Can IPRs help promote agriculture and food security in developing countries?

ODI Lunch-time Discussion Meeting
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Dr Dwijen Rangnekar
Senior Research Fellow on Policy Innovation
School of Public Policy
University College, London
E-mail: d.rangnekar@ucl.ac.uk; Tel: +44 +20 7679 4903
Reception of the Report: Anything new, or the same old rhetoric?

OXFAM (2002) *Initial Response* …, 12 September

“Oxfam welcomes the CIPR report which provides a powerful evidence-based critique of the heath and development problems caused by the one-size-fits-all approach of WTO patent rules (TRIPS). […] the recommendations fall short of calling for its reform. … this approach leaves a bad Agreement intact and embroils developing countries in a complicated damage limitation exercise for which many are ill-equipped.”
Reception of the Report: Anything new, or the same old rhetoric?


Certainly, patents matter greatly to some industries, such as pharmaceuticals. But putting in a rigorous patent system will not make Angola a hotspot of biotechnology innovation any time soon; a licence to drive is little use without a car. … It is entirely reasonable for the world's poorest countries to argue that they need until 2016, at least, to adopt and enforce patents on pharmaceuticals. This stay of execution should, indeed, be extended to all forms of intellectual property. Poor countries should also be wary of any provisions in trade deals that try to impose stronger intellectual-property standards than TRIPS requires, or of any moves towards universal, one-size-fits-all patents in such controversial areas as biotechnology.
Reception of the Report: Anything new, or the same old rhetoric?

- Roger Turner (2002) *BSPB Comment* ...., 18 November

BSPB finds the discussion of agriculture, in particular of plant variety rights, unconvincing. Members are aware, from their own experience, of the value to them of such rights, and the safeguards for farmers and consumers built into them. We accept the Commission's view that the benefit to be derived from IP rights is dependent on the stage of development that a country has reached, and the detailed form that such rights take. But both TRIPs and UPOV provide, in our view, full flexibility for countries to provide effective and balanced protection suited to their own conditions. Broad attacks on intellectual property may slow development, delaying urgently needed advances.
The Recommendations

- *Sui generis* protection instead of patents
- Proactive public sector and use of competition policy
- Support the FAO’s International Treaty on Plant Genetic Resources for Food and Agriculture
Some background

- IPRs and plant breeding
  - Mode of technical advance; methods of appropriation; importance of spillovers

- Implementing TRIPs
  - Binding obligations; institutional and techno-economic problems; bilateral pressures

- Seeds and agricultural development
  - Endogenous technological change; interlinked markets; going beyond varietal development
**Sui Generis Systems for plant varieties**

- **The Recommendation**
  - Use TRIPs-compliant exceptions; protect plant varieties through a *sui generis* system; TRIPs review should support these policy options.

- **The Rationale**
  - Problems with patenting of plant varieties
  - Consolidation within the seed and other agri-input industries
  - Importance of access to seeds for farmers
Proactive Public Sector and Competition Policy

The Recommendation

- Directing research to the needs of farmers; promoting a competitive seed industry; consolidation within the seed industry

Rationale

- Increased presence of private sector: agricultural R&D, patents and seed market
- Role of public sector: creating techno-economic opportunities, diversifying technology supply; easing barriers to entry
- Competition policy
Support FAO’s ITPGR

The Recommendation

- Maintaining the public domain; providing for farmers’ rights

The Rationale

- Multilateral access: keeping resources in the public domain, ‘restrictive’ provisions for IPRs
- Farmers’ rights: recognition, equity, compensation
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