

THE ABS
CAPACITY
DEVELOPMENT
INITIATIVE



L'INITIATIVE DE
RENFORCEMENT
DES CAPACITES
POUR L'APA

Access for non-commercial / pre-commercial / commercial research: Issues and options

Dr. Hartmut Meyer
Cotonou, Benin
11. 03. 2014

funded by



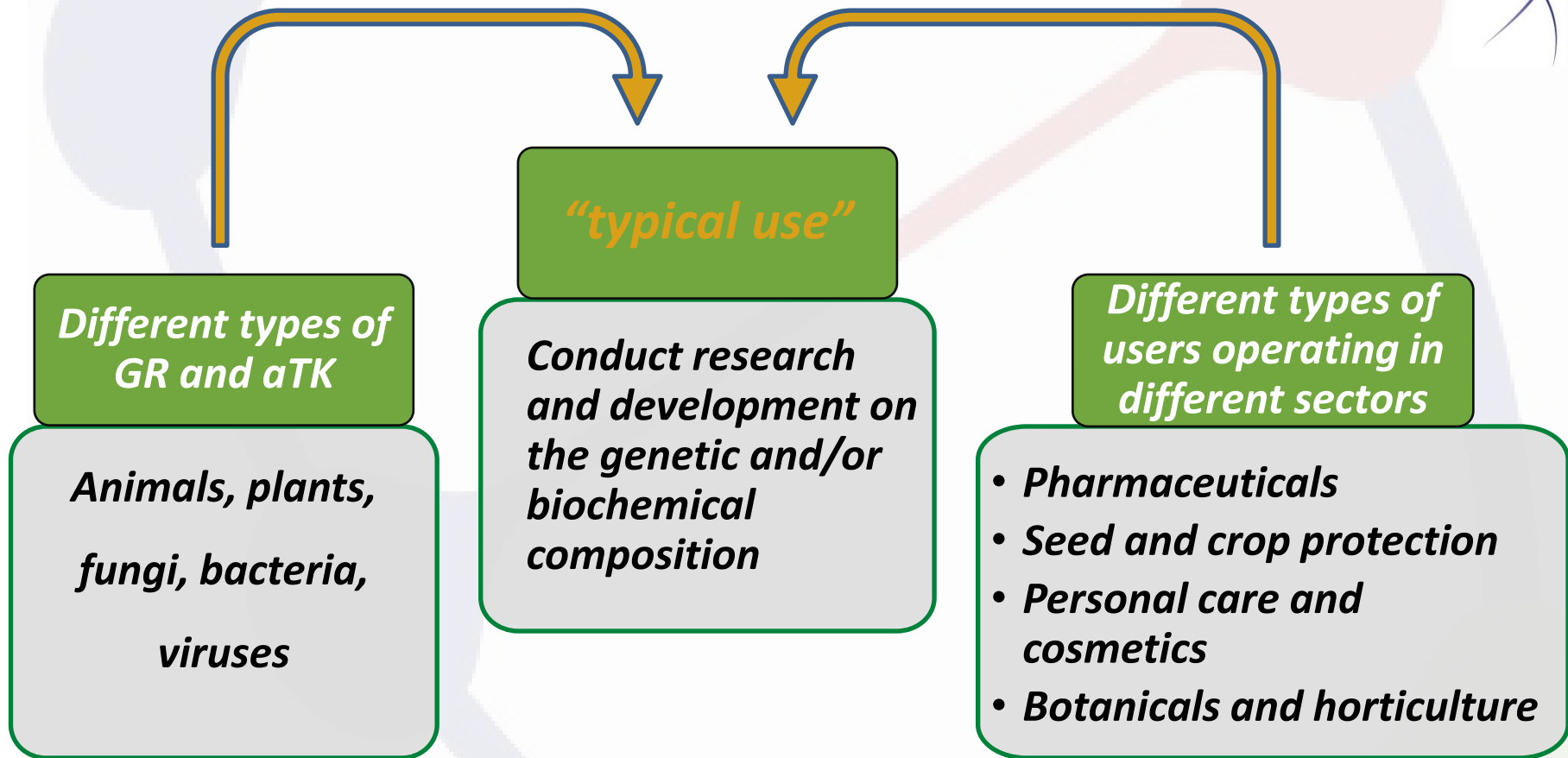
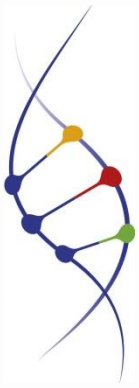
DANISH MINISTRY
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implemented by



New concept of the Nagoya Protocol: Access for utilisation as defined in Art 2



What are "untypical uses"?

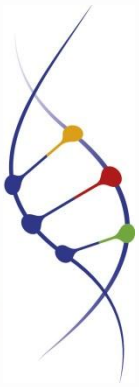


The definition of "utilisation" in Article 2 does not cover:

- **Uses with research in other fields than molecular biology and biochemistry, e.g.:**
 - Phenotypical taxonomy, inclusion in collections
 - Physical research
- **Uses without any research, e.g.:**
 - Trade
 - Processing as food and consumption
 - Manufacturing
- **Commercialisation**

Access for such uses resp. the transition to "utilisation" could be dealt with under domestic legislation and MAT.

Types of access characterised by their intended use



Three types of access can be distinguished with regard to their ABS relevance:

Type 1: Research in **other fields** than molecular biology and biochemistry

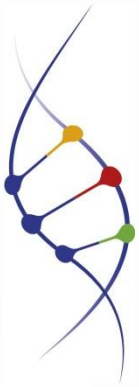
Type 2: Research and development on the genetic and/or biochemical composition **without commercial intent**

Type 3: Research and development on the genetic and/or biochemical composition **with commercial intent**

Change of intent needs to be addressed in MAT.

Type 1:

Research in other fields than molecular biology and biochemistry:



Genet Resour Crop Evol
DOI 10.1007/s10722-013-9969-0

NOTES ON NEGLECTED AND UNDERUTILIZED CROPS

Morphological characterization of African bush mango trees (*Irvingia* species) in West Africa

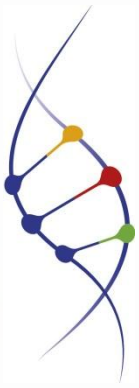
Romarie Vihotogbé • Ronald G. van den Berg •
Marc S. M. Sosef

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“Seven southern ABMTs populations located in six different phytogeographical regions in Benin (four sweet tree populations: Pobe`, Couffo, Dassa, Calavi) and Togo (two sweet tree populations: Lome´, Svolta plus one bitter tree population: Bvolta) were investigated”

Type 2

Research and development on the genetic and/or biochemical composition without commercial intend:



Heredity **86** (2001) 537–544

Received 31 October 2000, accepted 22 December 2000

Haplotype variation of cpDNA in the agamic grass complex *Pennisetum* section *Brevivalvula* (Poaceae)

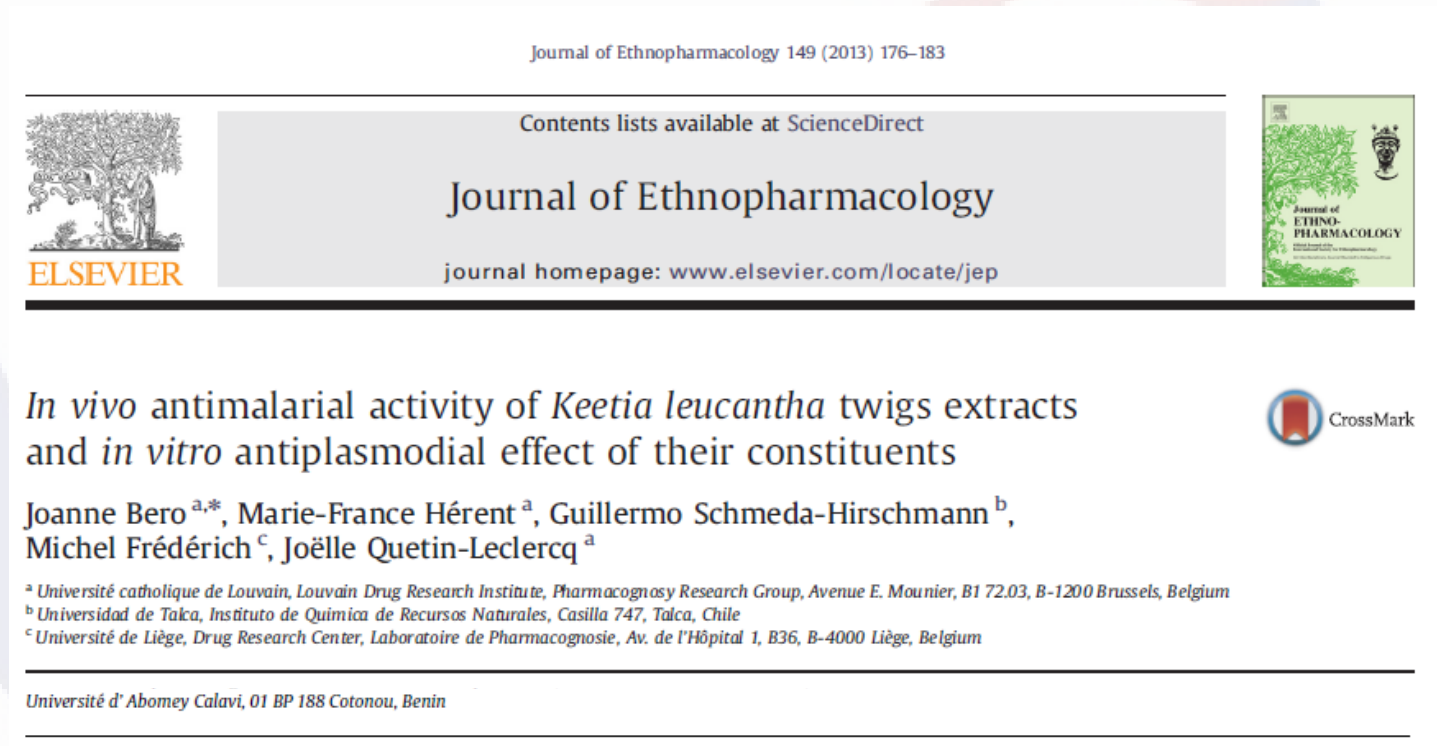
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“The seeds of *P. glaucum* came from a plant of the Haini Kiré cultivar growing in the Niamey region and those of *P. purpureum* from a plant of a spontaneous population from central Benin.”

Type 3: Example from Benin

Research and development on the genetic and/or biochemical composition with commercial intend:



“Plant materials were collected from the South of Benin, especially from Abomey-Calavi (South-West) ... Voucher specimens were identified and deposited at the Herbarium National of Abomey-Calavi University in Benin and at the Herbarium of the National Botanic Garden of Belgium, at Meise”

Type 3: Example from Nigeria

Research and development on the genetic and/or biochemical composition with commercial intend:



Pharmaceutical Biology, 2011; 49(1): 9–14
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informa
healthcare

RESEARCH ARTICLE

In vitro antiplasmodial activity and toxicity assessment of some plants from Nigerian ethnomedicine

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“Nigeria, with a wealth of unexplored biodiversity is an ideal place to search for new antimalarial molecules. ... Eight plant species ... were collected between January and March 2006, in Ibadan, Oyo state, Nigeria ... where voucher specimens were deposited”

Tasks for CNA



Basic questions to applicants

- Receive information about nature of the institution
- Receive information about IPR and commercialisation policy
- Receive information about commercial partners
- Receive information about the intend of actual research

Basic activities by CNA

- Internet search on institution mandate and policy
e.g. Swiss Tropical Institute: www.swisstph.ch
- Internet search on researchers in publication databanks
e.g. PubMedCentral: www.ncbi.nlm.nih.gov/pmc
- Internet search on researchers in patent databanks
e.g. WIPO: patentscope.wipo.int/search

Work of Abiodun et al. 2011 with Nigerian GR and aTK



Results of initial research in databases

- Cooperation of Nigerian public institutions with the Swiss Tropical Institute and the WHO
- Swiss TPH: e.g. Principle 2 “Projects/programmes undertaken in partnership that respects equity principles and the global human right for access to health and are undertaken with the spirit of mutual learning for change”
- PubMedCentral: 64 publications since 1997 by “Reto Brun”
- WIPO: 53 patents since 2004 by “Reto Brun”

Basic information needed for PIC and MAT and any simplified access procedures



CNA must understand policy and approaches of partners

- Institutional vision, mandate, goals, principles
- Typical steps in R&D process

CNA must clarify its involvement in the steps of the value chain

- Policy on publication of results
- Choice of partners for clinical research and product development
- IPR policy
- Practises on third party transfer and licensing

CNA must negotiate and sign contracts with legal representative of partner

Thank you very much!



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