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WILSON JONAS

Biodiversity, Genetic Resources and Intellectual Property CABI
This is the first comprehensive review of the Intergovernmental Committee (IGC) of the World Intellectual Property Organization (WIPO) established in 2000. It provides an in-depth consideration of the key thematic areas within WIPO discussions - genetic resources (GRs), traditional knowledge (TK) and traditional cultural expressions (TCEs) through the perspectives of a broad range of experts and stakeholders, including indigenous peoples and local communities. It also looks at how these areas have been treated in a number of forums and settings (including national systems and experiences, and also in trade agreements) and the interface with WIPO discussions. Furthermore, the book analyses the process and the negotiation dynamics since the IGC received a mandate from WIPO members, in 2009, to undertake formal text-based negotiations towards legal instruments for the protection of GR, TK and TCEs. While there has been some progress in these negotiations, important disagreements persist. If these are to be resolved, the adoption of these legal instruments would be a significant development towards resolving key gaps in the modern intellectual property system. In this regard, the book considers the future of the IGC and suggests

options which could contribute towards achieving a consensual outcome.

Intellectual Property Rights, Trade and Biodiversity Routledge
Demonstrating the shortcomings of current policy and legal approaches to access and benefit-sharing (ABS) in the Convention on Biological Diversity (CBD), this book recognizes that genetic resources are widely distributed across countries and that bilateral contracts undermine fairness and equity. The book offers a practical and feasible regulatory alternative to ensure the goal of fairness and equity is effectively and efficiently met. Through a legal analysis that also incorporates historic, economic and sociological perspectives, the book argues that genetic resources are not tangible resources but information. It shows that the existing preference for bilateralism and contracts reflects resistance on the part of many of the stakeholders involved in the CBD process to recognize them as such. ABS issues respond very well to the economics of information, yet as the author explains, these have been either sidelined or overlooked. At a time when the Nagoya Protocol on ABS has renewed interest in feasible policy options, the author provides a constructive and provocative critique. The institutional, policy and regulatory framework constitute "bounded openness" under which fairness and equity emerge.

An Intercultural Problem on the International Agenda Routledge
Analyses the methods of protection of biodiversity and related traditional knowledge in the international and comparative

national intellectual property systems.

Sharing the Benefits Earthscan

The Nagoya Protocol is an unprecedented international environmental agreement that equally addresses development, distributive justice, and environmental sustainability. With a balanced view of the various possible interpretations of the Protocol provisions, in light of different national and regional perspectives, and a systematic highlighting of its legal innovations, *Unraveling the Nagoya Protocol: A Commentary on the Nagoya Protocol on Access and Benefit-sharing to the Convention on Biological Diversity* will serve as a seminal work for all those interested in the environment, human rights, economics and both legal and scientific innovations.

Traditional Knowledge, Genetic Resources, Customary Law and Intellectual Property Edward Elgar Publishing

This book discusses the means, instruments and institutions to create incentives to promote conservation and sustainable use of traditional knowledge and plant genetic resources for food and agriculture, in the framework of the world trade order. It approaches these topics on a broad basis: it analyses in depth the option to create specific sui generis intellectual property rights of the TRIPS Agreement. It then discusses the ways to support the maintenance of information which cannot be allocated to specific authors, and examines alternative concepts within the trade of traditionally generated information and related products. This book will be of significant interest to those studying and

researching biotechnology, plant breeding, genetic resources, intellectual property law and agricultural economics.

An Overview Routledge

The current publication is the second update and improvement of the original WIPO Technical Study from 2004, incorporating the latest practical and empirical information provided by Member States and stakeholders. The study looks at the key questions identified from the point of view of the patent system and in relation to other relevant legal and policy frameworks.

Equity and Innovation in International Biodiversity Law WIPO

Policymakers and other stakeholders often raise operational questions and seek practical and empirical information about patent disclosure requirements in relation to genetic resources and traditional knowledge. This authoritative study offers a comprehensive and scrupulously neutral overview of key legal and operational questions arising within this context.

Documenting Traditional Knowledge - A Toolkit Edward Elgar Publishing

The need to regulate access to genetic resources and ensure a fair and equitable sharing of any resulting benefits was at the core of the development of the Convention on Biological Diversity (CBD). The CBD established a series of principles and requirements around access and benefit sharing (ABS) in order to increase transparency and equity in the international flow of genetic resources, yet few countries have been able to effectively implement them and ABS negotiations are often paralysed by differing interests. This book not only examines these complex challenges, but offers workable, policy-oriented solutions.

International contributors cover theoretical approaches, new significant national legislation, the concept of traditional knowledge, provider and user country measures and common solutions. Exploring specific, salient examples from across the globe, the authors provide lessons for national regulation and the ongoing negotiations for an international ABS regime. Uniquely, this book also looks at the potential for 'horizontal' development of ABS law and policy, applying lessons from bilateral approaches to other national contexts.

Case Studies and Conflicting Interests WIPO

There is growing interest in documenting the wealth of traditional knowledge (TK) that has been developed by indigenous peoples

and local communities around the world. But documenting TK can raise important issues, especially as regards intellectual property. This Toolkit presents a range of easy-to-use checklists and other resources to help ensure that anyone considering a documentation project can address those issues effectively.

Key Questions on Patent Disclosure Requirements for Genetic Resources and Traditional Knowledge, Second edition (French version) WIPO

National implementation of the Convention on Biological Diversity (CBD) provisions has yielded enough challenges for providers and users of genetic resources and associated traditional knowledge alike. The Nagoya Protocol brings novel ideas for resolving the challenges plaguing the Access and Benefit-Sharing (ABS) process in general and non-commercial research in particular. This is one of the first books to address research cooperation and facilitated access for non-commercial biodiversity research. It uniquely offers concrete and practicable solutions based on experiences of researchers and administrative officials with ABS, and on the interpretation of the Nagoya Protocol on how free and lively taxonomic research can be ensured while at the same time observing obligations of obtaining prior informed consent and sharing of benefits. This book will be useful to students of International Environmental Law, International Biodiversity Law, Intellectual Property Law, Climate Law and Law of Indigenous Populations. With foreword from Executive Secretary CBD, Braulio Ferreira de Souza Dias.

A Commentary on the Nagoya Protocol on Access and Benefit-sharing to the Convention on Biological Diversity WIPO

The Convention on Biological Diversity (CBD) strives for the sustainable and equitable utilization of genetic resources, with the ultimate goal of conserving biodiversity. The CBD and the Nagoya Protocol which has since been elaborated suggest a bilateral model for access to genetic resources and the sharing of benefits from their utilization. There is concern that the bilateral exchange "genetic resource for benefit sharing" could have disappointing results because providers are left out of the process of research and development, benefits are difficult to be traced to sources, and providers owning the same resource may complain of being excluded from benefit sharing. Thus, the CBD objective of full utilization and equitability may become flawed. Common

Pools of Genetic Resources: Equity and Innovation in International Biodiversity Law suggests common pools as a complementary approach to bilateralism. This is one of the first books to reply to a number of complex legal questions related to the interpretation and implementation of the Nagoya Protocol. Taking an inductive approach, it describes existing pools and analyzes how they are organized and how they perform in terms of joint R&D and benefit sharing. It presents case studies of the most characteristic types of common pools, provides suggestions for further developing existing pools to cope with the requirements of the CBD and NP and, at the same time uses the clauses these conventions contain to open up for commons approaches. Written by a team of expert academics and practitioners in the field, this innovative book makes a timely and valuable contribution to academic and policy debates in international environmental law, international biodiversity law, intellectual property law, climate law and the law of indigenous populations.

Stakeholder Participation in Policy on Access to Genetic Resources, Traditional Knowledge and Benefit-Sharing Earthscan

This article looks at intellectual property rights (IPRs) issues relevant to the past and the future: the exploitation of genetic and other biological resources. As genetic resources are becoming more scarce as a consequence of environmental degradation, and as industry is investing large sums to create new products based on these resources, the allocation of rights in them is of compelling interest. It is possible to draw close analogies both to traditional international and national law concepts of property allocation with respect to tangible natural resources and real and personal property, as well as to traditional concepts of intellectual property rights, but neither of the existing models should be used directly to address genetic resources. The granting of Traditional Intellectual Property Rights (TIP-Rights) would encourage the preservation of traditional knowledge; however, there are several obstacles to developing a system designed to protect such knowledge. A system of registration that does not require pre-grant examination may be the best alternative; rights should also not be limited to indigenous peoples or other groups, but rather should be available to all individuals and communities holding traditional knowledge. The importance to developed and developing countries of genetic resources and traditional knowledge requires that issues

concerning their allocations and protection be brought into the WTO for resolution in the context of a Millennium Round. Solutions for Access and Benefit Sharing Martinus Nijhoff Publishers

General information on the interface between intellectual property (IP) and traditional knowledge (TK), traditional cultural expressions (TCEs), and genetic resources (GRs). It briefly addresses the most important questions that arise when considering the role that IP principles and systems can play in protecting TK and TCEs from misappropriation, and in generating and equitably sharing benefits from their commercialization, and the role of IP in access to and benefit sharing in GRs.

Genetic Resources, Traditional Knowledge, and Folklore WIPO

The book examines the national, regional and international frameworks of protection of traditional knowledge in all regions of the world. It also discusses options to enhance the existing legal regimes including the use of customary laws and protocols; the adoption of mutual recognition agreements premised on the principle of reciprocity; and the disclosure of source or country of origin of traditional knowledge in intellectual property applications.

Basic Issues and Perspectives WIPO

Biogenetic resources - the critical biological and chemical materials that underpin so much of medicine, both modern and traditional, agriculture, and wider economic activity in so many fields - are at the centre of heated debate regarding their use, development, and ownership, and the issues of ethics and equity that impinge on all of these factors. This book is a comprehensive examination of the key issues, institutions and ideologies in this area, presenting definitions and explanations of the fundamentals of intellectual property rights (IPRs), biogenetic resources and traditional knowledge. It uses the insights from this to build a picture of how these factors interact in practice, bringing to the surface issues such as: the conservation and sustainable use of biodiversity, benefit sharing from the commercial use of biodiversity, biotechnological innovation and the transfer of technology, agriculture, food security, rural development, health and international justice. Part 1 describes the relevant international IPR laws, highlights the extent to which modern commerce depends on such resources, and traces the way in which modern IPR law has evolved to accommodate this

dependence. Part 2 shows how stronger IPR protection in the area of life science innovation has given rise to controversies such as 'biopiracy', 'terminator' genes and genetic uniformity. Part 3 focuses on traditional knowledge, its nature, its importance, and the applicability of IPR-style protection. Part 4 covers the international negotiation and policy-making of the WTO, WIPO and CBD and the legislative initiatives of national governments of Asia, Africa and Latin America. Finally, Part 5 focuses on two developing country case studies - of India and Kenya - assessing whether they will be able to gain economic benefit from development of their natural resources within the current regulatory system and whether this will encourage the conservation and sustainable use of the resource base. With its multidisciplinary approach and breadth of coverage, this book will appeal both to those new to the subject and to those with professional and specialist interest, including students, academics, legal practitioners, government policy-makers and the private sector.

Plant Genetic Resources and Traditional Knowledge for Food Security Springer

Evolving out of the ethical, socially responsible investment waves of the recent past, Sustainable Investing involves the conscious strategic integration of extra-financial factors for the purpose of minimizing risk and generating long-term financial return. *Intellectual Property and Traditional Knowledge* Genetic Resources and Traditional Knowledge Case Studies and Conflicting Interests

Globally, local and indigenous approaches to conserving biodiversity, crop improvement, and managing precious natural resources are under threat. Many communities have to deal with 'biopiracy,' for example. As well, existing laws are usually unsuitable for protecting indigenous and traditional knowledge and for recognizing collective rights, such as in cases of participatory plant breeding, where farmers, researchers and others join forces to improve existing crop varieties or develop new ones, based on shared knowledge and resources. This book addresses these issues. It outlines the national and international policy processes that are currently underway to protect local genetic resources and related traditional knowledge and the challenges these initiatives have faced. In particular these themes are addressed within the context of the Convention of Biological

Diversity and the International Treaty on Plant Genetic Resources for Food and Agriculture. The authors broaden the policy and legal debates beyond the sphere of policy experts to include the knowledge-holders themselves. These are the 'custodians of biodiversity': farmers, herders and fishers in local communities. Their experience in sharing access and benefits to genetic resources is shown to be crucial for the development of effective national and international agreements. The book presents and analyzes this experience, including case studies from China, Cuba, Honduras, Jordan, Nepal, Peru and Syria. Copublished with the International Development Research Centre (IDRC).

Genetic Resources as Natural Information Routledge

Traditional knowledge protection methods are becoming increasingly out-dated in the face of modern challenges. Focusing on the protection of traditional knowledge and related genetic resources, this book is the first of its kind to amalgamate a novel theoretical framework with the practical applications of the combined theories of Rawls and Coase.

The Protection of Traditional Knowledge on Genetic Resources Routledge

This fascinating study describes efforts to define and protect traditional knowledge and the associated issues of access to genetic resources, from the negotiation of the Convention on Biological Diversity to the Declaration on the Rights of Indigenous Peoples and the Nagoya Protocol. Drawing on the expertise of local specialists from around the globe, the chapters judiciously mix theory and empirical evidence to provide a deep and convincing understanding of traditional knowledge, innovation, access to genetic resources, and benefit sharing. Because traditional knowledge was understood in early negotiations to be subject to a property rights framework, these often became bogged down due to differing views on the rights involved. New models, developed around the notion of distributive justice and self-determination, are now gaining favor. This book suggests - through a discussion of theory and contemporary case studies from Brazil, India, Kenya and Canada - that a focus on distributive justice best advances the interests of indigenous peoples while also fostering scientific innovation in both developed and developing countries. Comprehensive as well as nuanced, *Genetic Resources and Traditional Knowledge* will be of great interest to scholars and students of law, political science, anthropology and

geography. National and international policymakers and those interested in the environment, indigenous peoples' rights and innovation will find the book an enlightening resource.
Solutions for Access and Benefit Sharing WIPO

General information on the interface between intellectual property (IP) and traditional knowledge (TK), traditional cultural expressions (TCEs), and genetic resources (GRs). It briefly addresses the most important questions that arise when

considering the role that IP principles and systems can play in protecting TK and TCEs from misappropriation, and in generating and equitably sharing benefits from their commercialization, and the role of IP in access to and benefit sharing in GRs.