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Permanent Forum on Indigenous Issues  
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Item 6 of the provisional agenda

**REVIEW OF ACTIVITIES OF THE UNITED NATIONS SYSTEM RELATING  
TO INDIGENOUS PEOPLES: AN INTERACTIVE DISCUSSION**

**Information received from the United Nations system**

**WORLD TRADE ORGANIZATION (WTO) ACTIVITIES  
RELATING TO INDIGENOUS PEOPLES**

1. WTO is an intergovernmental organization dealing with the rules of trade between nations. At its heart are the WTO agreements, the legal ground-rules for international commerce and for trade policy. These rules cover trade in goods, trade in services, and trade-related aspects of intellectual property.<sup>1</sup> The rules on IP rights are contained in the Agreement on Trade-Related Aspects of Intellectual Property Rights (the TRIPS Agreement), which is an integral part of the Marrakech Agreement establishing the World Trade Organization (the WTO Agreement). The Agreement is administered by the Council for TRIPS, open to all members, which reports to the WTO General Council.<sup>2</sup>

2. The WTO held its Fourth Ministerial Conference in Doha, Qatar, in November 2001. At the Conference, ministers agreed to launch the Doha Development Agenda. The Doha Ministerial Declaration provides the mandate for negotiations on a range of subjects and other work. It covers issues concerning the implementation of the above agreements. The negotiations take place in the Trade Negotiations Committee and its subsidiary bodies. Other activities under the work programme takes place in other WTO councils and committees. These bodies are open to all WTO member Governments and certain observer Governments and intergovernmental organizations. Ministers also adopted a Declaration on the TRIPS Agreement and Public Health and a decision on Implementation-Related Issues and Concerns.<sup>3</sup>

3. A part of the agenda that may be of particular interest for indigenous communities is the work that concerns traditional knowledge and folklore and the relationship between the TRIPS Agreement and the Convention on Biological Diversity (CBD). Paragraph 19 of the Ministerial Declaration instructs the TRIPS Council, in pursuing its work programme, including under the review of article 27.3 (b) and the review of the implementation of the TRIPS Agreement under its article 71.1 and the work foreseen in relation to implementation related issues, to examine, among other things, the relationship between the TRIPS Agreement and CBD and the protection of traditional knowledge and folklore. In pursuing these and other matters set out in the Doha Declaration, the TRIPS Council is to be guided by the TRIPS Agreement's objectives (art. 7) and principles (art. 8) and must also take fully into account the development dimension. Paragraph 32 of the same Declaration instructs the Committee on Trade and Environment, in pursuing work on all items on its agenda within its current terms of reference, to give particular attention to the relevant provision of the TRIPS Agreement. Work on this issue should include the identification of any need to clarify relevant WTO rules.

4. Articles 27.3 (b) and 71.1 are part of the so-called built-in agenda on which the TRIPS Council has been working for some time. Article 27.3 (b) provides for a review of its provisions which concern certain exemptions from patentability relating to plant and animal inventions and the protection of plant varieties. Article 71.1 requires the Council to review the implementation of the Agreement after the end of the general transition period for developing countries, i.e. the year 2000. In these contexts, the issue of protection of genetic resources, traditional knowledge and folklore, including those of indigenous peoples, has been under discussion in the TRIPS Council since the end of 1998. Views have been expressed by members on the present provisions of article 27.3 (b), including on their relation to the protection and use of biodiversity, and on possible changes to these provisions that might be considered. Factual information on activities of relevance has been obtained from other intergovernmental organizations, namely the World Intellectual Property Organization, the Food and Agricultural Organization of the United Nations, the Secretariat of the Convention on Biological Diversity and the International Union for the Protection of New Varieties of Plants.

#### Notes

<sup>1</sup> Information on the WTO can be found at its web site at <http://www.wto.org>.

<sup>2</sup> More information on the TRIPS Agreement can be found at the WTO website's TRIPS gateway page at [http://www.wto.org/english/tratop\\_e/trips\\_e/trips\\_e.htm](http://www.wto.org/english/tratop_e/trips_e/trips_e.htm).

<sup>3</sup> A gateway to WTO information on the agenda set by the Doha Ministerial Conference can be found at [http://www.wto.org/english/tratop\\_e/dda\\_e/dda\\_e.htm](http://www.wto.org/english/tratop_e/dda_e/dda_e.htm).

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