support and as possible beneficiary of support from the Fund;
- (iv) be able to participate effectively and contribute to the session intended for the support, such as through expressing experience in the field and the concerns of indigenous and local communities and other customary holders and custodians of traditional knowledge or traditional cultural expressions;
- (v) and whom the Advisory Board considers would not be able to take part in the session concerned without support from the Fund, owing to a lack of alternative financial resources.

(d) In ensuring a broad geographical spread of participation among the seven geo cultural regions recognized by the United Nations Permanent Forum on Indigenous Issues, the Advisory Board should take due account of the need to support those who lack alternative financial resources, and particularly of those observers based in developing and least developed countries and small island developing countries.

(e) The financial support will cover the purchase of a return economy class ticket, including taxes connected with the ticket, between the domicile of the beneficiary and Geneva or any other meeting place, by the most direct and cheapest route. It will also cover living expenses in the form of a daily subsistence allowance at the rate specified by the United Nations for Geneva or for the city where said meeting is held, with an additional flat rate of US\$60* to

* The IGC at its tenth session confirmed that future terminal expenses should be payable to beneficiaries under the Fund at the rate currently applied under the United Nations system.

cover expenses incurred at the time of departure and arrival. All other expenses related to the participation of the beneficiaries in the session concerned will be excluded from Fund support.

(f) If an applicant who has been selected to benefit from Fund support has to withdraw or is unable to take part in the session concerned, any sums unexpended and recovered, apart from possible cancellation charges, will be transferred to the reserve of the resources available to the Fund and the choice which was made with regard to said applicant shall be considered null and void. The applicant will nonetheless be entitled to submit a new request for the following session, provided that information is submitted giving a good reason for the withdrawal or nature of the event which otherwise made participation impossible.

OPERATING MECHANISM

6. The Fund will operate as follows:

(a) Fund resources will come exclusively from voluntary contributions by governments, NGOs and other private or public entities, and specifically shall not be drawn from the regular WIPO budget.

(b) The administrative costs associated with the operation of the Fund shall be kept to a strict minimum and shall not entail the drawing of specific funds in credit from the regular WIPO budget.

(c) The voluntary contributions paid into the Fund will be managed by the WIPO Director General, assisted by an Advisory Board. In this respect, the financial administration by the WIPO Director General and the auditing of the Fund accounts by the WIPO auditor will be undertaken in line with the procedures established, in accordance with the WIPO Financial Regulations, for the funds in trust set up to finance certain development cooperation activities conducted by WIPO.

(d) Decisions to extend financial support will be taken, for formal purposes, by the WIPO Director General, following an express recommendation by the Advisory Board. The recommendations made by the Advisory Board relating to the choice of beneficiaries will be binding on the Director General and not subject to appeal.

(e) Duly documented requests for financial support enabling participation in a Committee session will be sent to the WIPO Director General by the applicants in their own name, so as to arrive at least 60 days before the opening of the Committee session which precedes the session for which support is requested. Later requests will be considered at the following session.

(f) Before each Committee session, the WIPO Director General will communicate for the information of participants an information note setting out:

- (i) the level of the voluntary contributions paid into the Fund on the date on which the document was drafted,
- (ii) the identity of the contributors (unless individual contributors have expressly requested to remain anonymous),
- (iii) the amount of the resources available taking into account the funds disbursed,
- (iv) the list of people who have benefited from the Fund's support since the previous information memorandum,
- (v) the people chosen to benefit from the Fund but who withdrew,
- (vi) the amount of the support allocated to each beneficiary, and
- (vii) a sufficiently detailed description of the applicants seeking support for the following session.

This document will also be addressed by name to the members of the Advisory Board for examination and deliberation.

(g) Following the election of its members, the Advisory Board will be convened by the WIPO Director General to meet on the margins of the Committee session which precedes the session for which support is being considered, without prejudice to the right of its members to discuss informally any questions concerning their mandate between sessions of the Committee.

(h) The Advisory Board must ensure that all the criteria for eligibility of applicants set out above, in particular in Article 5, are satisfied during its deliberations, and should agree on a recommended list of eligible applicants who

should benefit from Fund support. The Advisory Board should also ensure, when adopting its recommendation, that:

- a balance is maintained between the male and female beneficiaries, and between the geo cultural regions from which they come, in successive sessions insofar as is possible; and
- where necessary, the benefits are taken into account which the Committee's work may derive from the repeated participation in its sessions of the same beneficiary.

Finally, when adopting its recommendation the Committee shall take account of the available resources as reported by the Director General in the information note referred to in Article 6(f), and in particular it shall identify those applicants who are agreed and for whom funding is available, and those applicants who are agreed in principle but for whom insufficient funds are available. Those in the latter category should be given priority in decisions on funding for subsequent sessions of the Committee.

The Advisory Board will be provided with administrative assistance for its deliberations by the WIPO International Bureau, in accordance with Article 6(b).

The Advisory Board will adopt its recommendation before the end of the Committee session on the margins of which it meets. This recommendation will identify:

- (i) the future session intended for financial support (i.e. the subsequent session of the Committee),
- (ii) the applicants whom the Advisory Board agrees should be supported for that session and for whom funds are available,
- (iii) any applicant or applicants whom the Advisory Board agrees should be supported in principle but for whom insufficient funds are available,
- (iv) any applicant or applicants whose application has been rejected in accordance with the procedure in Article 10

- (v) any applicant or applicants whose application has been postponed until the next session of the Committee in accordance with the procedure in Article 10.

The Advisory Board will immediately forward the contents of the recommendation to the Director General who will take a decision in accordance with the recommendation. The Director General will inform the Committee immediately and, in any cases, prior to the end of its current session, by means of an information note specifying the decision taken concerning each applicant.

- (j) The WIPO Director General will take the administrative measures necessary to implement his decision for the session concerned, in accordance with Article 6(b).

OTHER PROVISIONS RELATING TO THE ADVISORY BOARD

7. The Advisory Board will comprise nine members, including:
 - the Chair of the Committee, appointed ex officio or, where that proves to be impossible, one of the Vice Chairs nominated by the Chair as his or her deputy;
 - five members from the delegations of WIPO Member States taking part in the Committee, reflecting an appropriate geographical balance; and
 - three members from accredited observers representing indigenous and local communities or other customary holders or custodians of TK or TCEs.

The members will serve on an individual basis and will conduct their deliberations independently, notwithstanding any consultations that they might consider as appropriate.

8. Apart from the ex officio member, the members of the Advisory Board will be elected by the Committee on the second day of each of its sessions, on a proposal by its Chair, following consultation with the Member States and their regional groups and, respectively, representatives of accredited observers. Apart from that of the ex officio member, their mandates will expire with the opening of the following Committee session.

9. The Advisory Board will meet regularly on the margins of Committee sessions, subject to the requirement that a quorum of seven members, including the Chair or one of the Vice Chairs, should be present.

10. A recommendation for the selection of any beneficiaries will require the agreement of at least seven members of the Advisory Board. If an application is not agreed upon, it may continue to be examined at the following session, unless that application received three votes or fewer. In the latter case, the request will be considered to have been rejected, without prejudice to the right of the applicant to submit a new request at a later date.

11. Each member of the Advisory Board who has a direct association with an observer which has applied for funding for a representative shall disclose that association to the Advisory Board, and shall abstain from any vote concerning any applicant nominated by that observer.

IX. RESPONDING TO THE NEEDS AND EXPECTATIONS OF INDIGENOUS AND LOCAL COMMUNITIES

WIPO FACT FINDING CONSULTATIONS WITH TK HOLDERS: RESPONDING TO THE NEEDS AND EXPECTATIONS IDENTIFIED

WIPO's program on traditional knowledge, genetic resources and folklore has been shaped from the beginning by direct input from the communities that hold and maintain TK and TCEs. The first step in the program was to undertake consultations with TK holders, in some 60 locations around the world. More than 3000 dialogue partners contributed to this first phase of WIPO's current program in this area. These dialogues culminated in a landmark publication, **"Intellectual Property Needs and Expectations of Traditional Knowledge Holders: WIPO Report on Fact-finding Missions on Intellectual Property and Traditional Knowledge"**, (WIPO, 2001), which was published after an open peer review process. Its publication immediately preceded the launch of the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (the IGC), and its contents guided much of the development of the IGC's work.

The report summarized twenty one key needs and expectations that were widely expressed by WIPO's dialogue partners in these extensive consultations. This checklist reviews the work done since then to deliver on those needs and expectations. Much of this work is still in progress, in various draft forms, and much of it is open-ended in nature, but this checklist aims to identify the interim outcomes and ongoing activities that respond to the needs and expectations expressed by TK holders. All these needs and expectations have been addressed to some extent, in some cases as part of general capacity building exercises, but this checklist usefully identifies several of those needs and expectations for which only limited direct work has been done, possibly pointing the way to further, focused programs undertaken directly to support the needs and expectations of indigenous and local communities. Similar needs and expectations continue to be expressed by such communities, including in sessions of the IGC, suggesting that this checklist remains a relevant guide to future work.

Needs and expectations articulated by TK holders	Status	Some relevant outcomes and activities
1. The selection of an appropriate term or terms to describe the subject matter for which protection is sought.	☑	■ Analysis of terms and their implications ■ Clarifying the scope of 'traditional knowledge' as a general label and as a specific term ■ Establishing 'traditional cultural expressions' as neutral synonym for expression of folklore
2. A clear definition or description of what is meant (and not meant) for IP purposes by the term or terms selected.	☑	■ Creating working definitions of both TCEs/EoF and TK ■ Draft definition of sets of TCEs and TK that should be eligible for protection ■ Description and analysis of the character of TK and TCEs, and the distinction between them
3. The adjustment of expectations through effective awareness-raising as to the role and nature of IP protection in relation to TK.	☑	■ Case studies on use of IP in protection of TCEs ■ Case studies on use of IP in benefit sharing relating to TK and GR ■ Surveys on the use of existing IP to protect TK and TCEs/folklore ■ Surveys of national mechanisms to disclose
4. The prevention of the unauthorized acquisition of IPRs (particularly patents) over TK by documenting and publishing TK as searchable prior art, where so desired by the relevant TK holders.	☑	■ Revision of the International Patent Classification more fully to recognize TK ■ On line portal for access to TK for reference in patent procedures ■ Revision of PCT minimum documentation to incorporate TK publications ■ Draft guidelines for examination of TK-related patent applications ■ Inventory of TK-related publications ■ Two CBD-commissioned studies on patent disclosure mechanisms relating to TK and genetic resources
5. An analysis of how prior art is established for purposes of patent examinations in the context of TK.	☑ ⌚	■ Survey of national laws and office practices regarding TK as prior art ■ Draft examination guidelines based on the survey

Needs and expectations articulated by TK holders	Status	Some relevant outcomes and activities
6. Greater awareness-raising on the IP system, particularly among sectors of society and communities unfamiliar with it, such as indigenous and local communities and governmental offices not directly involved in IP law and administration.	☒ 	■ Draft toolkit for dealing with IP aspects of TK documentation ■ Draft practical handbook for the protection of TCEs/EoF ■ Draft Creative heritage guidelines for institutions concerned with safeguarding TCEs ■ Case studies, explanatory brochures, media publications ■ Seminars, workshops, training courses for diverse groups
7. Greater understanding by the IP community of the perspectives, expectations and needs of TK holders.	☒ 	■ Indigenous panel opens each session of the IGC ■ Voluntary fund to support Indigenous and local participation ■ Other initiatives include fast-track accreditation, a dedicated website, direct input to working documents, coordination with UN Permanent Forum, and engagement of indigenous experts provide case studies and participate in regional and national workshops.
8. Facilitation of dialogue and contact between TK holders, the private sector, governments, NGOs and other stakeholders to assist in development of modalities for cooperation between them, at community, national, regional and international levels.	☒ 	■ WIPO convenes and co-organizes numerous forums, workshops, seminars and other forms of dialogue engaging wide range of stakeholders ■ Contribution to conferences convened for policymakers, indigenous representatives, academic community, cultural institutions, ■ Cooperation and collaboration with other international and regional agencies

Needs and expectations articulated by TK holders	Status	Some relevant outcomes and activities
9. Enhanced participation by the national and regional IP offices and the IP community at large in TK-related processes in which IP issues are raised.	☒ 	■ The IGC has catalyzed greater participation and coordination between the IP community and TK-related policy processes ■ National expert missions at the request of Member States have facilitated greater dialogue and coordination between IP offices and TK-related policy actors
10. Study of the relationship between collectivity of TK and IPRs, more particularly testing of options for the collective acquisition, management and enforcement of IPRs by TK holders' associations, including the applicability of collective management of IPRs to TK.	☒ 	■ Case studies address this question ■ IGC analyses, reports and surveys address this question in relation to both TK and TCEs ■ Draft provisions set out possible mechanisms for defining, acquiring, managing and enforcing collective or community-held rights ■ Analysis of policy options and legal mechanisms clarify the options pursued in many national laws ■ Complementary work on alternative dispute resolution as a means of enforcing collective rights and interests
11. Study of customary laws and protocols in local and traditional communities, including conclusions relevant for the formal IP system.	☒ 	■ Draft provisions (objectives and principles) clarify how customary laws and protocols may be used in defining TK/TCEs, establishing ownership/custodianship and ensuing rights and entitlements of and within communities, determining appropriate prior informed consent and benefit sharing arrangements, and determining remedies and consultative processes. ■ Draft issues paper developed and revised after consultations to serve as the nucleus of a study process ■ Further studies commissioned as part of a broad study process, in cooperation with other concerned processes such as the UN Permanent Forum on Indigenous Issues

Needs and expectations articulated by TK holders	Status	Some relevant outcomes and activities
12. In the shorter term, testing the applicability and use of existing IP tools for TK protection, through practical and technical community-level pilot projects and case studies; and, provision of technical information and training to TK holders and Government officials on possible options under the existing categories of IP for TK protection	☒ 	■ This need has been addressed through many training courses and awareness raising exercises, including the consultative development of case studies and practical materials, including toolkits, practical guides and a pilot distance learning course ■ At the request of Member States, numerous activities to provide expert advice, capacity building exercises and training. ■ Documentation of case studies and practical options based on diverse experience in many countries and communities.
13. The provision of technical information and training to TK holders and government officials on possible options under the IP system for TK protection	☒ 	■ Extensive documentation on practical experiences with ■ Case studies on the use and the limitations of IP mechanisms in protecting TK and TCEs ■ This is in the process of being transformed into practical guides and other technical information and training resources
14. In the longer term, the possible development of new IP tools to protect TK not protected by existing IP tools, the elaboration of an international framework for TK protection, using inter alia the WIPO-UNESCO Model Provisions for National Laws on the Protection of Expressions of Folklore Against Illicit Exploitation and Other Prejudicial Actions, 1982 as a possible foundation, and the development of a sui generis system of “community” or “collective” rights to protect TK.	☒ 	■ WIPO draft objectives and principles (‘draft provisions’), overviews of policy options and legal mechanisms, and related information on choices at the international dimension, provide potential ingredients for these developments, if so chosen by Member States ■ The draft provisions on TCEs/EoF draw on and update the WIPO-UNESCO Model Provisions ■ The draft provisions on TK provide possible elements of a sui generis system of community or collective rights to protect TK ■ The draft provisions are already drawn upon by a wide range of national, regional and international processes as helping to define the elements of protection of TK and TCEs/EoF.

Needs and expectations articulated by TK holders	Status	Some relevant outcomes and activities
15. The provision of information, assistance and advice with respect to the enforcement of TK protection.		■ No specific program activities concentrate on enforcement as such. ■ However enforcement is dealt with as part of the overall range of aspects connected with the protection of TK and TCEs/EoF. ■ This work includes reviewing culturally appropriate approaches to enforcement of protection, including alternative dispute resolution and the recognition of customary law as guiding restitution
16. Facilitating access to the IP system, to enable TK holders to use and enforce rights under the IP system.		■ No systematic program activities have so far been aimed directly at facilitating access to the IP system. Several partnerships with governments and community organizations address this as one of several related goals, however. ■ Capacity building activities also aim at developing skills and awareness in forms that are appropriate to and targeted at the needs of holders of TK and TCE bearers. ■ Work on analyzing practical and policy options for protection of TK and TCEs consider possibilities for enhanced access to IP system suitable for holders of TK and TCE bearers, including through collective management structures and alternative dispute resolution mechanisms.
17. The provision of legal/technical assistance with TK documentation, including information and advice on the IP implications of TK documentation.		■ IGC adopted standards for TK documentation which incorporate safeguards against breach of prior informed consent ■ Draft toolkit provides the required legal and technical assistance, with a focus on the IP implications of TK documentation. ■ Further work supports the recognition of documented TK within the patent system to safeguard against illegitimate patenting

Needs and expectations articulated by TK holders	Status	Some relevant outcomes and activities
18. The provision of IP advice and assistance in respect of legislation, regulations, guidelines, protocols, agreements (including model terms), policies and processes on access to and benefit-sharing in genetic resources.	☒ 	■ Draft guidelines and principles on IP aspects of equitable benefit sharing relating to use of genetic resources ■ Searchable data base of IP-related provisions used in arrangements for benefit-sharing relating to genetic resources ■ Collaboration with UNEP in the development of case studies and related independent analysis of the role of patents in access and benefit sharing
19. Assistance and training for TK holders in the negotiation, drafting, implementation, and enforcement of contracts.	☒ 	■ Extensive capacity-building resources have been developed and disseminated, but specific targeted assistance and training initiatives have been limited ■ Proposals are in train to undertake such assistance in a more systematic manner in partnership with concerned national authorities and international agencies.
20. The development and testing, with the close involvement of indigenous peoples and local communities, of “best contractual practices,” guidelines and model clauses for contracts, as well as the provision of information on and protection against “unfair contract terms.”	☒ 	■ Draft guidelines and principles on IP aspects of equitable benefit sharing relating to use of genetic resources ■ Searchable data base of IP-related provisions used in arrangements for benefit-sharing relating to genetic resources ■ Collaboration with UNEP in the development of case studies and related independent analysis of the role of patents in access and benefit sharing ■ However, these have not extended to on-the-ground testing at the community level, although proposals are in train to apply these materials

Needs and expectations articulated by TK holders	Status	Some relevant outcomes and activities
21. Awareness-raising on the potential commercial value of TK and the development of tools for the economic valuation of TK.	 	Limited work only directly dealing with commercial valuation. Concepts of protection considered go beyond commercial aspects of IP as such. Preliminary work under way on approaches to valuation of TCEs/EoF and divergent approaches to valuing life sciences, including TK. Draft guidelines on IP aspects of equitable benefit sharing relating to access to genetic resources deal with valuation methodologies.

 some outcomes recorded

 work continues

 limited direct work done

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