

Intellectual property and animal genetic resources: developing countries' perspectives

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Misappropriation of AnGRs ('bio-piracy')

- Tuli and Boran embryos collected from Zimbabwe and Zambia
- Cichlid species from Lake Tanganyika, Burundi
- Vechur cattle from India

Livestock keepers' rights (1)

- *Recognition of*
- livestock keepers as creators of breeds and custodians of AnGRs
- - the dependency of the sustainable use of traditional breeds on the conservation of their ecosystems
- -traditional breeds as collective property, products of indigenous knowledge and cultural expression

Livestock keepers' rights (2)

- *Recognition of the right of the livestock keepers*
- to make breeding decisions
- to participate in policy making processes on issues relating to animal genetic resources
- To receive training and capacity building

TRIPS (non-mandatory) exceptions

27.3(b) Members may also exclude from patentability:...

(b) plants and *animals* other than micro-organisms, and **essentially biological processes for the production of plants or *animals*** other than non-biological and microbiological processes...

African Group

- **Artificial distinction between plants and animals and micro-organisms**
- **Plants and animals, microorganisms and all other living organisms and their parts, and natural processes that produce plants, animals and other living organisms should not be patentable**

Bolivia

- To prohibit the patenting of all life forms, including plants and animals and parts thereof, gene sequences, micro-organisms as well as all processes including biological, microbiological and non-biological processes for the production of life forms and parts thereof

Disclosure of origin of biological materials

- Where the subject matter of a patent application concerns, is derived from or developed with biological resources and/or associated traditional knowledge...

Disclosure of origin of biological materials

- ...patent applicants shall disclose the country providing the resources and/or associated traditional knowledge, from whom in the providing country they were obtained, and, as known after reasonable inquiry, the country of origin.

Disclosure of origin of biological materials

- Members shall also require that applicants provide information including evidence of compliance with the applicable legal requirements in the providing country for prior informed consent for access and fair and equitable benefit-sharing...

Draft TRIPS modalities (2008)

- **110 developed and developing countries**
- **disclosure obligation + creation of an international registry for GIs and extension of GIs protection**