



INTERGOVERNMENTAL COMMITTEE ON INTELLECTUAL PROPERTY AND GENETIC RESOURCES, TRADITIONAL KNOWLEDGE, AND FOLKLORE

50th SESSION / Geneva, March 3 to 7, 2025

TO THE HIGH ATTENTION OF:

- Chair of the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge, and Folklore;
- Members of the Intergovernmental Committee (Africa, America, Asia, Europe, and Oceania);
- Organizations accredited to the United Nations system.

Subject: The urgency of finding a global consensus and a simplified procedure for the development of a binding treaty on intellectual property related to genetic resources, traditional knowledge, and folklore

In accordance with Law No. 35/62 of December 10, 1962, on the regime of Associations in the Gabonese Republic, the Association Blessings Of The Forest - Gabon "BOTF - Gabon" is a national non-profit and apolitical association whose social purpose is the conservation and enhancement of Gabonese cultural (tangible & intangible) and natural heritage. Following our request, we have been accredited in 2024 as an Observer within the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge, and Folklore.

As an Observer of the negotiation process, our organization recalls that the issue of the legal framework for knowledge, traditional knowledge, and cultural expressions related to intellectual property is a matter of respect for human dignity and peoples.

Indeed, we have noted for several years the untimely appropriations of traditional knowledge, particularly from the use of genetic resources or elements of the tangible and intangible cultural heritage of several countries. Given the imperative need to regulate, at the international level, the uncontrolled use of traditional knowledge and knowledge, we call on Member States and the Secretariat of the IGC to simplify the negotiation process, taking into account the achievements since 2001.

We make the following proposals:

1- Definition of traditional knowledge and/or cultural expressions

The treaty must specify or confirm the notions of traditional knowledge and/or cultural expressions based on a scientific and technical consensus. This should include:

- Knowledge related to biodiversity (medicinal plants, traditional agriculture, etc.);
- Cultural expressions (music, dance, crafts, etc.);
- Technical innovations and traditional practices.

2- Protection of the rights of indigenous and local communities

The treaty must sufficiently protect the rights of indigenous and local communities regarding their traditional knowledge. To this end, the legal instrument must enshrine a series of rights, namely:

- The right to verify and to control the use of their knowledge;
- The right to consent to the use of their knowledge;

- The right to equitably benefit from the advantages arising from the use of their knowledge (benefit-sharing).

3- Prevention of illicit appropriation

The treaty must imperatively include mechanisms to prevent and combat the illicit appropriation of traditional knowledge and/or expressions, such as:

- The obligation to disclose the origin of traditional knowledge in patent applications;
- The prohibition of patenting traditional knowledge without the consent of the concerned communities;
- The establishment of databases to document and protect traditional knowledge.

4- Access and benefit-sharing

The treaty can regulate access to traditional knowledge and the sharing of benefits arising from their use, in accordance with international instruments such as the Nagoya Protocol (related to the Convention on Biological Diversity).

This includes:

- Conditions for access to traditional knowledge;
- Mechanisms to ensure equitable benefit-sharing (financial or non-financial).

5- Respect for cultural and spiritual rights

The treaty can recognize and protect the cultural and spiritual dimensions of traditional knowledge, prohibiting their use in a disrespectful or distorted manner.

6- International cooperation

The treaty can encourage cooperation between States to:

- Exchange information on traditional knowledge;
- Strengthen the capacities of indigenous and local communities;
- Harmonize national legislations for effective protection.

7- Implementation and control mechanisms

The treaty must provide mechanisms to ensure its application, such as:

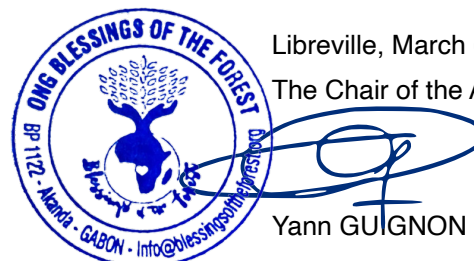
- Monitoring committees;
- Periodic reports on implementation;
- Dispute resolution procedures in case of violation.

8- Relationship with other international instruments

The treaty must imperatively take into account existing instruments, such as:

- The Convention on Biological Diversity (CBD);
- The Nagoya Protocol;
- The World Intellectual Property Organization (WIPO) and its work on traditional knowledge;
- The Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) of the WTO.

The objective of the future treaty must be to ensure the security of traditional knowledge and cultural expressions as well as genetic resources in the context of intellectual property, in the face of biopiracy actions and appropriations of components of intangible cultural heritage. The scope of the future treaty must be sufficiently broad to apply to disputes involving States that may not be parties but serve as a backdoor to circumvent its application. The future treaty must allow for the prohibition or cancellation, in the future, of any intellectual property patent application. To be effective, the future treaty must take into account advances in international law on the issue, integrating relevant international and regional instruments, notably the Nagoya Protocol on access to genetic resources and the fair and equitable sharing of benefits arising from their use.



Libreville, March 6, 2025

The Chair of the Association

Yann GUIGNON