INTRODUCTION

The substance of the ICIPE Intellectual Property Policy 2000 reflects a combination of conclusions drawn from the state of international debate and the current policies and practices of the Centre, whether de facto or de jure. This latter point is particularly significant in that even the perfect policy is a hollow achievement unless it makes sense to those it is intended to serve and guide. Practicality has thus been given equal priority with theory. The Guide has been produced to provide greater accessibility to the Policy. It consists principally of a commentary on the Policy that provides background to some areas and the reasoning for certain decisions that have been made. The Guide is also intended to highlight the implications of various actions and to assist in the implementation of the Policy’s requirements. An effort has been made to answer as many potential questions as possible.

The revision of the Centre’s Policy was prompted by several factors: First has been the ongoing discussion between the staff of the Centre, its Governing Council and some principal donors about the evolving nature of ICIPE’s activities. This discussion focuses on ICIPE’s position as a centre of excellence in advanced scientific research of benefit to developing countries. Such a position means that many of ICIPE’s achievements are eligible for intellectual property protection, but that such protection may often be perceived as contrary to the Centre’s mandate to advance the interests of smallholder farmers and other stakeholders. The second factor has been the rapid development of the international intellectual property regime. Central to this development has been the entry into force of the GATT Uruguay Round Agreement on Trade-Related Aspects of Intellectual Property (TRIPs) and the widespread establishment of intellectual property legislation and offices in developing countries. Surrounding these key developments has been an ever expanding, and often highly controversial, debate over issues such as the position of traditionally developed knowledge, the sharing of benefits derived from biological resource-based innovations, and even the relevance of orthodox intellectual property systems to the developing country context.

Much of the complexity and polarisation, at least in the agricultural and human health fields, has been created by rapid technological development. This evolving scientific context constitutes a third factor to be considered. A final factor has been the growing realisation by international research institutions that they have a significant role in formulating and applying international standards of best practice regarding global intellectual property issues, particularly as they affect the interests of the citizens and governments of developing countries. As many research institutions have been discovering recently, this latter role can be useful both in shedding light on the broader context of field activities and for defending one’s position in the ever more highly charged political forum that is scientific research today.

This Policy is intended to leave staff in a position where they will be secure in their compliance with the United Nations Convention on Biological Diversity (CBD) and the host of other international, regional and local laws and agreements that regulate modern biological-based scientific research.