

## **Report from Parallel Session II- Proprietary Science and Technology**

(CGIAR Mid-Term Meeting--May 27, 1998)

Chair: C-G Thornstrom; Rapporteur: R Salerno; Secretary: S Ozgediz

The session was attended by some 50 MTM participants. Mr Thornstrom introduced the topic by summarizing the conclusions reached at ICW97 on IPR and the main suggestions that were tabled at MTM98 on proprietary science questions. This was followed by brief introductory comments by the IPR Panel Chair (T Roberts) and the TAC Chair (D Winkelmann), who highlighted why and how IP protection can be useful to the CGIAR.

Mr Thornstrom opened the floor for general reactions to the discussion in the plenary which had just taken place, followed by reactions to the main suggestions that were tabled at MTM98. There were some 25 interventions by participants representing a wide cross section of the CGIAR. The Chair closed the session by outlining a number of the conclusions reached.

### **Major Points Raised**

Patentina of life forms. Several speakers argued that the CGIAR should take a firm stand against patenting of life forms. Others pointed out that one could *discover*, but not protect "nature"--what is protected is the intellectual inputs, i.e., *innovation*. Although the dividing line between discovery and innovation is sometimes cloudy, IP protection in the CGIAR case should refer to innovation.

Costs. Patenting, maintenance of protection, and litigation (especially the latter) are costly. However, these costs should be weighed against the gains in the attainment of CGIAR goals.

Mission-dependence. The CGIAR's mission (the focus on poverty and food security) should drive its actions on IP protection. Sometimes IP protection might be necessary to keep an innovation in the public domain.

Farmers' Rights. As a pro-poor organization, the CGIAR should support Farmers' Rights. It is clear that these rights can be made operational and enforced only through national legislation.

Genomic information. Genomic information contained within the genetic material held in trust (such as gene sequences and characterization) holds the key to future innovation. Without genomic information, trust agreements on germplasm would be like empty shells. As a major source of this information is the farmer, the centers should protect it for the benefit of the farmers.

### **Conclusions Reached/ Recommendations to the CGIAR**

- 1. Protection of Intellectual Property has become a way of life. This is an inescapable course for the CGIAR.*
- 2. The general directions of the CGIAR Chair 's propositions in relation to IP are appropriate as are the thrusts of the comments from F]ARD.*
- 3. The CGIAR s IP policies should be seen as a whole because of the connectedness of the key issues. The Centers should collectively refine their various IP policies and develop a coherent policy "package ". This package should be submitted for endorsement by the CGIAR at ICW98, following consultations with TAC. A coherent IP policy would enable the CGIAR to take an active and unambiguous stand on behaJof the system in various international fora*

*The following key components of an integrated CGIAR IP policy should be refined by the Centers along the broad lines proposed by the CGIAR Chair*

- Common germplasm acquisition and material transfer agreements*

- *IPR guidelines*
  - *Ethical principles (approved by the CGIAR at the A/ITM98)*
  - *Guidelines on designated material and the agreement with FAO*
5. *The CGIAR should create a central advisory capacity on legal matters to facilitate centers' access to legal counsel. Several speakers suggested IPGRI as an appropriate home for this Unit.*
  6. *The CGIAR should conduct a comprehensive IP audit to clear titles and eliminate potential risks to Centers and their partners. This should be undertaken along the lines of the timetable suggested by the CGIAR Chair. It is understood that the \$1 m figure quoted by the CGIAR Chair is only notional.*