Quaker UN Office, Geneva

Peace and Justice
Human Rights
Economic Issues

Quaker International Affairs Programme, Ottawa
Importance of Intellectual Property

- Underpins
  - ‘knowledge economy’
  - media & entertainment, software
  - pharmaceuticals / biotechnology
  - brand power

- Means to
  - Exclude others, capture and appropriate benefits
Intellectual Property Rights

- Copyright
- Trademarks
- Geographical indications
- Patents & plant variety protection
- Trade secrets
- Industrial designs
Language and reality

- monopoly (or exclusionary) privileges
  - IMPs not IPRs
Costs of granting IMPs

- Shift market power
- Higher consumer prices
- Increase cost of knowledge acquisition

- Facilitate anti-competitive practices
  - cross-licensing
  - tie-in sales
  - buy-up patents
  - threaten law suits
The Food System

A Guide

Power Control Risk Benefits

‘If you want to understand why the world feeds itself in the way it does, you must read this book.’

Derek Cooper, The Food Programme

Geoff Tansey & Tony Worsley
Food System actors

- Input suppliers
- Farmers
- Traders
- Workers
- Processors / manufacturers
- Wholesalers / retailers
- Caterers
- Consumers / citizens
Tools for control

- Science
- Technology
- Information
- Management
- Laws, rules, regulations
Modern biotech

- Mix genes from any species with another
- Redesign living organisms for wide variety of ends
New processes, new rules

- Shift legal framework
- Create new ‘property rights‘ over life forms
The UPOV Convention

- Turning plant varieties into intellectual property
  - International Union for the Protection of New Varieties of Plants
- European response to US patents
- 1961, 72, 78, 91, ??
- What is new, breeders exemption, farmers ‘privilege’
TRIPS at the World Trade Organisation (WTO)

- Bringing minimum intellectual property standards into agriculture
  - The Agreement on Trade-Related Aspects of Intellectual Property Rights
- Kicking away the ladder (Ha Joon Chang)
- Requires patenting of microorganisms, plant variety protection
- Option not to patent plant and animals
Promoting and extending the reach of intellectual property
- Development agenda
- Genetic resources and traditional knowledge
- Technical assistance
Convention on Biological Diversity (CBD)

- Safeguarding biodiversity
  - conserve, sustain, share benefits
  - Access and benefit sharing regime?

- Biosafety Protocol
  - Living Modified Organisms (LMOs)
  - Labelling?
  - Liability and redress?
The International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA)

- Giving Priority to the Commons
  - Facilitated access to listed food crops
  - Farmers’ rights
  - Standard Material Transfer Agreement
Complex connections

- The negotiations web
  - Forum shifting
  - Harmonization vs differentiation
  - Disclosure of origin
- Free Trade Agreements (FTAs)
- Human rights, MDGs
Responding to change

- Civil society critiques
  - Corporate control
  - Patenting life / traditional knowledge
  - Food sovereignty

- Changing face of research and development
  - Access to knowledge
  - Freedom to operate
  - Skewing questions asked, solutions sought
Postcards from negotiations

- NGOs can make a different
  - Access to medicine experience
  - Networking, targeted support

- Principles / people matter

- Negotiating vs real gains
Global rules, local needs

- Democratic deficit
- Complexity and coercion
  - FTAs, BITs and EPAs
- Which and whose future is enhanced?
  - Collapse, techno-dominance, ecological balance, bifurcation
- Going the wrong way?
  - Open access, distributed innovation, ecologically supportive or the pharma model