

Questionnaire to the UN system agencies, funds and programmes and intergovernmental organizations

The United Nations Permanent Forum on Indigenous Issues (PFII) was established by Economic and Social Council (ECOSOC) Resolution 2000/22. The Permanent Forum is mandated to provide expert advice and recommendations on indigenous issues to the ECOSOC and through the Council to United Nations agencies, funds and programmes; to raise awareness and promote the integration and coordination of activities related to indigenous issues with the UN system; prepare and disseminate information on indigenous issues; and promote respect for and full application of the provisions of the UN Declaration on the Rights of Indigenous Peoples and follow up the effectiveness of the Declaration.

The Indigenous Peoples Development Branch/Secretariat of the Permanent Forum on Indigenous Issues invites UN system agencies, funds and programmes and other inter-governmental organizations to complete the attached questionnaire on any action taken or planned in response to the Permanent Forum's recommendations, the system-wide action plan on rights of indigenous peoples (SWAP), the 2030 Development Agenda and COVID-19 recovery efforts.

The responses will be compiled into two separate reports for the 2022 session of the Permanent Forum: (a) System-Wide Action Plan on the Rights of Indigenous Peoples: Implementation by the United Nations System; and (b) Update on the Indigenous Peoples and the 2030 Agenda. In your responses, please, include information on progress and challenges related to indigenous women, indigenous persons with disabilities, indigenous older persons, and indigenous children and youth.

All responses will be placed on the DESA/DISD website on Indigenous Peoples at: <https://www.un.org/development/desa/indigenouspeoples/>

If you have any objections for your response to be made available on our website, please inform our office accordingly.

Please submit your completed questionnaire by **15 November 2021** to:

Indigenous Peoples and Development Branch
Secretariat of the Permanent Forum on Indigenous Issues
Division for Inclusive Social Development
Department of Economic and Social Affairs
United Nations Headquarters
New York, USA 10017
Telephone: +1-917-367-5100
Email: indigenous_un@un.org and requesens@un.org

Questionnaire

Note from WIPO:

The following answers (parts in blue) were provided by the Secretariat of the World Intellectual Property Organization (WIPO) in November 2021. Unless expressly stated, they do not necessarily reflect the views of WIPO Member States, taken as a whole or individually.

Please provide information on the following:

A. Recommendations of the Permanent Forum on Indigenous Issues and input to the 2022 session

- i. Please provide information on measures taken since your last update to the Forum, on the implementation or planned implementation of the recommendations of the PFII.
- ii. The theme of the 2022 PFII session is “Indigenous peoples, business, autonomy and the human rights principles of due diligence, including free, prior and informed consent”¹. Please include information on any publications, projects, reports, or activities relevant to this theme.

Follow-up on the recommendations of the Permanent Forum made in 2018, 2019 and 2021

The Permanent Forum on Indigenous Issues (the Permanent Forum) addressed specific recommendations to WIPO at its 17th Session (April 16-27, 2018) (as reflected in the Permanent Forum’s report in document E/2018/43-E/C.19/2018/11, para. 58), 18th Session (April 22 to May, 3, 2019) (as reflected in the Permanent Forum’s report in document E/2019/43-E/C.19/2019/10, par. 9 to 11), and at its 20th Session (April 19 to 30, 2021) (as reflected in the Permanent Forum’s report in document E/2021/43-E/C.19/2021/10, par. 61, first sentence).

- par. 9 of the report of the 18th Session of the Permanent Forum and par. 61, first sentence, of the report of the 20th Session of the Permanent Forum

Those recommendations refer to the negotiations taking place at the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (the IGC or the Committee).

The 2019 WIPO General Assembly renewed the mandate of the Committee for the 2020-2021 biennium².

¹ See Annex 1. Agenda of the twenty-first session of the Permanent Forum on Indigenous Issues.

² See https://www.wipo.int/export/sites/www/tk/en/igc/pdf/igc_mandate_2020-2021.pdf

During the 2020-2021 biennium and due to the COVID-19 pandemic, the IGC only held one session, namely its 41st Session from August 30 to 31, 2021, in a hybrid format. Given such format, no substantive negotiations took place at the 41st Session of the IGC.

Online intersessional activities have been organized during the 2020-2021 biennium to facilitate the work of the Committee³, in particular, a virtual seminar on intellectual property and genetic resources (GRs) in January 2021⁴, and three voluntary online commenting processes, including commenting on the Chair's Text on a Draft International Legal Instrument Relating to Intellectual Property, GRs and Traditional Knowledge (TK) Associated with GRs⁵, and reviewing and commenting on the compilation of sui generis regimes on TK and TCEs⁶.

The Chair of the IGC drew attention of the 41st Session of the IGC on the recommendation of the Permanent Forum addressed to WIPO at its 20th Session⁷.

Upon the recommendation adopted by the IGC at its 41st Session, the 2021 WIPO General Assembly decided to renew the mandate of the Committee for the 2022-2023 biennium⁸ under the same terms that applied to its preceding mandate, except for the necessary technical adjustments.

- Paragraphs 10 and 11 of the report of the 18th Session of the Permanent Forum

The IGC at its 40th Session (June 17 to 21, 2019) adopted the following decisions with reference to the recommendations made in paragraphs 10 and 11 of the report:

- (1) "Acknowledging the contribution to the Committee's work made by the Indigenous Expert Workshop held in 2013, as reflected in its Report (WIPO/GRTKF/IC/25/INF/9), and with reference to the recommendation made by the United Nations Permanent Forum on Indigenous Issues (UNPFII) at its Eighteenth Session in 2019, the Committee requested the WIPO Secretariat to organize, within existing resources, an Indigenous Expert Workshop during the biennium 2020-2021, following similar arrangements *mutatis mutandis* to those as agreed at the Twentieth Session of the Committee under Agenda Item 8.", and

³ For other details on the IGC work during the biennium, see WIPO document WO/GA/54/10 (https://www.wipo.int/edocs/mdocs/govbody/en/wo_ga_54/wo_ga_54_10.pdf).

⁴ See https://www.wipo.int/meetings/en/details.jsp?meeting_id=60429

⁵ See document WIPO/GRTKF/IC/40/CHAIR TEXT (https://www.wipo.int/meetings/en/doc_details.jsp?doc_id=438199)

⁶ See https://www.wipo.int/export/sites/www/tk/en/resources/pdf/compilation_sui_generis_regimes.pdf

⁷ Document WIPO/GRTKF/IC/41/4, par. 36 (https://www.wipo.int/edocs/mdocs/tk/en/wipo_grtkf_ic_41/wipo_grtkf_ic_41_4.pdf)

⁸ See WIPO document WO/GA/54/10, par. 4 (https://www.wipo.int/edocs/mdocs/govbody/en/wo_ga_54/wo_ga_54_10.pdf).

(2) “Acknowledging the contribution to the Committee’s work by the *Technical Review of Key Intellectual Property-related Issues of the WIPO Draft Instruments on Genetic Resources, Traditional Knowledge and Traditional Cultural Expressions* (WIPO/GRTKF/IC/29/INF/10), which was prepared by an indigenous expert, and with reference to the recommendation made by the UNPFII at its Eighteenth Session in 2019, the Committee requested the Secretariat to commission, within existing resources, the updating by an indigenous expert of the *Technical Review* for the Committee’s consideration during the biennium 2020-2021”⁹.

The decision (2) from the Committee refers to the Technical Review of Key Intellectual Property-Related Issues of the WIPO Draft Instruments on Genetic Resources, Traditional Knowledge and Traditional Cultural Expressions by Professor James Anaya published in January 2016¹⁰.

In 2020, the WIPO Secretariat commissioned two indigenous experts, namely Mr. Elifuraha Laltaika from the United Republic of Tanzania and Ms. Neva Collings from Australia, to update the Technical Review. Mr. Laltaika and Ms. Collings have completed their task and provided the WIPO Secretariat with such update, which has been blind peer reviewed by two other indigenous experts.

The updated Technical Review will be communicated to the IGC once it resumes substantive negotiations.

Due to the COVID-19 pandemic, follow up on the decision (1) from the Committee was not ensured during the 2020-2021 biennium. The WIPO Secretariat will ensure follow up at a later stage.

- Par. 58 of the report of the 17th Session of the Permanent Forum and par. 9 of the report of the 18th Session of the Permanent Forum

The recommendation included in par. 58 of the report of the 17th Session of the Permanent Forum on the importance of participation of indigenous peoples and its financing comprises and goes beyond the particular recommendation included in par. 9 of the report of the 18th Session of the Permanent Forum.

The attention of the 41st Session of the IGC has been drawn on the recommendation included in par. 58 of the report of the 17th Session of the Permanent Forum¹¹.

⁹ See document WIPO/GRTKF/IC/40/DECISIONS, pp. 2 – 3 available in

https://www.wipo.int/edocs/mdocs/tk/en/wipo_grtkf_ic_40/wipo_grtkf_ic_40_decisions.pdf

¹⁰ See https://www.wipo.int/edocs/mdocs/tk/en/wipo_grtkf_ic_29/wipo_grtkf_ic_29_inf_10.pdf

¹¹ See document WIPO/GRTKF/IC/41/3, par. 5.

https://www.wipo.int/edocs/mdocs/tk/en/wipo_grtkf_ic_41/wipo_grtkf_ic_41_3.pdf

In 2020 and 2021, until this date, no fresh contribution has been made to the WIPO Voluntary Fund for Accredited Indigenous and Local Communities.

Both the WIPO Director General, Mr. Daren Tang, and the Chair of the IGC, Mr. Ian Goss, in their opening statements made at the 41st Session of the IGC, recalled the importance of effective participation of indigenous peoples and local communities in the IGC¹².

In renewing the Committee's mandate, the 2021 WIPO General Assembly « recognized the importance of the participation of indigenous peoples and local communities in the work of the Committee, noted that the WIPO Voluntary Fund for Accredited Indigenous and Local Communities is depleted, encouraged Member States to consider contributing to the Fund, and invited Member States to consider other alternate funding arrangements».

Measures taken in order to facilitate the participation of indigenous representatives in the IGC in 2021 are described in WIPO's answers provided below under part "B6" of the Questionnaire.

B. System-Wide Action Plan to achieve the ends of the UN Declaration on the Rights of Indigenous Peoples

Background

As per the Outcome Document of the World Conference on Indigenous Peoples (A/RES/69/2), a [system-wide action plan to ensure a coherent approach to achieving the ends of the UN Declaration on the Rights of Indigenous Peoples](#) was adopted in November 2015 and launched by the Secretary-General at the UN Permanent Forum in May 2016.

In August 2020, the United Nations Executive Committee agreed on the need for accelerated and collective action to strengthen the implementation of the SWAP on indigenous peoples. In November 2020, the United Nations Chief Executives Board for Coordination issued a [Call to Action: Building an Inclusive, Sustainable and Resilient Future with Indigenous Peoples](#). Its goal is to ensure collaborative and coherent UN system action to support the rights and well-being of indigenous peoples with a focus on furthering the implementation of the SWAP¹³.

- i. The Permanent Forum will follow up on progress made on the SWAP implementation as part of its discussion on the outcome document of the World Conference on Indigenous Peoples during its 2022 session. Please provide analysis on actions taken by your agency, fund and/or

¹² See Document WIPO/GRTKF/IC/41/4, par. 10 and 36 respectively (https://www.wipo.int/edocs/mdocs/tk/en/wipo_grtkf_ic_41/wipo_grtkf_ic_41_4.pdf)

¹³ Reporting on the activities to implement the CEB Call to Action will be through task groups and should not be included in the responses to this questionnaire.

programme on the six key elements of the SWAP, since your last update to the Forum¹⁴. Please also include an executive summary (600-word limit).

Executive summary

1. Raising awareness of the UNDRIP

Awareness of the UNDRIP is raised within the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (the IGC or the Committee). References to the UNDRIP are included in the documentation of the IGC and, particularly in the most recent versions of the draft negotiating texts on the protection of traditional knowledge (TK) and traditional cultural expressions (TCEs). Participants in the IGC and indigenous panels organized in the margins of the IGC regularly advocate the UNDRIP as a key reference. References are made as well in WIPO's publications *Promote and Protect Your Culture: A Practical Guide to Intellectual Property for Indigenous Peoples and Local Communities* and *Documenting Traditional Knowledge – a Toolkit*.

2. Supporting the implementation of the UNDRIP

Articles 18, 31 and 41 of the UNDRIP are of particular relevance for WIPO's program of work on the protection of TK and TCEs.

In furtherance of Article 31, WIPO provides training and mentoring opportunities, and information resources, that aim to enable indigenous peoples to make more effective use of intellectual property principles and tools in order to prevent the misappropriation of TK and TCEs, protect them for the indigenous peoples' own benefit, if they so wish, and in support of their entrepreneurship initiatives drawing from their ingenuity and creativity.

On the norm-setting side, the IGC has been mandated to continue to expedite its work, with the objective of finalizing an agreement on an international legal instrument(s) relating to intellectual property which will ensure the balanced and effective protection of genetic resources (GRs), TK and TCEs during the 2022-2023 biennium. Due to the COVID-19 pandemic, the IGC only held one session during the 2020-2021 biennium, namely its 41st Session from August 30 to 31, 2021, in a hybrid format. Given such format, no substantive negotiations took place at the 41st Session of the IGC.

As regards Articles 18 and 41, robust measures are taken in order to ensure the full and effective participation of indigenous participants in the IGC, including under the circumstances related to the COVID-19 pandemic.

¹⁴ The six key elements of the SWAP are: 1) Raise awareness of the UNDRIP; 2) Support the implementation of the UNDRIP, particularly at the country level; 3) Support the realization of indigenous peoples' rights in the implementation and review of the 2030 Agenda for Sustainable Development; 4) Map existing standards and guidelines, capacity, training materials and resources within the UN system, international financial institutions and the members of the IASG for the effective implementation of the UNDRIP; 5) Develop the capacity of States, indigenous peoples, civil society and UN personnel; and 6) Advance the participation of indigenous peoples in UN processes.

3. Supporting indigenous peoples' rights in the implementation and review of the 2030 Agenda for Sustainable Development

The empowerment of indigenous peoples and their access to life-long learning opportunities that help them acquire the knowledge and skills needed to exploit opportunities and to participate fully in society, are commitments made vis-à-vis indigenous peoples within the Sustainable Development Goals framework.

WIPO's training activities and information resources addressing indigenous peoples' needs for protection contribute towards the fulfillment of those commitments, as well as of SDGs 2, 3, 4, 9, 14 and 15.

4. Mapping of existing standards and guidelines, capacities, training materials and resources for the effective implementation of the UNDRIP

A repository of relevant laws, legislative measures, protocols etc. in relation to the protection of TK and TCEs is available on the WIPO website.

A majority of the WIPO training materials that address the protection of TK and TCEs are done in furtherance of Article 31 of the UNDRIP. They are all available on the WIPO website.

Program 4 of the WIPO Program and Budget 2020-2021, implemented by the WIPO Traditional Knowledge Division, provides information regarding the resources allocated by WIPO for its work in the relevant field.

5. Developing the capacities of States, indigenous peoples, civil society and UN personnel

WIPO's relevant activities include workshops, distance learning courses, training and mentoring, involving Member States' officials, civil society and indigenous peoples separately or jointly, as well as the preparation of publications (some of them specifically addressed to indigenous peoples and local communities).

In 2021, because of the COVID-19 pandemic, technical-assistance activities in support of indigenous peoples continued online with the organization of, and contribution to, several webinars and training activities, with particular emphasis on indigenous entrepreneurship among indigenous peoples and local communities, and particularly women.

The WIPO Indigenous Fellowship Program has continued in 2021.

6. Advancing the participation of indigenous peoples at the UN

The WIPO Secretariat, with WIPO Member States' support, has taken robust measures ensuring and enhancing the full and effective participation of indigenous peoples' representatives in the IGC, as observers.

Due to the COVID-19 pandemic, only one IGC session (the 41st) took place in August 2021, in an hybrid format. No substantive negotiations took place during the 2020-2021 biennium.

Still, in 2021, three virtual meetings of the Indigenous Caucus were supported by the WIPO Secretariat, including a special virtual meeting with the Chair-elect of the IGC before the 41st Session of the IGC. In addition, a virtual informal briefing was organized by the WIPO Secretariat and online support was provided to facilitate the participation of the Indigenous Caucus during the 41st Session of the IGC.

1. Raising awareness of the UN Declaration

Awareness of the UNDRIP is raised within the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (the IGC or the Committee).

Explicit references to the UNDRIP are included in the draft preambles and articles in the negotiating texts on the protection of traditional knowledge (TK), the protection of traditional cultural expressions (TCEs), on Intellectual Property and Genetic Resources (GRs) as work-in-progress, and in the Chair's Text on a Draft International Legal Instrument Relating to Intellectual Property, GRs and TK Associated with GRs¹⁵.

References to the UNDRIP are included within the working documents of the IGC¹⁶.

UNDRIP is regularly advocated for in the IGC negotiations, particularly, but not exclusively, by indigenous peoples' representatives participating or addressing the IGC as panellists.

In addition, WIPO publications relating to the protection of TK and TCEs refer to the UNDRIP whenever relevant. That is the case of WIPO publications *Promote and Protect Your Culture: A Practical Guide to Intellectual Property for Indigenous*

¹⁵ See respectively Document WIPO/GRTKF/IC/40/18 (https://www.wipo.int/edocs/mdocs/tk/en/wipo_grtkf_ic_40/wipo_grtkf_ic_40_18.pdf), document WIPO/GRTKF/IC/40/19 (https://www.wipo.int/edocs/mdocs/tk/en/wipo_grtkf_ic_40/wipo_grtkf_ic_40_19.pdf), document WIPO/GRTKF/IC/40/6 (https://www.wipo.int/edocs/mdocs/tk/en/wipo_grtkf_ic_40/wipo_grtkf_ic_40_6.pdf) and document WIPO/GRTKF/IC/40/CHAIR TEXT (https://www.wipo.int/edocs/mdocs/tk/en/wipo_grtkf_ic_40/wipo_grtkf_ic_40_chair_text.pdf)

¹⁶ Most recently in "draft gap analyses": See document WIPO/GRTKF/IC/40/7 on https://www.wipo.int/edocs/mdocs/tk/en/wipo_grtkf_ic_40/wipo_grtkf_ic_40_7.pdf and document WIPO/GRTKF/IC/40/8 on https://www.wipo.int/edocs/mdocs/tk/en/wipo_grtkf_ic_40/wipo_grtkf_ic_40_8.pdf

*Peoples and Local Communities and Documenting Traditional Knowledge – A Toolkit*¹⁷.

The UNDRIP, as a key resource, is retrievable from the webpage presenting WIPO's engagement with indigenous peoples¹⁸.

2. Supporting the implementation of the UN Declaration

WIPO's mission is to lead the development of a balanced and effective international intellectual property ecosystem to promote innovation and creativity for a better and more sustainable future¹⁹.

Articles 18, 31 and 41 of the UNDRIP are of particular relevance for WIPO's program of work on the protection of TK and TCEs.

Article 31 of the UNDRIP refers to the right of indigenous peoples to “maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge and traditional cultural expressions”. Article 41 refers to the commitment of UN specialized agencies to contribute to the full realization of the provisions of UNDRIP.

Indigenous peoples create, maintain and develop their TK and TCEs, as part of their core identities and as a rich foundation of their well-being and own development. Article 31 recognizes the legitimate sense that indigenous peoples have regarding ownership of, and the essential value inherent in, their own TK and TCEs.

In furtherance of Articles 31 and 41 and as part of WIPO's strong engagement with indigenous peoples²⁰, WIPO provides training and mentoring opportunities and information resources²¹, that aim to enable indigenous peoples to make more effective use of existing intellectual property principles and tools in order to prevent the misappropriation of TK and TCEs, protect them for the indigenous peoples' own benefit, if they so wish, and in support of indigenous peoples' entrepreneurship initiatives drawing from their ingenuity and creativity, particularly of indigenous women. (More details are available below under part “B5” of the Questionnaire.)

In 2021, the WIPO Secretariat has continued to provide intellectual property-related technical, legal and policy information to Member States that wish to develop national strategies, legislation or other measures with a view to protecting TK and TCEs from an intellectual property perspective.

¹⁷ E-copies available on https://www.wipo.int/edocs/pubdocs/en/wipo_pub_1048.pdf and https://www.wipo.int/edocs/pubdocs/en/wipo_pub_1049.pdf.

¹⁸ See <https://www.wipo.int/tk/en/engagement.html>.

¹⁹ See document WO/PBC/32/3 (Medium-term Strategic Plan – MTSP – 2022 – 2026 https://www.wipo.int/edocs/mdocs/govbody/en/wo_pbc_32/wo_pbc_32_3.pdf

²⁰ See inter alia on the WIPO website <https://www.wipo.int/tk/en/engagement.html>.

²¹ See <https://www.wipo.int/tk/en/resources/publications.html>.

On the norm-setting side, the 2019 WIPO General Assembly renewed the mandate of the WIPO IGC for the 2020-2021 biennium and decided, in particular, that the Committee would continue to expedite its work with the objective of finalizing an agreement on an international legal instrument(s) relating to intellectual property which will ensure the balanced and effective protection of GRs, TK and TCEs²².

During the 2020-2021 biennium and due to the COVID-19 pandemic, the IGC held only one session, namely its 41st Session from August 30 to 31, 2021, in a hybrid format. Given such format, no substantive negotiations took place at the 41st Session of the IGC. More details regarding online intersessional activities are available above under part “A” of the Questionnaire.

In past biennia, discussions at the IGC included *inter alia* the possibility for indigenous peoples to require their free, prior and informed consent for the access to and use of, their TK and TCEs by third parties.

In relation to Articles 18 and 41 of the UNDRIP, details on how WIPO facilitates the participation of accredited observers who represent indigenous peoples in the work of the IGC in 2021 is available below under part “B6” of the Questionnaire.

3. Supporting indigenous peoples’ rights in the implementation and review of the 2030 Agenda for Sustainable Development

An overall presentation of WIPO’s work on the SDGs, including in relation with indigenous peoples, is available on WIPO’s website²³.

More details are available in the Reports on WIPO’s Contribution to the Implementation of the Sustainable Development Goals and its Associated Targets submitted to the WIPO Committee on Development and Intellectual Property (CDIP) in 2020 and 2021²⁴.

In particular, WIPO supports the implementation of the SDGs through a range of activities that address intellectual property issues related to benefit-sharing in GRs and the protection of TK and TCEs. WIPO’s work in relation to TK, TCEs and GRs contributes *inter alia* to SDGs 2, 3, 4, 8, 14 and 15 as identified in the WIPO Program and Budget 2020 – 2021.²⁵

WIPO’s engagement with indigenous peoples aims among others to enabling indigenous peoples to make informed choices about using intellectual property

²² See https://www.wipo.int/export/sites/www/tk/en/igc/pdf/igc_mandate_2020-2021.pdf

²³ See <https://www.wipo.int/sdgs/en/story.html>.

²⁴ See WIPO documents CDIP/25/6 and CDIP/26/3
(https://www.wipo.int/edocs/mdocs/mdocs/en/cdip_25/cdip_25_6.pdf and
https://www.wipo.int/edocs/mdocs/mdocs/en/cdip_26/cdip_26_3.pdf).

²⁵ See https://www.wipo.int/export/sites/www/about-wipo/en/budget/pdf/budget_2020_2021.pdf, Program 4 in particular.

tools and principles to better protect their TK, TCEs and tradition-based products, with a view to reinforce their resilience, improve their livelihood and well-being, and support their self-development. (More details are available below under part “B5” of the Questionnaire.)

The empowerment of indigenous peoples, as referred to in paragraph 23 of the UN Declaration “Transforming our world: the 2030 Agenda for Sustainable Development”, is one of the elements of the commitment made by UN Member States vis-à-vis indigenous peoples within the SDGs framework.

Paragraph 25 of the 2030 Agenda reflects the further commitment of UN Member States to provide indigenous peoples with “access to life-long learning opportunities that help them acquire the knowledge and skills needed to exploit opportunities and to participate fully in society”.

On the normative side, the draft texts for the protection of TK and TCEs²⁶ that are being negotiated as work-in-progress at the IGC specifically envisage indigenous peoples as beneficiaries of the provisions and/or measures under discussion. Outcomes from those negotiations could contribute to the empowerment of indigenous peoples as beneficiaries, should WIPO Member States so agree.

4. Mapping of existing standards and guidelines, capacities, training materials and resources for the effective implementation of the UNDRIP

WIPO is a global reference point on intellectual property and GRs, TK and TCEs.

Most of WIPO training materials that address the protection of TK and TCEs relate explicitly or implicitly to Article 31 of the UNDRIP. Those materials include briefs, practical guides, studies and toolkits. All relevant resources are accessible through the webpage presenting WIPO’s engagement with indigenous peoples²⁷.

WIPO’s publication *Promote and Protect Your Culture: A Practical Guide to Intellectual Property for Indigenous Peoples and Local Communities* helps indigenous peoples to make best use of intellectual property tools with a view to protecting aspects of their TK and TCEs for their own benefit, if they so wish²⁸.

An animation - *The Adventures of the Yakuanoi Navigating Traditional Knowledge and Intellectual Property* – features the Yakuanoi, a fictional indigenous people that successfully explores issues and opportunities that arise when its TK interacts

²⁶ See respectively Document WIPO/GRTKF/IC/40/18 (https://www.wipo.int/edocs/mdocs/tk/en/wipo_grtkf_ic_40/wipo_grtkf_ic_40_18.pdf) and document WIPO/GRTKF/IC/40/19 (https://www.wipo.int/edocs/mdocs/tk/en/wipo_grtkf_ic_40/wipo_grtkf_ic_40_19.pdf).

²⁷ See <https://www.wipo.int/tk/en/engagement.html>.

²⁸ E-copies available on https://www.wipo.int/edocs/pubdocs/en/wipo_pub_1048.pdf.

with intellectual property²⁹. The animation has been translated into several indigenous languages under the WIPO's Open Access Policy, which is part of the WIPO's ongoing endeavour to make its publications as accessible as possible³⁰.

The WIPO TK Documentation Toolkit (*Documenting Traditional Knowledge – A Toolkit*) contains guidelines that are supportive of indigenous peoples' specific interests relating to TK documentation³¹.

The information available on WIPO's website in this field comprises a repository of resources on regional, national, local and community experiences³², including databases of laws, legislative measures and protocols, surveys and case studies. A database containing codes, guidelines and practices relating to the recording, digitization and dissemination of TCEs has been set up³³.

Detailed information regarding the resources that are allocated by WIPO for its work program in relation to TK, TCEs and GRs, namely Program 4 implemented by the WIPO Traditional Knowledge Division, is available in the WIPO Program and Budget for the 2020-2021 biennium³⁴.

The 2015 Paris Agreement on the implementation of the UN Framework Convention on Climate Change (UNFCCC) has recognized the contribution that TK plays in its scope of action on adaptation. The WIPO Secretariat has continued providing expertise on intellectual property issues that use and documentation of TK may raise in the development of the UNFCCC Local Communities and Indigenous Peoples Platform.

WIPO's activities in 2021 involving other entities and organizations are referred to in the answers provided below under part "B5" of the Questionnaire.

5. Developing the capacities of States, indigenous peoples, civil society and UN personnel

The effective exercise by indigenous peoples of their rights to control their TK and TCEs partly depends on their ability to:

- grasp the issues that lack of protection raises;
- understand the nature and scope of the existing intellectual property-related principles and tools that they may use, as options, in protecting

²⁹ See <https://www.wipo.int/tk/en/tk/yakuanoi.html>.

³⁰ The WIPO's Open Access Policy allows for the reproduction, use and translation of WIPO publications under Creative Commons Licences. (see https://www.wipo.int/pressroom/en/articles/2016/article_0016.html).

³¹ E-copies available on https://www.wipo.int/edocs/pubdocs/en/wipo_pub_1049.pdf.

³² See https://www.wipo.int/tk/en/resources/tk_experiences.html#1.

³³ See https://www.wipo.int/tk/en/databases/creative_heritage/.

³⁴ See https://www.wipo.int/export/sites/www/about-wipo/en/budget/pdf/budget_2020_2021.pdf, Program 4 in particular.

aspects of their TK and TCEs, and supporting indigenous entrepreneurship; and

- define their approach as they best consider in line with their own objectives and for their own development.

As already mentioned, WIPO's program of work in this field includes practical workshops, distance learning courses, training and mentoring, in addition to the dissemination of briefs, practical guides, studies and toolkits.

Due to the COVID-19 pandemic, the WIPO Secretariat continued its technical-assistance activities online in 2021, with particular emphasis on indigenous peoples and local community entrepreneurship³⁵, particularly among women.

To name some activities undertaken in 2021 until this date:

- The launch of a WIPO webinar series on How to Protect and Promote Your Culture with a particular emphasis on the interests and needs of indigenous peoples and local communities (IPLCs) as regards intellectual property³⁶. Since its inception, five Webinars in English and Spanish have been organized on the use of patents³⁷, geographical indications, and collective marks and certification marks³⁸;
- The launch of the 2021-2022 WIPO Training, Mentoring and Matchmaking Program on Intellectual Property for Women Entrepreneurs from Indigenous Peoples and Local Communities (the WEP)³⁹. The WEP aims to strengthen the capacity of indigenous and local community women entrepreneurs to make strategic and effective use of intellectual property tools in support of their entrepreneurial activities. The 2021-2022 WEP benefitting 23 Women Entrepreneurs started with a two-week Virtual Practical Workshop, organized in cooperation with the International Labour Organization (ILO), the International Trade Center (ITC) and the International Trademark Association (INTA), and with the support of UN Women; this training will be complemented by a mentoring and matchmaking phase in 2022;
- The WIPO Secretariat and the Office of the High Commissioner on Human Rights (OHCHR) co-organized a Regional Exchange of Experiences regarding the Formulation and Practical Implementation of *sui generis* Intellectual Property Laws on the Protection of TK and TCEs of Indigenous Peoples that involved officials from Ecuador, Peru, Panama and Guatemala, as well as the National Movement of Women Weavers of Guatemala;

³⁵ See <https://www.wipo.int/tk/en/entrepreneurship.html>.

The publication "Protect and promote your culture: A practical guide to intellectual property for indigenous peoples and local communities" is available on the WIPO website on <https://www.wipo.int/publications/en/details.jsp?id=4195>

³⁷ https://www.wipo.int/meetings/en/details.jsp?meeting_id=66588

³⁸ See https://www.wipo.int/meetings/en/details.jsp?meeting_id=61848

³⁹ See https://www.wipo.int/export/sites/www/tk/en/documents/pdf/women_entrepreneurs_flyer.pdf

- An online Seminar was organized by WIPO and several governmental institutions of Costa Rica, as well as the *Asociación de Desarrollo Integral Indígena de Boruca* on “Intellectual Property, TK, TCEs, and GRs of Indigenous Peoples”;
- A virtual training on documentation was co-organized by WIPO, in collaboration with the Arctic Council Russia’s Chairmanship, the Arctic Council Indigenous Peoples’ Secretariat, the Association of World Reindeer Herders and the M.K. Ammosov North-Eastern Federal University in Yakutsk, to support indigenous peoples from the Arctic region;
- A WIPO Short Story Competition on Indigenous Ingenuity and Creativity organized in 2021 awarded two winners with support in relation to projects that will benefit the winners and their communities. The names of the winners were announced on the 2021 International Day of the World’s Indigenous Peoples⁴⁰;
- A WIPO Photography Prize for Indigenous Peoples and Local Community Youth launched in August 2021 aims to celebrate the creativity of young representatives of IPLCs and raise their awareness on how copyright can be used to protect their creativity expressed in photographs⁴¹. Participation is also meant to encourage Indigenous and local community youth to express themselves on the climate change issue. This is the first WIPO activity designed specifically for Indigenous Peoples and Local Communities Youth.

The WIPO Secretariat contributed to several online workshops and webinars of direct interest for indigenous peoples, like the Launch Event of the Report on the Contribution of Traditional Knowledge and Technology to Climate Change Solutions organized by the Climate Investment Funds (ICF) in March 2021.

The WIPO Advanced Distance Learning Course on Intellectual Property, TK and TCEs⁴² provides technical information on key concepts and international, regional and national experiences, policy options and legal mechanisms available or under consideration for the intellectual property-like protection of TK and TCEs. The WIPO Advanced Distance Learning Course is available for indigenous peoples at no cost.

The WIPO Indigenous Fellowship Program continued in 2021. The WIPO Indigenous Fellowship Program allows for an indigenous person to be part of the WIPO Traditional Knowledge Division⁴³. The WIPO Indigenous Fellow contributes to make sure that indigenous peoples’ sensitivities and interests are duly taken on board, within and beyond the TKD. The current WIPO Indigenous Fellow, Ms. Anna Sinkevich, an Evenki from the Russian Federation, was appointed in August 2020.

⁴⁰ See https://www.wipo.int/tk/en/news/tk/2021/news_0017.html

⁴¹ See https://www.wipo.int/tk/en/youth_prize.html

⁴² See https://www.wipo.int/academy/en/courses/distance_learning/

⁴³ See <https://www.wipo.int/tk/en/indigenous/fellowship/>.

In addition, the WIPO Secretariat has continued to provide intellectual property-related legal and policy information to Member States that wish to develop national strategies, legislation or other measures with a view to protecting TK and TCEs from an intellectual property perspective.

6. Advancing the participation of indigenous peoples at the UN

Implementation of Articles 18 and 41 of UNDRIP on participation is of particular relevance for the IGC negotiations⁴⁴.

Due to the COVID-19 pandemic, the IGC only held one session during the 2020-2021 biennium, namely its 41st Session from August 30 to 31, 2021, in a hybrid format, where observers were invited to participate online. Given such format, no substantive negotiations took place at the 41st Session of the IGC.

Given those circumstances, the present responses will not indicate in detail the measures that have been taken so far to ensure and enhance the full and effective participation of IGC sessions where substantive negotiations takes place. Those details are available in responses forwarded by WIPO to the UNPFII Questionnaire submitted in previous years.

Still, in 2021, three online meetings of the Indigenous Caucus were supported by the WIPO Secretariat. Those meetings facilitated the Indigenous Caucus' preparation for the 41st Session of the IGC that took place from August 30 to 31, and offered the Indigenous Caucus an opportunity to discuss collective positions and meet with the Chair-elect of the IGC online. The WIPO Secretariat supported also several online meetings during the 41st Session. An online informal briefing session for the Indigenous Caucus was organized in July, reminding it about the history, purposes and ongoing work of the IGC.

The 41st Session accommodated time as usual for an online panel presentation by indigenous peoples' and local communities' experts which was webcast⁴⁵ and reflected in the report of the session⁴⁶ together with the interventions made by accredited observer representatives of indigenous peoples.

C. 2030 Agenda for Sustainable Development

- i. Please provide information on the main gaps and challenges your entity has identified for indigenous peoples in achieving the 2030 Agenda.
- ii. What activities have your entity undertaken since the last reporting that addresses these gaps and challenges?

⁴⁴ See the answers under B1 above for details about the IGC negotiations.

⁴⁵ <https://webcast.wipo.int/> (IGC, August 30, 2021).

⁴⁶ Document WIPO/GRTKF/IC/41/4 (see https://www.wipo.int/edocs/mdocs/tk/en/wipo_grtkf_ic_41/wipo_grtkf_ic_41_4.pdf)

iii. Please describe any activities that your entity organized in support of the 2021 UN High-Level Political Forum on Sustainable Development and/or reports and activities that supported SDG reporting and monitoring or a VNR process at the national, regional, or global level.

The activities that are undertaken in support of indigenous peoples in the context of achieving the 2030 Agenda are detailed above under parts B.3 and B.5 of the Questionnaire.

D. COVID-19 pandemic

i. Please provide information on action taken by your agency, fund and/or programme since your last update to the Forum, to address the COVID-19 pandemic and its effects on indigenous peoples.

From the perspective of indigenous peoples, who constitute a particularly vulnerable group, the COVID-19 pandemic has dramatically increased the sanitary risks for them to be involved in in-person interactions beyond their own communities and in travelling. The need to avoid those risks might have forced for example indigenous peoples out of local markets, which has had an impact on their livelihood and wellbeing, and prevented them from benefitting from health services, education and training provided in-person.

WIPO has therefore significantly invested in developing online activities reaching out to indigenous peoples as well as online facilities that contributed to ensure their participation in online or hybrid meetings, particularly the IGC. Those initiatives were meant to mitigate the disruptive effect of COVID-19 upon WIPO's engagement with indigenous peoples. They opened also new and more numerous avenues to engage with them, and with more of them than in the past.

The online activities undertaken in 2021, detailed above under part B.5 and B.6 of the Questionnaire, are illustrative of such efforts.

In parallel, the higher risks that are involved in physical interactions in time of a pandemic have also contributed to highlight further the importance that e-commerce may play for indigenous peoples in support of their well-being and thereby the intellectual property-related issues, risks and opportunities involved in conducting business in a virtual environment. Three webinars have been organized on Intellectual Property and e-Commerce in 2020 and 2021⁴⁷ specifically directed to indigenous peoples and local communities.

⁴⁷ See https://www.wipo.int/tk/en/news/tk/2020/news_0012.html
https://www.wipo.int/tk/en/news/tk/2020/news_0006.html
https://www.wipo.int/meetings/es/details.jsp?meeting_id=60488

ANNEX 1

Agenda of the twenty-first session of the Permanent Forum on Indigenous Issues

The Twentieth-First session of the Permanent Forum on Indigenous Issues is scheduled to take place from **25 April to 6 May 2022**

Provisional Agenda

1. Election of officers.
2. Adoption of the agenda and organization of work.
3. Discussion on the theme “Indigenous peoples, business, autonomy and the human rights principles of due diligence, including free, prior and informed consent”.
4. Discussion on the six mandated areas of the Permanent Forum (economic and social development, culture, environment, education, health, and human rights), with reference to the United Nations Declaration on the Rights of Indigenous Peoples, the outcome document of the World Conference on Indigenous Peoples and the 2030 Agenda for Sustainable Development.
5. Dialogues:
 - (a) Dialogue with indigenous peoples;

- (b) Dialogue with Member States;
 - (c) Dialogue with the United Nations agencies, funds and programmes;
 - (d) Human rights dialogue with the Special Rapporteur on the rights of indigenous peoples and the Expert Mechanism on the Rights of Indigenous Peoples;
 - (e) Regional dialogues: Indigenous peoples and pandemic recovery;
 - (f) Thematic dialogues: International Decade of Indigenous Languages 2022–2032.
6. Future work of the Permanent Forum, including issues considered by the Economic and Social Council and emerging issues.
7. Provisional agenda of the twenty-second session of the Permanent Forum.
8. Adoption of the report of the Permanent Forum on its twenty-first session.