

Access and Benefit Sharing

The ABS Capacity Development Initiative

August 2013

Training: ABS and Intellectual Property Rights

hosted by SPREP

12 to 16 August 2013, Nadi, Fiji

With the adoption of the Nagoya Protocol on “Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising out from their Utilization” many countries are likely to develop new Access and Benefit Sharing (ABS) frameworks or revise existing frameworks in

the near future. In most countries these frameworks will not stand in isolation but are intimately connected to other regulatory frameworks, both on a national as well as international level.

One of these frameworks is the system for the protection of intellectual property rights (IPRs). IPRs are relevant to ABS because most research and development based on genetic resources and/or traditional knowledge will eventually be subject to intellectual property protection, mostly through patents. Once a patent is granted any claim contained in the patent will be of exclusive commercial use by the holder of the patent for a period of 20 years. In the past this has led to repeated cases of misappropriation of genetic resources and/or associated traditional knowledge. At the same time certain IPRs have also been discussed as possible tools for indigenous and local communities or other interested parties in biodiverse rich countries to protect traditional knowledge or genetic resources against such misappropriation and/or for their own economic aspirations.

This training aims to provide a more in depth understanding of the linkages between IPRs and ABS.

The training is part of the ABS Capacity Development Initiative’s work plan for 2012/2013.

Information about the ABS Initiative and full documentation of previous workshops and events are provided on www.abs-initiative.info.

Objectives

National Focal Points (NFPs) on ABS are in great need to familiarize themselves with IPRs and the opportunities and challenges they may pose. In this sense, the objective of this training is to:

- brief participants on the links between ABS and IPRs and their significance for NFPs,
- explain how the IPRs system is linked to ABS, both substantively and institutionally,
- provide a basic understanding of relevant IPRs such as patents and geographical indications,
- explain alternative TK protection models (also referred to as sui generis systems), and
- provide a platform for dialogue where NFPs can discuss and share concrete practical
- experience on the interface between IPRs and ABS and discuss possible regional approaches
- to cope more effectively with these issues.

Expected Outputs

- Awareness on the overall interface between ABS and IPRs with specific relevance for NFPs.
- Increased understanding of specific IPRs of particular relevance to ABS, such as patents and geographical indications and the opportunities and challenges they pose for the protection of genetic resources and/or associated traditional knowledge.
- Basic understanding of the institutional landscape of intellectual property policy-making and possible avenues of NFPs engagement into relevant national, regional and international fora.
- Exchange of experience on a regional level with the aim to identify and develop solutions to transboundary challenges regarding these issues.

Participants

Up to 25 participants mainly ABS National Focal Points and representatives of national and regional authorities responsible for the protection of IPRs of selected English speaking countries.

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