

Intellectual Property Rights and scientific Partnership in ARD

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Agricultural Research for Development

- ARD ¹ traditionally a component of public concern for food security, rural development and equity:
 - International research towards Global Public Goods
 - National public sector Agricultural Research Systems
 - Public seed production and extension systems
- Currently, ARD finds itself in a more diverse environment
 - Privately owned (e.g. Biotech) technologies
 - (mainly) public research
 - Increasingly private seed production

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Intellectual Property Rights ¹ quid quo pro!

- Patent: Provides a **territorial**, **temporary exclusive right** on the **commercialisation** of the invention in return for public disclosure ¹ granted for the benefit of society.
- Plant Breeder's Rights ¹ but this is rooted in agriculture:
 - Exemptions for farmers to reuse farm saved seed (subject to national law) and for breeders to use any protected variety for further breeding
 - Rights limited to one variety ¹ not a whole range of claims

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Objectives of IPR

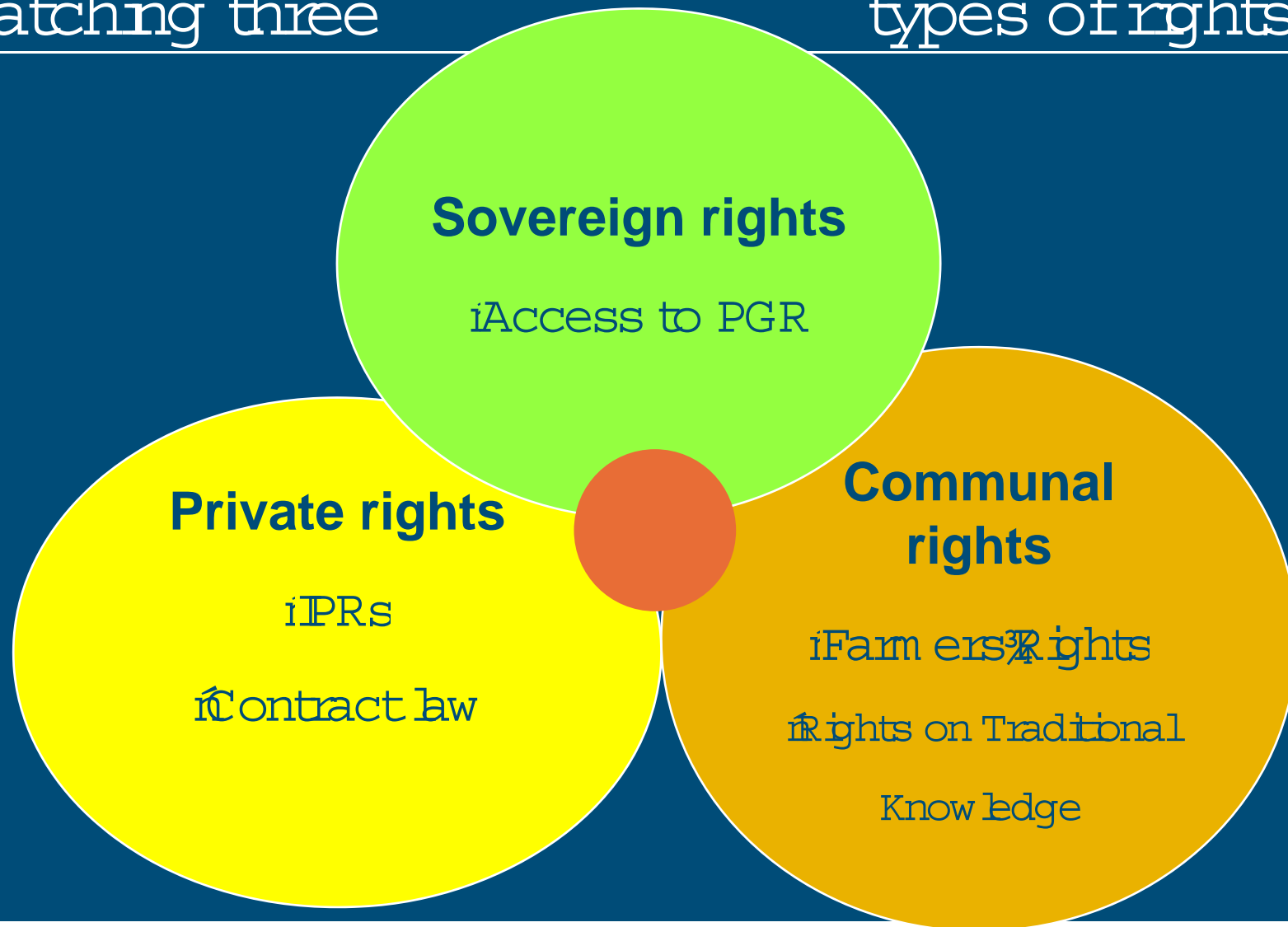
- IPRs are meant to provide a commercial stimulus for innovation
 - Through the promise of revenue, investments in research are stimulated
 - Through the exclusivity, partners in the innovation chain may be triggered to transfer technology into a product

IPRs : national policy

- Balancing the interests of the inventor and society requires a careful consideration of options.
- Breeder's Rights have to be balanced with Farmers' Rights
- Patents on biotechnological products can block innovation down the line! ¹ balancing Patents and Breeder's Rights (e.g. in EU)

Matching three

types of rights



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IPRs ¹ institutional policy

- Ipm anagement ent should reflect the mission and vision of the organisation
- Private sector: royalties and creating strategic market positions
- Public research for commercial agriculture: sharing technologies with partners (public/private research partners + breeders/seed producers
- Public ARD: complex considerations !

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- IPRs for revenue creation in ARD is dangerous !
- Promotes research on commercial (seed) crops ¹
bypassing important food security crops
- Promotes research for commercial farmers ¹
bypassing the interests of smallholders

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Research managers:

caught between a rock and a hard place



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The rock

- Government policies to patent
- Scientists want to access proprietary technologies
- Managers wish to complement dwindling public investments and pay good scientists a fair salary
- Need to generate interest with seed producers

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- Government and donor objectives to do research for non-commercial objectives, e.g. the poor
- Scientists want to use technologies whether or not they are protected

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IPRs are considered complex

Awareness with African research managers is low

Awareness with European policy makers is low

Many stress the complexity of the legal issues

- There is a need to demystify IPRs. They are primarily a policy tool that is too important to be left to the IP lawyers.
- Breeder's Rights have much less repercussions in agricultural research than patents
- Policy objectives always need to prevail; and partners need to act responsibly

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Partnerships

- Technology owners need to realise that ARD is a different business: humanitarian licenses
- Public sector research managers need to give priority to their mission¹ and should use IPRs carefully and only where they serve the transfer of technology to their target groups
- Governments should avoid making public research dependent on royalty income

Always make sure to have the right point of view



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