

Newsletter

2008 – Issue 1

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Introduction

Last year CAS-IP sent out a survey asking you how you would like to hear about our work in the future. The most requested vehicle was the CAS

newsletter – so here, back by popular demand is the 1st issue!

As you also may already know we recently launched a new and expanded CAS-IP website – I hope you find the selection of resources there useful and easy to use. There is a blog with info and summaries of news items from the IP and/or agricultural world. Please visit www.cas-ip.org

This is being updated all the time – so please, if you have any comments, don't hesitate to contact k.chapman@cgiar.org who is the CAS-IP blog editor.

Research & Transactional Support

Enola Bean Patent Re-Examination

You are no doubt all aware of the recent good news regarding the Enola Bean patent challenge by CIAT.

CAS-IP has been instrumental in supporting CIAT in this challenge, as a part of the transactional support we offer member CG centres. This case illustrates the difficulties in preserving public goods in the public domain. For more information visit the CAS website – there is a link to the newsroom article that CIAT published.

We are in the process of writing a re-examination practice note using Enola as an example to leverage the lessons learned to a wider audience.

System Dynamics & Intellectual Property

CAS-IP research pioneers the application of computer simulation to impact assessment of legal frameworks on agricultural development.

Maize is one of the most important food crops in West Africa and despite several initiatives there is still a high percentage of subsistence farming, low yields and high vulnerability to climate and political change. The new ICRISAT initiative in the West African seed sector motivated us to focus on West Africa and look closer into the seed value chain. (more on this initiative later).

How will the private seed sector develop in the future, and have IPRs the potential to encourage private sector development? Will seed companies invest in non-hybrid crops as a result of the legal protection of varieties? Will farmers have access to improved seed and associated technologies and, if so, at what cost? We examine the implications of the protection of plant varieties on plant breeding priorities, the relationship between public research, private seed companies and farmers, the transfer



Happy Faces from some of the participants of the NPI group during the workshop in KL



Tea break during the workshop in KL

Sieback and Barton touched on this in a CGIAR-commissioned paper published in 1991¹. Additional discussions focused more directly on IPRs were held at CGIAR Meetings in 1992² and a comprehensive set of recommendations for the Centers on IPR issues associated with Center-held germplasm was put forward as “The Guiding Principles for the CGIAR International Agricultural Research Centers on Intellectual Property and Genetic Resources”³ More recent discussions centering around an effort to harmonise the way Centres carry out management of all types of their own intellectual assets and third party materials, not just germplasm have benefited from CGIAR commissioned studies such as the study on the use of proprietary materials by Centers⁴. Over the years each of the CG centres had developed their own IP policy statements in response to the “Guiding Principles”– and predictably, there were many differences in these statements. Some were one page long – others several pages. Some Centers produce improved germplasm, some don’t. Questions were asked why it was that different centres would treat the same issue, with the same partner, differently⁵. Many have though it necessary that the CGIAR Centers clarify the issue as they felt that a lack of common policy was creating confusion and

of technologies by multinationals and the food and seed prices...

A System Dynamics approach is taken to analyze the seed value chain in Ghana because it is a visual, non-technical and communicative methodology that allows for a broad perspective and takes system-wide delays and feedback mechanisms into consideration. Within the seed value chain, Intellectual Property is treated as part of a country’s legal framework which allows for an evaluation of seed sector development in different legal scenarios. The research results in a simulation model that will be used to visualize the importance of Intellectual Property and will be distributed to CG centres and within the group of programs for West

African seed development. We look forward to sharing our findings as this project develops further.

Tool Building

Policy to support Transactional Needs

What is the need for a common Intellectual Asset Policy Statement among the Alliance Centres?

The need for a common statement on the relationships between intellectual assets and intellectual property, rules of partnerships – both with other public sector institutions as well as those in the private sector has been discussed, by various and numerous parties in the CGIAR, for some time. For example,



The NPI workshop held in KL in Feb 08



Nerica® & IP meeting held at WARDA, Benin

inconsistencies in what is clearly an important field.

Back in 2005 CAS-IP had drafted an Intellectual Assets statement for feedback from the centres as part of the CAS annual inter-centre discussions on general IP issues. This early draft was taken up by the GRPC, including the GRPC Secretariat (Biodiversity Policy Unit) and after 3 years of consultation between this committee and the Committees of the Directors General of the CGIAR Centers⁶, GRPC had finalised a draft statement, which was presented to the Executive Committee (ExCo) of the CGIAR in May 2008.

It outlines principles dealing with the various types of Center Intellectual Assets on a system-wide basis. Somewhat controversially, the draft also facilitated the strategic use of exclusive licensing agreements, and royalty payments in exceptional circumstances. Whilst perhaps seemingly going against the principle of protecting CGIAR “public goods” this, in certain circumstances, could in fact expedite the delivery of CGIAR intellectual assets into the hands of the poor farmer, and therefore needed to be allowed for. However, transparency regarding the rationale

for exceptional decisions requires openness on the part of the Centres.

ExCo returned a number of queries in May and a new draft will be presented to the committee in September this year by the GRPC following further comments from centres. We at CAS will be watching closely the developments of this crucial issue, and we will of course keep you updated.

Capacity Building

The National Partners Initiative

In 2007 CAS-IP received funding from the Cultural Co-operation, Education and Research Department of the Dutch Ministry (DGIS). This was to specifically address the needs of farmers and NARS that partner with the CGIAR system in producing knowledge on national and regional IP situations and to raise awareness of the role of IP management on generation, adoption and adaptation of agricultural innovations. To meet this objective, the National Partners Initiative was born. Our vision was of a sustained participatory IP training system, with hands-on practice from developing country practitioners involving both the CGIAR and their partners.

Each CGIAR centre/IP focal point was asked to identify one participant from a national partner organisation. During 2007 joint activities between the CGIAR centre IP contact, and their national partner were decided and implemented. These “work plans” were regularly and actively facilitated and monitored.

Over the last year, the group has shared IP policies, IP audits, fact sheets – and CAS-IP set up a SharePoint site for the group to collate information. Then, in February 2008 the group reconvened in Malaysia for a training course on “Product development, distribution and use Pathways; participatory development of logframes and writing proposals” in partnership with MARDI (the Malaysian Agricultural Research Development Institute). The practical application of this workshop is that the group is now working on regional project proposals for national level financing to implement IP mechanisms and training. The added benefit is that the group as a whole has crystallised the issues they are facing, and there has been much re-thinking, critical analysis and priority setting for the IP agendas.



Victoria catching up on some work on the way to the Nerica® meeting at WARDA

such as trademarks and branding could maximize the impact of this agricultural success story. As the range of NERICA® products will continue to expand and their adoption by more smallholder farmers will expand, it will be increasingly important to protect the quality associations that have been established and to ensure that any product acquired by a farmer as “NERICA®” is indeed certified as such by WARDA. For more information on NERICA® rice varieties please visit the WARDA home page www.warda.cgiar.org

Footnotes

1. The Legal Status of the CGIAR Gerplasm Collections and related Issues, Wolfgang Sieback and John H. Barton, CGIAR Core Collection, December 31, 1991.
2. CGIAR Discussion Document on Intellectual Property, Biosafety and Plant Genetic Resources, MTM92, CGIAR Core Collection.
3. CGIAR. 1998. Consultative Group Meeting Mid-Term Meeting, May 25 – 29, 1998, Brasilia, Brazil. Mobilizing Science for Global Food Security. Summary of Proceedings and Decisions. CGIAR Secretariat, Washington DC. <http://www.worldbank.org/html/cgiar/publications/mtm98/mtm98sop.pdf>.
4. TAC-commissioned study, “Report of the CGIAR Panel on Proprietary Science and Technology”, MTM98, CGIAR core collection.
5. For example, “The CGIAR at 31: An Independent Meta-Evaluation of the CGIAR”, states, “The CGIAR lack a System-level strategy for public-private partnerships.” Reports from the Private Sector Committee (PSC) have consistently asked for a common policy statement from the Centers regarding the distribution of intellectual assets and rules of engagement with the private sector.
6. The committee of Directors General was originally named the CDC *Center Directors Committee); the name was changed the Alliance Executive (AE) after the establishment of the Alliance of the Centers supported by the CGIAR.

The activities CAS is organising in order to support this initiative are:

- Annual Meeting of the NPI to set annual work plans
- Support and motivation via ongoing facilitation of the work plans throughout the year
- Access to resource professionals within the IP field
- Maintained Share Point website with a store collective information for NPI
- Support of a professional society
- Commissioning and dissemination of case studies from group
- Active promotion of the lessons learnt to a wider audience
- Group and regional proposal writing support and collaboration
- Capacity & skills building workshops (Year 1 topic was proposal writing)

NPI facts in a nutshell

The overall aim of this project is to:

- Improve the IP environment of the CGIAR national partners in order to protect and provide agricultural public assets and protect and encourage innovation
- Improve awareness and critical analysis for IP priorities within the NPI group
- Encourage the NPI to develop new models to ensure favourable IP policy towards research outputs

Advocacy/Market Development

The West African Seed Alliance, WASA (ICRISAT is a lead partner in the alliance)

You may have spotted this story on our website. In addition to the System Dynamic’s input into clarifying roles of IP management, regulatory regimes and legal environment (see the earlier item under Research & Transactional Support), CAS-IP is working with WASA to develop and implement their IP policy and branding strategy.

There is a huge investment being made by alliance partners into WASA. This investment needs to be associated with a reputation for trust and reliability. CAS-IP will help WASA to ensure that their name and logo are used only to identify products and services that are aligned with the WASA guiding principles.

For more information, including the background and aims please visit www.cas-ip.org/?page_id=32

WARDA, NERICA® and Intellectual Property Mechanisms

In February 2008, WARDA and CAS-IP co-sponsored a joint workshop to discuss how intellectual property mechanisms