

The role of intellectual property in international agricultural research

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The changing face of agricultural research: challenges or opportunities for public international agricultural research

- Entry of private agribusiness into agricultural research.
- Widespread protection of research tools and living matter by patents and other IPR.
- Decline in funding available for public international research.

IPR and international agricultural research: Why do we care?

- A productive and sustainable agricultural sector is critical to achieving economic growth and poverty reduction and a robust international public research sector helps ensure:
 - there is research oriented to the needs of poor farmers;
 - there is competition for private sector varieties and products;
 - that PGRFA are conserved and developed

Effect of IPR on research and development

- Ability to conduct research
- Direction of the research

IPRs, industry consolidation and relevance to international agricultural research

- Do IPRs have a role in consolidation in agribusiness?
- What is the potential effect of consolidation on the interests of poor farmers in developing countries?
- What role can international public agricultural research centers play in this environment?

Public-private collaboration

- Segmentation strategies
 - geographical
 - fields of use (e.g., inclusion or exclusion of specific crops)
 - limitations to specific uses (e.g., research versus commercial)
 - restrict to certain claims in the patent
- Royalty-free licences
- Direct programmatic support from the private sector

Determining whether the IP matters

- IP Rights are territorial and apply only in the jurisdiction where they have been granted.
- Critical question: should an international public agricultural research center worry about IP on technologies that are valid abroad but not where center is working?

Intellectual property rights and the public domain

There is a need to conceptualize and define the public domain in genetic resources.

CGIAR Policies of relevance

- Principles Involving Center Interaction with the Private Sector and Others
- Guiding Principles on Intellectual Property Rights and Genetic Resources

Some Centers have adopted IP Policies

- Example: IP may be sought on case-by-case basis for following purposes:
 - to support public-private partnerships which pursue mission-based research or which develop and apply research results;
 - to assure ready access by others to research products developed or funded by the Center;
 - to avoid possible restrictions from “blocking” patents and to ensure Center’s ability to pursue its research without undue hindrance;
 - to facilitate technology transfer to resource poor;
 - to facilitate agreements for access to proprietary technologies for use in Center’s mission-based research.

Conclusions

- Growing private sector interest and industry concentration makes need for well-funded public international agricultural research increasingly important.
- Means to promote public/private collaboration and identification of common interests should continue to be explored.
- The need for and definition of the public domain should be clarified and defended.