

Helping Developing Countries “push back”: Public Interest Intellectual Property Advisors (PIIPA)

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There is a Developing Country
"push back" against the
Intellectual Property System
regarding genetic resources

Some Things Developed Countries Are Doing

- PIPRA
- Humanitarian Use Clauses for license agreements
- ICBGs
- PIIPA

Public Intellectual Property Resource for Agriculture

(PIPRA)

Addressing freedom-to-operate issues in developing country agriculture as well as minor crops in the United States

Provide enabling technologies
to researchers which have
been developed with
“Freedom to Operate”
Philosophy; i.e. **Royalty Free**

There is a growing awareness
that University License
Agreements should have:

**Humanitarian Use
Clauses**

Give development,
manufacture, and distribution
rights to developing countries
if restricted to developing
countries

May require companies to
license developing countries
at no royalty rate

It may permit anyone to use the technology and develop it, but **no one can appropriate outputs exclusively; improvers must share access to their improvements--almost the "old" plant breeder model**

ICBG Model

International Cooperative Biodiversity Group

- Involves Universities/Developing Countries/ at least one company
- Promotes benefit sharing and capacity building

Some Things Developing Countries Are Doing

- Attack validity of patents
- Promote Benefit Sharing
- Examine compatibility of National Laws with International Laws
- Negotiate Fair Deals

Some Things Developing Countries Can Do

Attack validity of patents--[PIIPA](#)

Promote Benefit Sharing--[PIIPA](#)

Negotiate Fair Deals--[PIIPA](#)

Examine compatibility of National Laws with International Law--[PIIPA](#)

Public Interest Intellectual Property Advisors

(PIIPA)

Facilitate the linking of free
legal assistance with
Developing Countries and
Non-Profits

In 2002 PIIPA was approached by the Kenyan Wildlife Service to help with an alleged misappropriation of biological materials by Genencor International and Proctor & Gamble

PIIPA was approached by Peru to help determine if a New Jersey company's patent on maca root was valid

Examine compatibility of National Laws with International Law

PIIPA was approached by a
working group of the Peruvian
Patent Office

(National Institute for the
Defense of Competition and
Protection of Intellectual
Property - INDECOPI) and
NGOS (SPDA)

INDECOPI requested that PIIPA
provide a legal analysis on
whether existing national laws
requiring disclosing the origin of
genetic materials are compatible
with existing international
treaties

PIIPA obtained assistance from
the Glushko-Samuels
Intellectual Property Law Clinic,
Washington College of Law
American University

The Analysis concluded: “...an FTA [Free Trade Agreement] that would authorize--but would not mandate--any of these forms of national requirements for CBD disclosures in patent applications should be fully consistent with existing international patent treaties”

This memo was made publically
available on

www.piipa.org