

# WIPO Information Meeting on Intellectual property and Genetic Resources

- Developments in  
the Food and  
Agriculture  
Organization of  
the United  
Nations



# Commission on Genetic Resources for Food and Agriculture

- Established in 1983
- Attended by Governments, and observers from international IGOs and international NGOs
- For twenty years, the only permanent international forum where governments can debate and seek consensus on all aspects of genetic resources for food and agriculture.

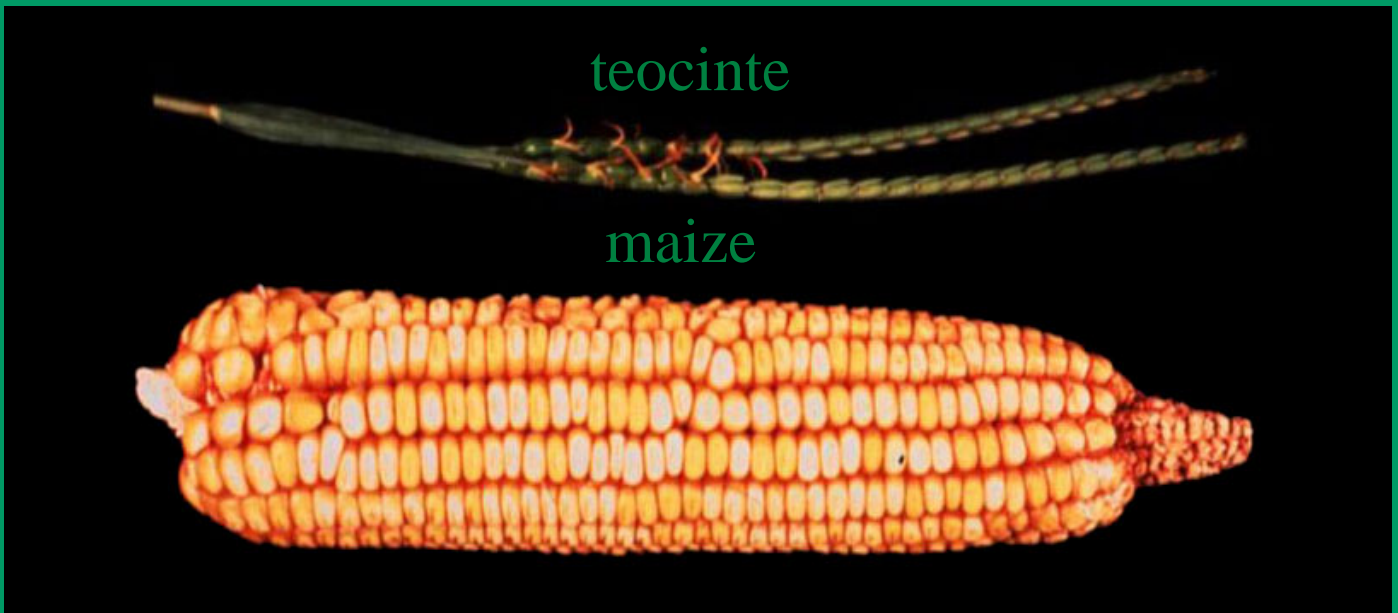
## Farmers “created” crops



In 10,000 years of agriculture:

- Farmers altered the original wild plants
- They created diversity by adapting crops to new ecosystems and new human needs

**Many crops cannot survive in nature: maize, with its very tight ears, cannot seed itself. Compared to the original wild *teocinte*, maize is almost unrecognisable**



**We depend on the diversity *within* crops**

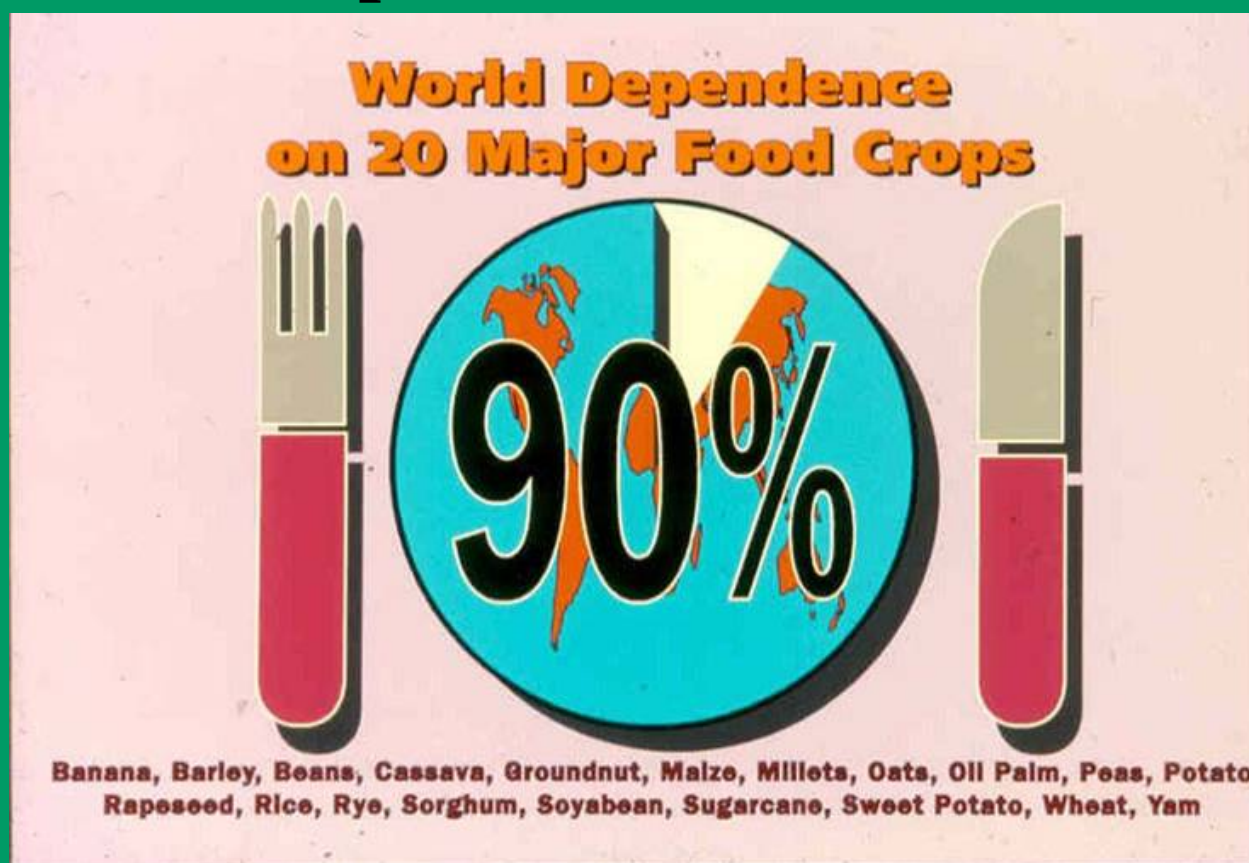


## Agriculture has always been based on access and exchange, not on exclusivity



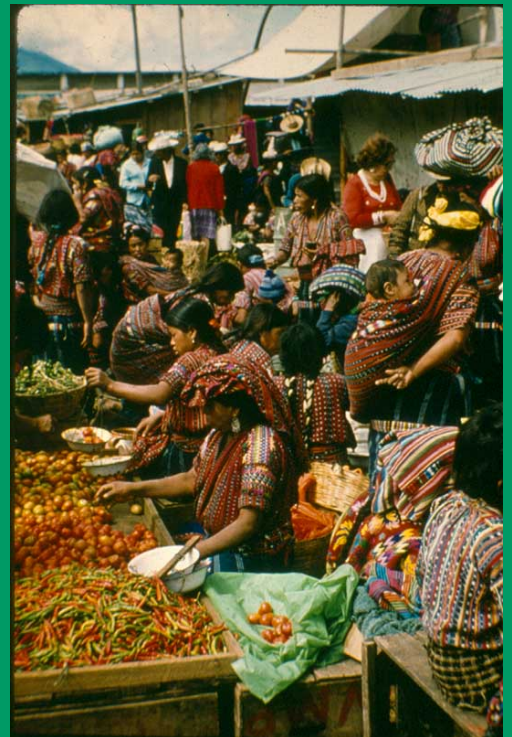
- People have always swapped their crops and “landraces”
- Farmers exchange seeds and breed exotic material into their crops, in order to avoid productivity declines

**Crops are spread all over the world, and  
Food security depends overwhelmingly  
on a few crops ...**



# The FAO and the CBD

The CBD has recognized “the special nature of agricultural biodiversity, its distinctive features, and problems needing distinctive solutions” and supported the work of the FAO Commission on Genetic Resources for Food and Agriculture





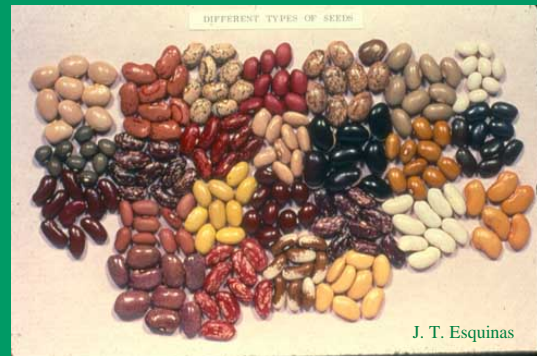
## So what is special about agricultural genetic resources?

- Value in agriculture genetic resources lies in diversity within a crop, not at species level
- Farmers maintain this diversity within their farming systems. Unless conserved *ex situ*, it dies when farming systems die
- To feed the world, we need all these resources
- Countries and regions are “interdependent”: that is, they all depend for their food and agriculture on crops that originated elsewhere
- Most of the world’s genetic diversity lies in the tropical and semi-tropical countries, not in the industrial north

**These are the challenges to which the International Treaty on Plant Genetic resources for Food and Agriculture - a new, binding international instrument - responds**



# The scope of the Treaty is all plant genetic resources for food and agriculture



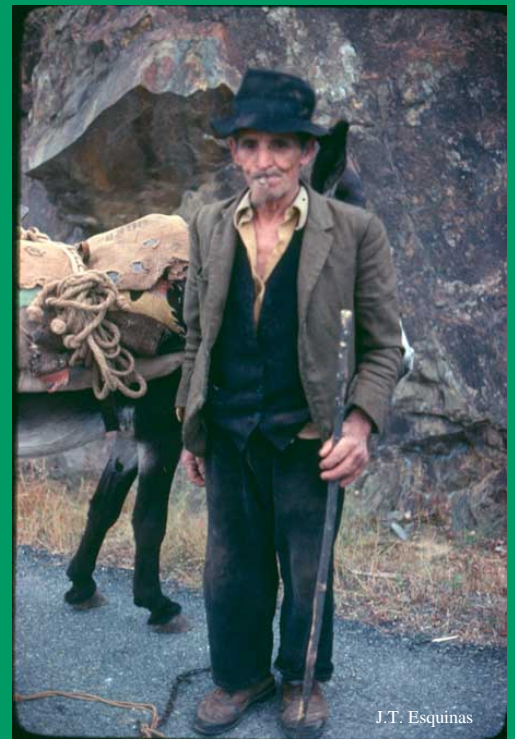
## What are the Treaty's objectives?



- The conservation and sustainable use of plant genetic resources for food and agriculture
- The fair and equitable sharing of benefits derived from their use, in harmony with the Convention on Biological Diversity, for sustainable agriculture and food security

## Article 9: Farmers' Rights

- Recognition of the enormous contribution that farmers and their communities have made and continue to make to the conservation and development of plant genetic resources.
- Farmers' Rights include the protection of traditional knowledge and the right to participate equitably in benefit-sharing and in national decision-making about plant genetic resources.
- Governments are responsible for realizing these rights.



## The Multilateral System of Access and Benefit-sharing



- The Treaty establishes a multilateral system, both to facilitate access to plant genetic resources for food and agriculture, and to share, in a fair and equitable way, the benefits arising from their use.
- It applies to a list of crops established according to criteria of food security and interdependence
- These provide about 80% of our food from plants

## **The Multilateral System “pools” these crucial plant genetic resources**

- They are available under a standard Material Transfer Agreement
- There is no tracking of individual accessions
- Recipients must continue to make the materials received available
- “Intellectual property or other rights that limit access to the plant genetic resources for food and agriculture, or their genetic parts and components, in the form received from the Multilateral System” may not be claimed



## Benefit-sharing

- Because these genetic resources are pooled, there is no individual owner with whom individual contracts for access and benefit-sharing must be negotiated
- This means there are very low transaction costs, to the benefit of farmers, plant breeders and researchers, and ultimately of consumers
- It also means that benefits must be shared in a pooled, multilateral way





## **Benefit-sharing includes**

- Facilitated access is itself a major benefit
- Exchange of information
- Access to and transfer of technology
- Capacity-building
- The sharing of monetary and other benefits of commercialization

## **Monetary benefit-sharing**

- The Treaty includes ground-breaking, innovative provisions for monetary benefit-sharing:
  - If a product that incorporates material from the Multilateral System is commercialized in such a way that is not “available without restriction to others for further research and breeding” a mandatory payment will be made
  - If it is available without restriction to others, payment is voluntary
- These moneys will be used in the context of the Treaty’s Funding Strategy

## The “trigger” for benefit-sharing

- The trigger is *not* intellectual property rights, but commercialization, in ways that prevent others using the materials for further research and breeding
- This it may have relevance for more than intellectual property alone
- The Treaty is neutral as to intellectual property rights, but not to situations where breeding materials are not available for further breeding

# The “origin” of material from the Multilateral System

- Material from the Treaty’s Multilateral System should be declared as coming from the Multilateral System
- In order to make such as system work and avoid “free riding”, when the origin of plant genetic resources of the crops covered by the Multilateral System is not known, they too could be declared as coming from the Multilateral System.