

1W/721481(039)

by AK: 347.77/78

A Guide to Intellectual Property Issues in Access and Benefit-sharing Agreements



THE ABS
CAPACITY
DEVELOPMENT
INITIATIVE





WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

Table of contents

Foreword	4	3. Exploiting and managing IP rights	46
Figures and boxes	6	<i>Non-commercial ABS agreements</i>	46
Acronyms	7	<i>Commercial ABS agreements</i>	47
Executive summary	8	<i>Change of intent and/or transfer to third parties</i>	49
1. Introduction	10	<i>Ownership and licensing of IP rights</i>	50
<i>About this guide</i>	10	<i>Provisions for amicable settlement of disputes relating to IP rights in ABS agreements</i>	55
<i>Relevant international instruments</i>	13	4. Sector-specific IP issues	56
<i>Terminology used in this guide</i>	16	<i>Pharmaceuticals</i>	57
2. IP rights in the context of mutually agreed terms on ABS	22	<i>Industrial biotechnology</i>	65
<i>Initial considerations</i>	22	<i>Agriculture</i>	71
<i>Types of IP rights that can arise in the utilization of genetic resources</i>	26	<i>Cosmetics and personal care</i>	78
		<i>Food and beverages</i>	82
		5. Concluding summary	87