

IGC 42 Indigenous Panel:

The Updated Technical Review of key
Intellectual Property-related Issues of the
WIPO Draft Instruments

Jennifer Tauli Corpuz | 28 February 2022 | Geneva



THE UPDATED TECHNICAL REVIEW IS TIMELY

1. We are at an advanced stage of discussions / negotiations
2. We have moved beyond conceptual discussions and have concrete text on the table
3. Some details in the text need updated reflections from an Indigenous rights viewpoint
4. We need to be aligned with related processes (CBD, ITPGRFA, etc.)
5. We need to address relevant technological advances

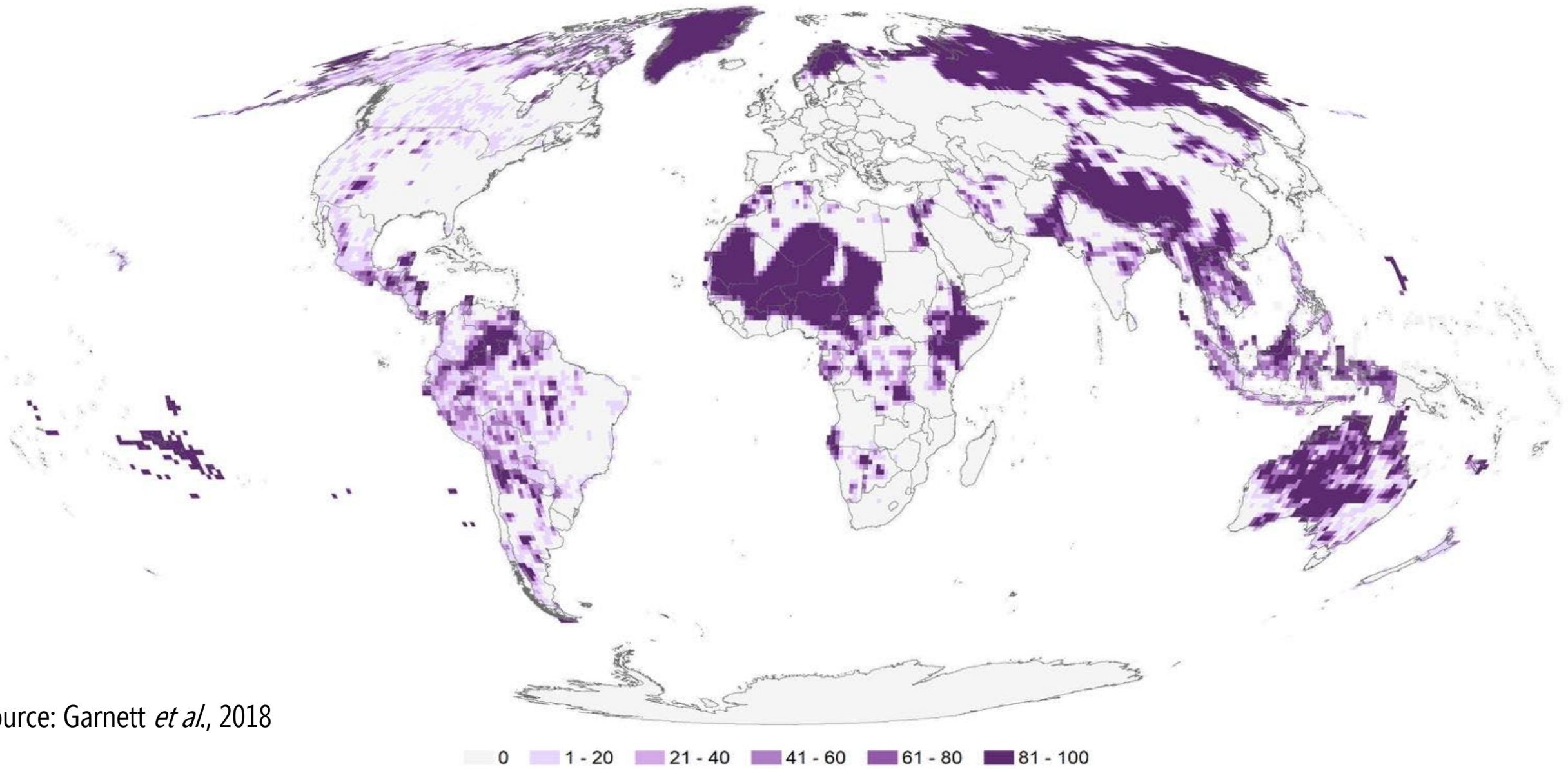
“BALANCING”

- ❑ **Historic injustice** – Indigenous peoples have frequently been targeted: “why do so few people own so much land?” or “Indigenous resources for the common good”
- ❑ **Recent scientific findings** - Indigenous territorial governance provide vital ecosystem services, species conservation, carbon sequestration



Distribution of Indigenous peoples

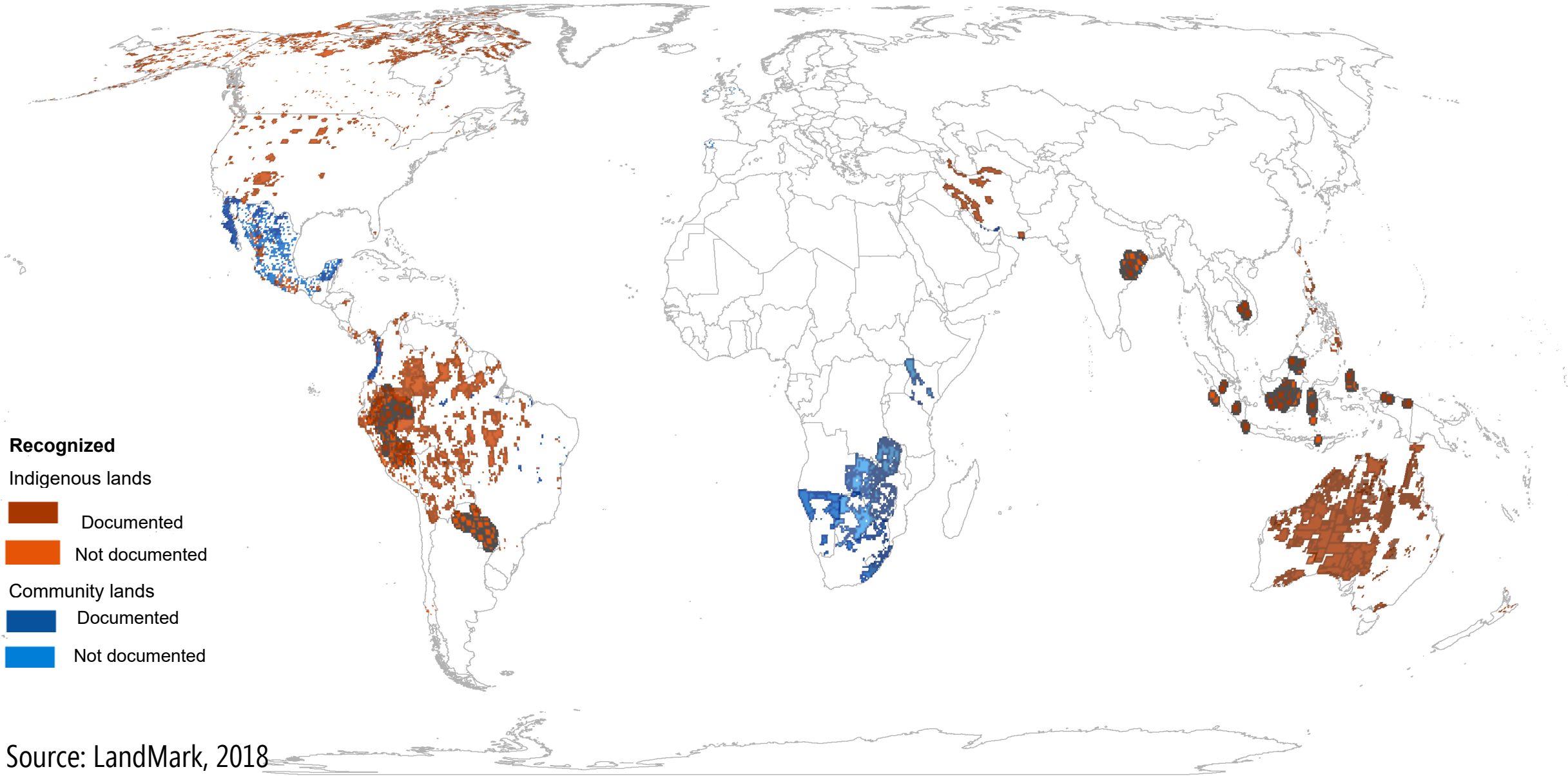
28.1% of global land

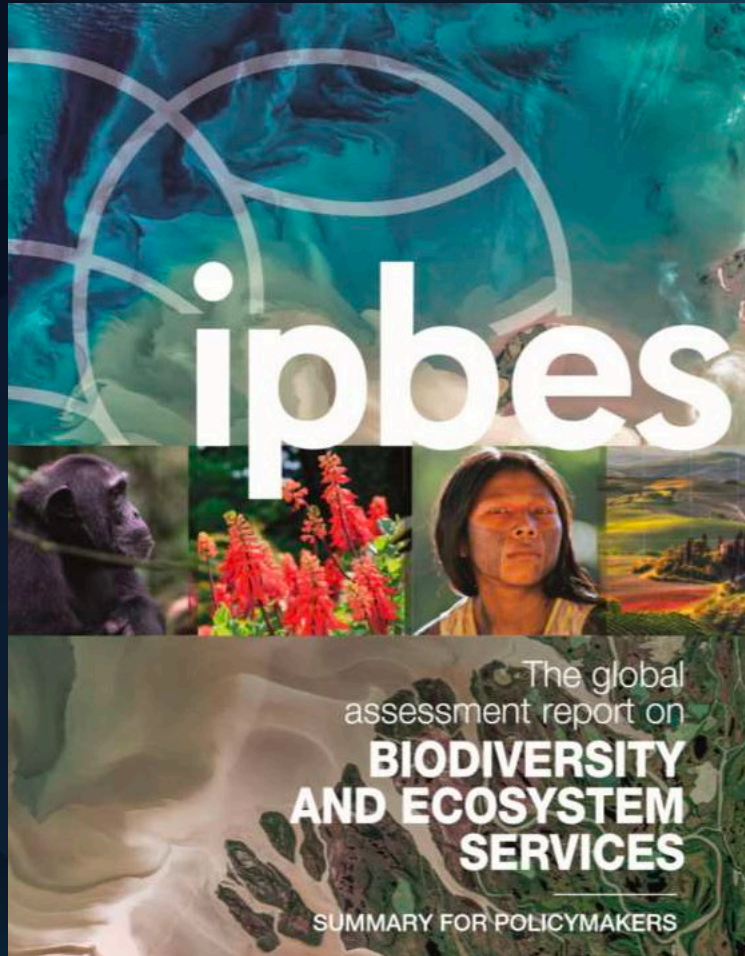


Source: Garnett *et al.*, 2018

Recognized IPLCs

7.4% of global land





Key message B6

Nature managed by IPLCs is under increasing pressure. Nature is generally declining less rapidly in indigenous peoples' land than in other lands, but is nevertheless declining, as is the knowledge of how to manage it.

REDRESS AND REPATRIATION

NEWS RELEASE

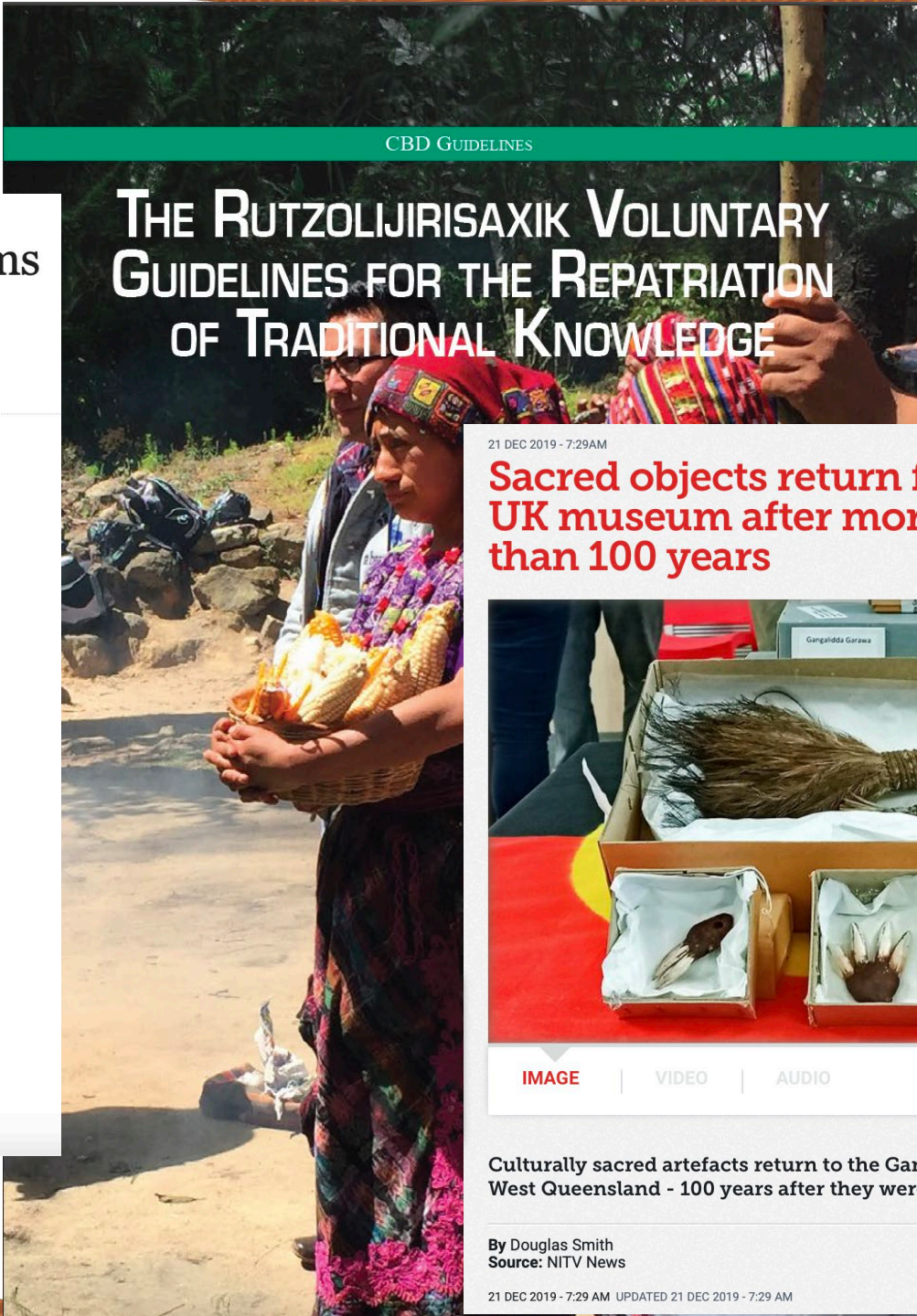
National Park Service Helping Tribes and Museums Repatriate Native American Remains and Sacred Objects



The San Diego Museum of Man's registrar and collections manager working with members of the Kashia Band of Pomo Indians of the Stewarts Point Rancheria, CA during a NAGPRA-based visit to collections.

Photo courtesy of the San Diego Museum of Man

News Release Date: July 11, 2016



CBD GUIDELINES

THE RUTZOLIJRISAXIK VOLUNTARY GUIDELINES FOR THE REPATRIATION OF TRADITIONAL KNOWLEDGE

21 DEC 2019 - 7:29AM

Sacred objects return from UK museum after more than 100 years



IMAGE

VIDEO

AUDIO

Culturally sacred artefacts return to the Gangalidda-Garawa people in North-West Queensland - 100 years after they were stolen by British explorers.

By Douglas Smith
Source: NITV News

[Tweet](#)

21 DEC 2019 - 7:29 AM UPDATED 21 DEC 2019 - 7:29 AM

Digital Sequence Information

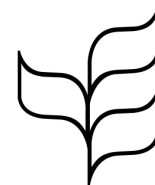
CBD/WG2020/3/4
Page 14

Access regulated	PIC	MAT	0	Status quo – Parties have not agreed on how to address ABS for DSI of GR	BS linked to DSI data	Requires tracing of country of origin	Bilateral mechanism
			1	DSI Fully integrated into approach of CBD & NP PIC and MAT (DSI= GR)			
Access not regulated	NO PIC	NO MAT	2.1	No PIC. Each country has Standard MAT (benefit-sharing is triggered by use of DSI)	BS NOT linked to DSI data	Does NOT require tracing of country of origin	Multilateral mechanism
			2.2	No PIC. Standard MAT at international level (benefit-sharing is triggered by use of DSI)			
			3.1	Payment for access to DSI No PIC. No MAT			
			3.2	Other payments and contributions (micro-levy, voluntary). No PIC. No MAT			
			4	Technical and scientific cooperation – could be complementary to other options			
			5	No PIC, No MAT. No Benefit Sharing from DSI (DSI is not considered equal to GR)			

Figure 1. High-level classification of policy options according to specific characteristics



CBD



Convention on
Biological Diversity

Distr.
GENERAL

CBD/WG2020/3/4
5 July 2021*

ORIGINAL: ENGLISH

OPEN-ENDED WORKING GROUP
ON THE POST-2020 GLOBAL
BIODIVERSITY FRAMEWORK
Third, meeting
Online, 23 August – 3 September 2021
Item 5 of the provisional agenda**

DIGITAL SEQUENCE INFORMATION ON GENETIC RESOURCES

Note by the Executive Secretary

B. Areas of potential convergence and apparent divergence on digital sequence information on genetic resources, and potential further work

17. The informal advisory group considered areas of potential convergence and apparent divergence on DSI, building upon the outcomes of the contact group at the first part of the third meeting of the Working Group (CBD/WG2020/3/5, annex V, section B). A full summary of the discussion prepared by the co-leads of the contact group is available in CBD/WG2020/3/INF/8, section II, subsection B.

18. Building on the discussions in the group, the co-leads have identified the following key points of consideration, of elements, that they believe could lead to ‘higher-level criteria’ or ‘principles’ for a solution on DSI (see CBD/WG2020/3/INF/8, section II, subsection C):

- (a) Any benefits from the use of DSI should be shared in a fair and equitable way and solutions should be found to determine how to share benefits arising from the use of DSI;
- (b) Access to DSI in public databases remains open;
- (c) Indigenous peoples and local communities are stewards of biodiversity and their role and rights should be taken into account in addressing DSI;
- (d) Capacity-building is an integral part of the solution on DSI.

DIGITAL SEQUENCE INFORMATION

- Need for global policy to keep pace with technological advances
- Strong convergence around the need for benefit sharing on DSI & recognition of the stewardship role of Indigenous peoples
- The Intellectual Property system should play a role in supporting benefit sharing & tagging and tracing





FINAL WORDS

- “Balancing” should take historical injustice into account
- GRs have been nurtured by Indigenous peoples for millennia and this role should be recognized
- Redress and repatriation should be included in the WIPO texts
- WIPO has a supportive role to play in tracing the origin of DSI and in supporting benefit sharing arising from DSI

Thank you! Iyaman!



**NIA
TERO**

Thriving Peoples • Thriving Places

JENNIFER T. CORPUZ

SENIOR GLOBAL POLICY &
ADVOCACY LEAD

NIA TERO

POLICY@NIATERO.ORG

+639275806748