

**Climate-Ready Crops:
Agricultural Intellectual
Property and Climate Change**

Dr Matthew Rimmer
2010

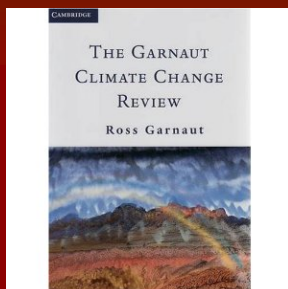
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"Hunger allows no choice"

'1 September 1939'
W.H. Auden



Ross Garnaut



Ross Garnaut

- Domestic food production in many developing countries will be at immediate risk of reductions in agricultural productivity due to crop failure, livestock loss, severe weather events and new patterns of pests and diseases. Climate change could disrupt ocean currents, which would have serious ramifications for the availability of fish, a major protein source.

Ross Garnaut

- Farmers in developing countries are less able to adapt to and effectively manage these risks due to the high proportion of small-scale and subsistence farms, poorly developed infrastructure and lesser access to capital and technology

The Copenhagen Accord 2009



The Copenhagen Accord 2009

- The minimalist *Copenhagen Accord* was reached on the 18 December 2009. Tove Iren S. Gerhardsen reported that 'Intellectual property issues were again discussed in a smaller group during one of the last days, but are not mentioned in the final text, which is entitled the "Copenhagen Accord." Nonetheless, there is some discussion in the text about the infrastructure required for technology transfer.

The Copenhagen Accord 2009

- Paragraph 11 observed: 'In order to enhance action on development and transfer of technology we decide to establish a Technology Mechanism to accelerate technology development and transfer in support of action on adaptation and mitigation that will be guided by a country-driven approach and be based on national circumstances and priorities.'

COP16

MÉXICO
2010

Conference of the Parties 16 (COP16)

Clauses for discussion

- [Intellectual Property Rights
- *Option 1:* No reference to Intellectual Property Rights in the text

Clauses for discussion

- *Option 2: Decides that:* 11. Any international agreement on intellectual property shall not be interpreted or implemented in a manner that limits or prevents any Party from taking any measures to address adaptation or mitigation of climate change, in particular the development and enhancement of endogenous capacities and technologies of developing countries and transfer of, and access to, environmentally sound technologies and know-how;

Clauses for discussion

- 11.bis Specific and urgent measures shall be taken and mechanisms developed to remove barriers to the development and transfer of technologies arising from intellectual property rights protection, in particular:
 - (a) Creation of a Global Technology Intellectual Property Rights Pool for Climate Change that promotes and ensures access to intellectual property protected technologies and the associated know-how to developing countries on non-exclusive royalty-free terms;

Clauses for discussion

- (b) Take steps to ensure sharing of publicly funded technologies and related know-how, including by making the technologies and know-how available in the public domain in a manner that promotes transfer of and/or access to environmentally sound technology and know-how to developing countries on royalty-free terms;

Clauses for discussion

- 11.ter Parties shall take all necessary steps in all relevant forums to exclude from Intellectual Property Rights protection, and revoke any such existing intellectual property right protection in developing countries and least developed countries on environmentally sound technologies to adapt to and mitigate climate change, including those developed through funding by governments or international agencies and those involving use of genetic resources that are used for adaptation and mitigation of climate change;

Clauses for discussion

- 11.quat Developing countries have the right to make use of the full flexibilities contained in the Trade Related Aspects of Intellectual Property Rights agreement, including compulsory licensing;
- 11.quin The Technology Executive Committee shall recommend to the Conference of the Parties international actions to support the removal of barriers to technology development and transfer, including those arising from intellectual property rights.];

II. Patents

Monsanto



Ceres Inc.



BASF



Bayer AG



Syngenta



Pioneer Hi-Bred and DuPont



EvoGene



Dow Agrosciences

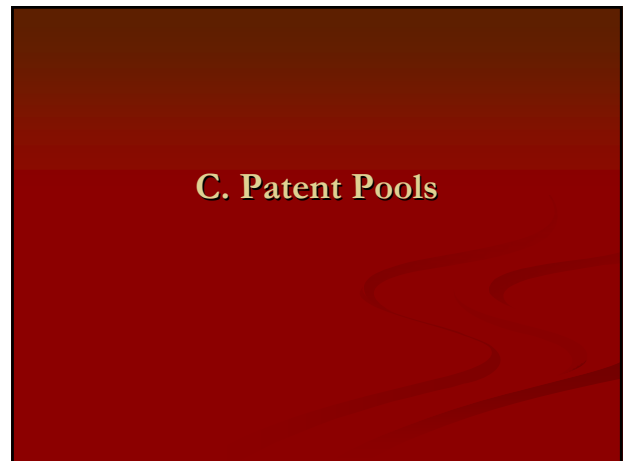
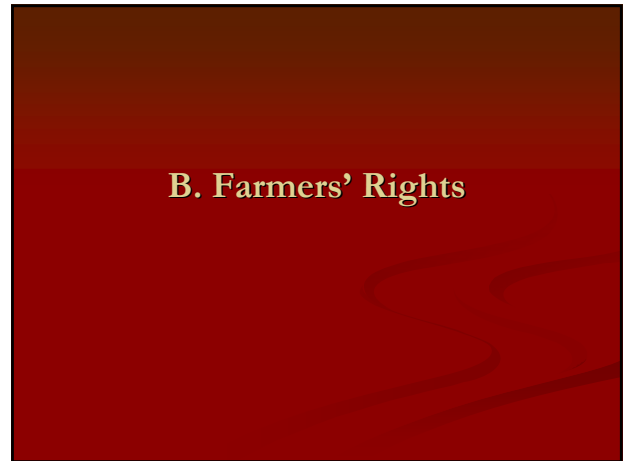
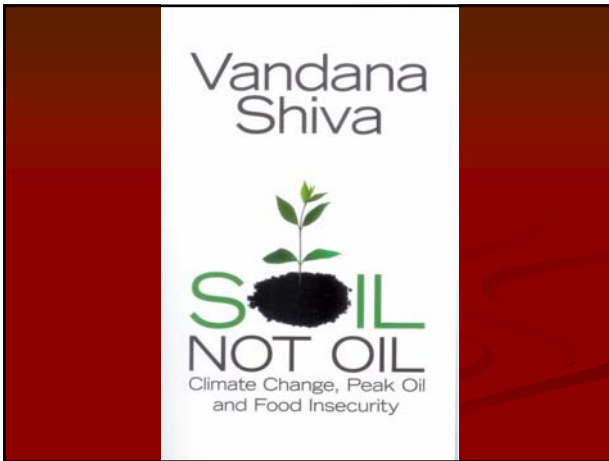


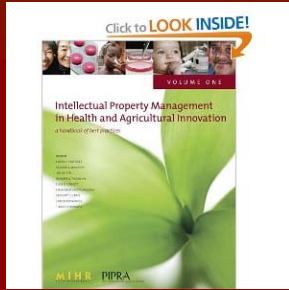
III. Farmers' Rights

Oliver de Schutter,
special rapporteur on the right to
food



A. Exclusion of Intellectual
Property Rights

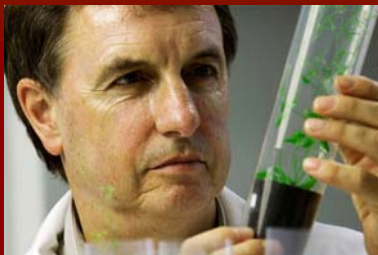




D. Public Sector Licensing



ARC Centre of Excellence for Plant Energy Biology



E. Compulsory Licensing and Competition Law



F. Access to Genetic Resources and Benefit-Sharing

