Animal Genetic Resources and Intellectual Property Rights – The Issues

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SYNOPSIS

➲ The current situation
➲ Is it fit for the future?
➲ Why does it matter?
SOURCES OF LAW

- Current international multilateral agreements among nations
- Central concepts
- Intent of provisions
DOMESTIC ENACTMENT OF INTERNATIONAL OBLIGATIONS

- Impact on the legal certainty of current obligations:
- Trade-Related Aspects of Intellectual Property Rights
- Patent Cooperation Treaty
- Patent Law Treaty
Issues Under Consideration

- Baseline definitional understanding of key concepts
- Commercial application
- Equitable distribution
- Certainty in terms of ownership
- Associated traditional knowledge
- Juncture of environment and trade
QUESTIONS RAISED BY THE ISSUES

➤ A model for the future?
➤ Privately held genetic resources?
➤ Jurisdictional boundaries?
➤ Property of global citizens?
➤ Mandatory disclosure?
➤ Certificate of origin?
➤ Necessary legal certainty of commodities?
ANIMAL GENETIC RESOURCES

- What place in the schematic?
- Resources primarily in the private domain
- What are the current concerns?
- Intent of the governance structure?
- Objective of the governance structure?
QUESTIONS TO BE ADDRESSED BY ANY GOVERNANCE REGIME

- Is the legal certainty of proprietary protection at risk because of conceptual legal contradictions?
- How can this risk be minimised by a common conceptual understanding?
- Given a consensus, will a new international schematic deliver the necessary legal certainty and a lack of distortion to international trade?
LESSONS FROM THE PLANT WORLD

➲ Current arrangements
➲ Differing systems
CONCLUDING COMMENTS