



Expert Meeting on „ABS and Intellectual Property Rights“

hosted by the Ethiopian Institute of Biodiversity Conservation

5th to 9th September 2011, Addis Ababa, Ethiopia

Background

The Nagoya Protocol on “Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising out from their Utilization” (ABS Protocol) with its interface to the intellectual property rights (IPRs) system will signify new challenges for ABS regulation and implementation in Africa and other developing countries. On the one hand, existing national and regional ABS regulations will have to be reviewed in view of their conformity with the (new) provisions of the protocol. On the other hand, new ABS regulations will have to be drafted in accordance with new international legal requirements. These may include, for example, the adoption of an internationally recognized certificate of compliance, the establishment of effective checkpoints at product approval procedures or disclosure requirements at patent applications for monitoring the utilization of genetic resources.

The entry into force of the ABS Protocol and its future effective implementation makes it necessary for national ABS focal points, competent national authorities and stakeholders in this field to better understand the needs and concerns of IPR-negotiators and national IPR authorities and *vice versa*. ABS and IPRs are very complex matters which are being negotiated in parallel by different negotiators and in different fora (CBD, WTO-TRIPS, WIPO, etc.) and implemented at national level by different ministries with different political agendas as well as diverse expectations, needs and concerns. A better understanding of the diverse realities, expectations and concerns is central in facilitating the effective implementation of national and sub-regional ABS provisions that are linked to IPRs.

The expert meeting will be the first meeting discussing ABS implementation and its links to IPRs in an African context. Therefore, the workshop will provide a dialogue platform for representatives from African countries with concrete practical experience on ABS cases that are linked to IPRs and international IPRs experts to discuss the challenges of linking ABS and IPR in a coherent manner when implementing ABS at the national and sub-regional levels.

The workshop is part of the ABS Capacity Development Initiative for Africa´ work plan for 2011. Information about the Initiative and full documentation of previous workshops and events are provided on www.abs-africa.info.

Objectives of the workshop

Building on this background, the objectives of the workshop are to:

- Brief participants on
 - (1) the Nagoya Protocol on ABS with special focus on the interlinkages between ABS and IPRs and their significance for the implementation of the ABS Protocol in domestic and sub-regional policies and regulations;
 - (2) the process and status of the negotiations under the WIPO and the WTO (TRIPS-Council) regarding the relevant IPR aspects related to ABS.
- Reflect on IP aspects / considerations that will have to be taken into account in the development and implementation of ABS policies and regulations at the national and sub-regional level and discuss ways and means (mechanisms) of institutional coordination between the relevant competent national authorities;
- Introduce and discuss the practicality of different IP instruments along the value chain / research and product development process of GR/BR/aTK based products;
- Explore the interfaces of ABS and IPRs regulations on the basis of national ABS cases

Expected Outputs

- Identification of the key aspects of the interfaces between ABS and IPRs
- Improved understanding of how IPRs can be used to strengthen ABS implementation
- Contributions to the creation of a common understanding of the interlinkages of ABS and IPRs and their impact on the implementation of ABS regulations in Africa.
- Identification of capacity development needed for mutually supportive implementation of the Nagoya Protocol and IP instruments
- Recommendations for way forward identifying areas of institutional coordination

The outputs of the workshop will help participants to implement ABS and IPR in a coherent manner and at the same time provide guidance to the ABS Initiative for further capacity development activities. Results of the workshop are intended to be published in the second volume of the GIZ-Reader: "Triggering the Synergies between IPRs and Biodiversity".

Participants

Up to 50 participants including ABS National Focal Points, representatives of national authorities responsible for the protection of IPRs, African key negotiators in the last meetings of WIPO, IPRs experts, private sector representatives, as well as representatives of relevant regional and international (research) institutions.

Simultaneous interpretation English/French/English will be available for the plenary sessions of the workshop.

Contact

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