



CIP



ENLSC



**First International Conference
on**

**Intellectual Property and Technology
Transfer in Life Sciences
A north-south dialogue**

12th – 14th June, 2006, Trieste

Goal

The goal is to provide an intimate setting among the attendees from both developed and developing countries to learn from one another concerning the challenges faced by the access to and commercialization of life science and biotechnology. The conference aims to expose the core issues at the crossroads of intellectual property, technology transfer, and life science through open debate, where future collaborative efforts can be aimed at assisting developing countries in strengthening their scientific and technological capabilities.

Introduction:

Capacity building for the development of new biotechnology products and processes has been one of the main objectives pursued, in the last two decades, by the International Centre for Genetic Engineering and Biotechnology (ICGEB), an intergovernmental organization established in 1983 by UNIDO with the aim of providing developing countries with a centre of excellence for research and training in genetic engineering and biotechnology. Currently, developing economies are facing new challenges, which transcend the mere lack of technologies or the difficulties for their acquisition, but refer to the inherent difficulties related to the adoption of Intellectual Property Right (IPR) regimes, as foreseen by the WTO and its Trade Related Aspects of Intellectual Property Rights (TRIPS) Agreement. These challenges have also been acknowledged by the government representatives that participated in the Global Biotechnology Forum, jointly organized by the Government of Chile and UNIDO, with the collaboration of ICGEB, in Concepción, Chile, in March of 2004, which identified among the main follow-ups to be entrusted in UNIDO and ICGEB the set-up of adequate mechanisms to facilitate access to intellectual property, in order to promote the exploitation and dissemination of biotechnology in developing countries.

Background

1. One of the basic objectives of the ICGEB is "to promote international cooperation in developing and applying peaceful uses of genetic engineering and biotechnology in particular for developing countries", "to develop and promote the application of genetic engineering and biotechnology for solving problems of development, particularly in developing countries", and "to assist developing countries in strengthening their scientific and technological capabilities in the field of genetic engineering and biotechnology" (Article 2(a), (d), (c) of the Statutes).

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2. Towards the fulfillment of its objectives, the ICGEB shall in particular "carry out research and development including pilot-plant activities in the field of genetic engineering and biotechnology", "carry out a programme of bio-informatics to support in particular research and development and application for the benefit of developing countries", and "maintain close contacts with industry" (Article 3(a), (h), (j) of the Statutes).

3. From the onset, it was clear that the fulfillment of the articles of the ICGEB Statutes described above required the identification of an adequate balance between dissemination of research results and protection of the same, under IPR regimes, in order to ensure "close contacts with the industry". This led to the preparation and eventual adoption, by the ICGEB Board of Governors, of the document entitled "Policy Guidelines on Patents, Licensing, copyrights and other Rights to Intellectual Property of the International Centre for Genetic Engineering and Biotechnology (ICGEB)", through which any IPR derived from the Centre's activity is regulated.

4. Intellectual property rights in general and patents in particular have played and continue to play an important role in the rise, the development and the application of the modern biotechnology. More recently it has also been generally accepted that the patent system is well suited to be utilized as the primary mechanism for transferring inventions from publicly funded institutions to the private sector. Licensing of patents held on publicly funded research thus enhances wide application of the protected technology in industry and commerce and at the same time secures additional financial means for the technology-generating institutions.

5. The changes in science and the extent of international trade have led to substantial revisions of IPR regimes, partly driven by a) the rapid development of biotechnology and the trend towards a global market allowing for the world-wide exploitation of products deriving from genetic engineering, and b) by the different attitudes towards IPR across the world. The adoption and entry into force of the Trade Related Aspects of Intellectual Property Rights (TRIPS) Agreement has produced, and still produces, extensive debate as to the final goals of IPR regimes. During the discussions leading up to the adoption of the TRIPS, there was considerable debate as to the ownership of living material, demarcating essential differences between developing and industrialized countries, and in particular whether TRIPS should allow the products of biotechnology to be protected under the patent system and if so then the extent to which such protection should be modified in order to allow the developing countries relative unrestricted access to protected genetic material.

6. In the last years, the perception of IPR regimes in general has started to change, especially give the provision of TRIPS that all WTO countries adopt their own regimes and introduce rights to intellectual property in their own legislation. This shift of paradigm, which acquires even more importance in the field of biotechnology and genetic engineering, makes it necessary for decision makers, scientists, lawyers and judicial alike to consider the needs and the requirements of developing countries in the verge of the full implementation of TRIPS.

Monday, 12 June 2006

Setting the Scene: IPRs, Accessibility and Transfer of Technology

Morning Session

Welcome

- *Francisco Baralle, Director-General, ICGEB*
- *Amedeo Santosuosso, President, ENLSC*
- *Ambassador Harald Kreid, Director-General, CEI (to be confirmed)*

Introduction: Intellectual Property and Sustainable Value Creation: A Question of Access, Utilisation, and Commercialisation

Ulf Petrusson, Director, CIP

Keynote Address 1: The Importance of a North-South Dialogue on Intellectual Property

Ismail Serageldin, Director, Library of Alexandria

Keynote Address 2

To be advised

Intellectual Property Rights: Any New Perspective on their Impact on Life Science and on the North-South Relationship?

Chair: *Julian Kinderlerer, Sheffield Institute of Biotechnological Law & Ethics, University of Sheffield, United Kingdom*

Presenters:

- *Richard Jefferson, Chairman, CAMBIA, Canberra, Australia (to be confirmed)*
- *Anthony Heher, Director, AFED-Associates for Economic Development, Cape Town, South Africa: Academic Technology Transfer – Fact or Fiction in Developing Countries?*
- *Joseph Straus, Director, Max Planck Institute for Intellectual Property, Competition and Tax Law, Munich, Germany: The Impact of GATT and TRIPS on Economic Development*
- *Hari Subramaniam, Subramaniam, Nataraj & Associates, New Delhi, India: Title to be advised*

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Afternoon Session

Managing Intellectual Property in University-Industry Technology Transfer

Chair: *Vladimir Glisin, Institute of Gene Biology, Belgrade, Serbia & Montenegro*

Presenters

- *Ahmed Azad, Melbourne, Australia: Making IP an integral part of the R&D, capacity development and commercialization process, with special reference to scientifically-lagging countries of the developing world*
- *Gregory Graff, Research Economist, PIPRA, University of California-Davis, USA: IP clearinghouse mechanism for academic IP in the life sciences*
- *Bowman Heiden, Deputy Director, Center for Intellectual Property, Göteborg, Sweden: Title to be advised*
- *Sarfaraz Niazi, CEO, Pharmaceutical Scientists, Deerfield, USA: Managing Industrial Property in University-Industry Technology Transfer*

Tuesday, 13 June 2006

Identifying the Joint Challenges and Opportunities

Morning Session

Claiming Intellectual Property in Early-stage Life Science Research

Chair: *Ananda Chakrabarty, Distinguished Professor, University of Illinois, Chicago, USA*

Presenters

- *Mike Adcock, University of Sheffield School of Law, UK: Title to be advised*
- *Sean Johnston, VP of Intellectual Property, Genentech, San Francisco, USA: Bioentrepreneurship: The Need to Claim IP for Value Creation (to be confirmed)*
- *Eliora Ron, Tel Aviv University, Tel Aviv, Israel: The Economics of Patenting of Life Science Inventions/Discoveries*

Afternoon Session

Building an Intellectual Infrastructure to Promote Economic Growth

Chair: *Cynthia Cannady, Director, Director, Intellectual Property Policy and New Technologies, WIPO, Geneva, Switzerland (to be confirmed)*

Presenters

- *Klaus Ammann, Director, Berne Botanical Gardens, Switzerland: Intellectual Property and the Control over Biodiversity and Traditional Knowledge*
- *Anna Brodowsky, IP Policy Manager, Novartis, Basel, Switzerland: CBD and Access and Benefit Sharing in Relation to IP Systems and the Views of the Pharma Industry*
- *Susan Finston, President, Finston Consulting Company, Washington D.C., USA: Intellectual Property and Related Factors Critical in an Enabling Environment for Technology Transfer and Development*
- *Julian Kinderlerer, Sheffield Institute of Biotechnological Law & Ethics, University of Sheffield, United Kingdom: Challenges Posed by a Lack of Legal Harmonization in IP and Life Science*
- *Ajan Reginald, Director of New Business Development, Hoffmann-La Roche, Basel, Switzerland: Impact of TRIPS on the Creation of and Access to Life Science Innovations*

Wednesday, 14 June 2006

Bridging Life Science and Law and Establishing a North-South Dialogue

Morning Session

A View from Developing Countries And Transition Economies

Chair: *Decio Ripandelli, Director, Administration and External Relations, ICGEB*

Presenters

- *Akshay Anand, Department of Neurology, Post Graduate Institute of Medical Education & Research, Chandigarh – India: IP generation and commercialization in Life Sciences in India: Recent trends and challenges*
- *Tomasz Twardowski, Institute of Bioorganic Chemistry, Posnan, Poland: Do we need North-South differentiation?*
- *Raimundo Ubieta Gómez, Head of IP Department, Centre for Genetic Engineering and Biotechnology, Havana, Cuba: Title to be advised*
- *Branka Vasiljevich, Institute of Gene Biology, Belgrade, Serbia and Montenegro: Patent vs. publish or perish*
- *Rodolfo Quintero Ramírez, UAM-Cuajimalpa, México D.F. : Open innovation: a new opportunity for biotechnology in Developing Countries*

Networking legal actors from North and South: IPR issues after the TRIPS

Agreement

Chair: *Amedeo Santosuosso, Court of Appeal of Milano (I) and University of Pavia (I)*

Presenters

- *Amedeo Santosuosso, Court of Appeal, Milano, I; University of Pavia, I: Is there a thread of consistency within the chaos of legal sources on IPR worldwide?*
- *Arianna Greco, Attorney, Senior partner and practice leader M+BIOLAW: From Dispersed Materials and Information to an International Archive of Sources: a Key Challenge*
- *Krishna Sarma, President, Corporate Law Group, New Delhi: A look at the Indian National Legal Framework on IPR after the TRIPS agreement (to be confirmed)*

Afternoon Session

Moot Court

Participants:

- *Marty Adelman, Professor, George Washington University, USA*
- *Justice Asok K. Ganguly, Chief Judge of the Calcutta High Court, India (to be confirmed)*
- *Mauro Giacca, Director, Trieste Component ICGEB, Trieste, Italy*
- *Sir Hugh Laddie, Chief Judge, UK Patent Court, United Kingdom*
- *Carlo Alberto Redi, Director, Laboratorio di Biologia dello Sviluppo – Università degli Studi di Pavia, Italy*
- *Eliora Ron, Tel Aviv University, Tel Aviv, Israel*
- *Amedeo Santosuosso, Judge, Court of Appeals of Milano, Italy*

Conclusions of the Conference

Ananda Chakrabarty Distinguished Professor, University of Illinois, Chicago, USA