

Intellectual Property Rights
Ingredient for growth in developing countries
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The situation today

In today's knowledge-based societies, the ability to innovate drives economic performance and competition. Intellectual property protection encourages creative dynamism, which translates into better quality products and more choices of products and services for consumers. Robust protection is the lifeblood for research, development, dissemination and the promotion of technology transfer. It is a channel for encouraging foreign investment and expanding international trade and long-term economic growth.

Trends in the global economy dictate more value on ideas and innovation as opposed to land, energy and raw materials. Under this new paradigm, productive sectors are overhauling business models to capitalize on intellectual property. In light of these winds of change, why does resistance to intellectual property systems seem to be building? The answer lies in the quiet revolution that questions the value of intellectual property as a driver for economic growth. The public is increasingly exposed to opposing messages that fuel lively discussions in international forums, especially in developing countries.

Intellectual property rights in agriculture are no exception to this increased attention. Specific regulation and enforcement to protect new plant varieties, the use of genetic resources, traditional knowledge and agricultural product names are closely watched. Developing countries face the challenge of designing policies that capture the benefits of intellectual property protection while promoting national interests. In productive sectors like agriculture, it is necessary to strike a balance between promoting innovation and availing technology.

Building the global cornerstone of IPR with TRIPS

The multilateral intellectual property regime that we have today – with a full range of intellectual property protection enforced at both country borders and in the international market – took two decades to engineer. The process brought optimism to innovative entrepreneurs who applauded the entry into force of the Agreement on Trade-Related Aspects of Intellectual Property (TRIPS) in 1995.



It all began in 1986 with the Uruguay Round negotiations. Exhaustive debates then revealed two contrasting threads: a heavy dissatisfaction with existing international agreements and resistance to heightened intellectual property rights. The mixture of views led to a general acceptance of a multilateral regime that would benefit both developed and developing countries. When

The Uruguay Round concluded in 1994, intellectual property consolidated as a trade topic. In 1995, the results of the Uruguay Round were embodied in a new

Agreement establishing the World Trade Organization (WTO). And TRIPS became a major part of the WTO Agreement.

The TRIPS Agreement is the cornerstone of multilateral intellectual property rights. The Agreement established conditions and minimum standards of protection for patents, copyrights, industrial designs, trademarks and trade secrets, including safety and efficacy data protection. Also, it forged the guidelines for IP enforcement.

The TRIPS Agreement has delivered promising improvements in domestic legislation over the past 10 years. But in agriculture, milestones have been difficult to achieve. Protection for plant-related innovation is

still under review, and there is little appetite for the TRIPS patent system to govern new plant variety protection. There seems to be a preference for the Union for Protection of New Varieties of Plants (UPOV) Convention to protect plant innovation. In addition, protection for safety and efficacy data related to crop protection products pursuant to TRIPS Article 39 remains unsatisfactory. This is the case with some agricultural powerhouses in developing countries that deem domestic copycat industries as strategic.

High stakes for agriculture

Agricultural research has delivered great results over the last century, lifting millions of people out of poverty and hunger. The demand for agricultural goods and services has risen, posing a unique challenge. Increased yields in crop production are necessary to nourish a growing and increasingly urban population. The world's population is estimated to grow by more than 40 per cent over the next 50 years, from 6.3 billion people to around 9 billion. More food, feed and fibre production is needed,

but not at the expense of subjecting wilderness to plough. Decreasing farmland per capita and diminishing precious fresh water resources require sustainable solutions – not only to palliate hunger and malnutrition, but also to support economic growth. Innovative crop protection products and agricultural biotechnologies are key elements to securing global food supply. However, the resources required are significant. Currently, hundreds of millions of dollars in capital and labour, and up to 10 years of research and regulatory review, are required to bring a novel plant technology from the laboratory to the field.

A Better Tomorrow

Like all policy measures, intellectual property rights are not sufficient in themselves to boost economic growth and development. A combination of sound economic management, proper infrastructure and efficient institutions to ensure enforcement is also required. Economic, social, cultural and environmental benefits are expected when the policies effectively eradicate corruption and market distortions, and investments are made in health and education. The energy and resources spent on attacking intellectual property frameworks could be better invested in championing enabling environments to facilitate technology development and giving farmers access to the best products on the market.

The plant science industry is one of the world's most research and development-intensive industries. It ranks in the top four global industries in terms of percentage of sales invested in research and development (R&D). For example, the industry's top 10 companies invest US \$2.25 billion, or 7.5 per cent, of sales into research and development of cutting edge crop protection products to improve sustainable agricultural production.

There is a certain degree of tension between technology driven and traditional agriculture, but any gap should not be exaggerated by misinformation. There is room for an informed dialogue addressing the legitimate needs of all stakeholders. The crosscutting nature of policy dialogues and legal frameworks should allow various countries to capitalise on the benefits of IP protection for the agricultural sector.