

# **IPR for poverty reduction? – harnessing public ownership over knowledge<sup>1</sup>**

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## **Abstract**

Intellectual Property Rights have become an issue in agricultural research for development only recently, as strong IPR systems entered the biological sciences in the 1980s and the legal systems spread to developing countries in the 1990s. Also the emergence of other rights over genetic resources is relevant here: national rights (CBD), farmers' right (IT PGRFA), community rights (on traditional knowledge).

Most of the debate occurs at the (inter)national policy levels; it is high time that public research institutions develop clear policies. A study for the World Bank revealed a diversity of responses by managers of public research to the emergence of IPRs. They are hailed in their capacity to increase recognition, to facilitate public private partnerships (PPPs) and to generate revenue for the institute and the scientists. Few institutions have analysed the cost-benefit ratio of IPRs in terms of monetary income. The general feeling is that very few institutions make a significant profit from patents; the expectations from breeder's rights are higher, particularly in NARS in developing countries. However, there is a risk that such NARS will change their focus when they become dependent on such revenue: away from poor farmers and away from crops where a private seed sector cannot easily develop (eg. most legumes and root crops).

NARS (in North and South have to carefully consider their options, based on their basic task: if they are to act like the private sector they may want to play the game like industry; when they are to support the private sector, they may embrace IPRs to facilitate PPPs; when they primarily are to reduce poverty, they have to create a maximum freedom to operate for all.

Questions arise as to whether NARS that choose to go commercial are a good partner for the CGIAR in its quest to reduce poverty and improve household and national food security. Secondly, CGIAR Centres need to guard against falling in the revenue trap themselves.

On the 'cost' side of the equation, the dominant strategy is to assist NARS to acquire humanitarian licenses for individual technologies. This depends on the willingness of the IPR-holder to negotiate and the negotiation capacity of the recipient. I suppose that the CGIAR should instead develop and lobby for the wide adoption of a framework for a general development license for the use of any technology for or by the poor. The Generation Challenge Programme and Syngenta deserve credit for developing legal language that could serve as a basis. At the same time, the CGIAR could develop similar language for development licenses for access to genetic resources. The IT PGRFA goes a long way but definitely not far enough.

These are standpoints that need to be brought to higher policy levels. The CGIAR has done that before and should not shy away from this important task that is essential for making public (and private) research work for poverty reduction.

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<sup>1</sup> Presented at the Science Forum, CGIAR Annual General Meeting in Beijing, China on Dec. 4, 2007.