



Managing IPR in Technology Development and Delivery



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A colorful illustration at the bottom of the slide depicting a woman's face on the left, various agricultural crops like corn and tomatoes in the center, and a chicken on the right, all set against a background of green hills.

Improving lives through biodiversity research



Policy objective and working of IPRs



1. Promote the dissemination of new, non-obvious and useful information
2. “contribute to the promotion of technological innovation and to the transfer and dissemination of technology, to the mutual advantage of producers and users of technological knowledge and in a manner conducive to social and economic welfare, and to a balance of rights and obligations.” (TRIPs Article 7)

The mechanism:

- A market monopoly limited in time and substance

Implementing information dissemination

- Patent databases
- Copyright limitations and fair use exceptions
- Facilitate licensing (inward and outward)
- Facilitate commercialisation
- EXPIRATION OF RIGHTS

Although not, strictly speaking, an IPR:

- Trade secrets reverse engineering and legitimate discovery



Policy risks and concerns

- Policy 'tinkering' that can unbalance the system, e.g.
 - Ad hoc adjustments in interpretations and mechanisms
 - Creation or adjustment of rights in isolation
- Weakness in checks and balances that undermine legitimacy, e.g.
 - Failure to incorporate flexibilities
 - Emphasis on enforcement of rights granted and little on preventing abuse
- Lack of understanding and knowledge, e.g.
 - Limited or weak evidence based policy making

OVERALL POOR SOCIAL DIALOGUE ON IPRS



Formulating and implementing pro-poor IPR policy at the institutional level

- Recognise that even research institutions are both consumers and providers of technology
- As a provider, be aware that many research institutions have a low rate of technology dissemination:
 - Public methods are often weak
 - Established private sector is generally risk averse and lukewarm to public innovation
- As a consumer, be aggressive in exploiting available knowledge and resisting abuse



Formulating and implementing pro-poor IPR policy at the institutional level

- Be clear in your objectives, e.g. the ICIPLE* IP Policy is based on 4 basic principles:
 - ICIPLE intends to remain publicly funded
 - Technology relevant to developed countries, but not developing countries, is best protected and exploited for profit
 - Technology with developed and developing country application may need to be subject to limited protection to optimise income and availability interests
 - Technology relevant to developing countries, but not developed countries, should be freely available (*defining 'freely' is the challenge*)

* International Centre for Insect Physiology and Ecology, <www.icipe.org>





Conclusions

- IPRs are not ends in themselves: they were designed to serve a purpose and should be seen in that context
- Information regarding the role and effectiveness of IPRs in African agriculture appears to be mixed and sound research and analysis is needed
- Continued and expanded support for technology consumption initiatives needed (e.g. www.aatf-africa.org)
- Continued and expanded support for technology dissemination initiatives also needed (e.g. www.bridgeworks.ch)