

# IPRs on life forms face resistance

**Ashok B Sharma**

**W**HILE the World Intellectual Property Organisation (WIPO) has taken up the agenda for harmonising patent laws across the globe, there is a growing resistance to the patenting of life forms. Many feel that a globally harmonised patent regime will be at the cost of national sovereignty of member countries.

The agreement on trade-related intellectual property rights (Trips) under WTO, which is now the basis for formulation of national laws, is under review since 1999.

Civil society organisations, which have long been opposing patents on life forms, have demanded that Trips should be subservient of the UN Convention on Biological Diversity (CBD) as the former is a later development.

Incidentally it is not only NGOs, but also some former proponents of a strong IPR regime that have become critical of the patent regime.

The US-based Pacific Research Institute now says that patent-based access and benefit sharing (ABS) of biological resources is "a long-run tax on biotechnological and pharmaceutical research and development investment."

India's former ambassador to Gatt and former commerce secretary, SP Shukla says, "Trips was not in the agenda for discussions in 1981-86 for formation of WTO. It was later pushed through by the US at the instance of multinational companies based in that country."

He says that India was reluctant to sign the Paris Convention, which is the mother of IPR regime, until a suitable amendment was accepted. India signed the Paris Convention in 1983 after it

was amended. But the benefits of the amendment was watered down with the introduction of Trips agreement, he says.

The Trips agreement has begun influencing national laws. India had to rush the third amendment to the Patent Act, 1970 in December 2004 for ushering in a product patent regime as part of its commitment.

BK Keayla, convenor of the National Working Group on Patent Law says, "The amendment to the Act could have been differed as Trips agree-

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ment is already under review. Trips agreement is not clear on patenting of micro-organisms. The government did not heed to many vital suggestions."

The amended law is likely to facilitate patenting of 'novel seeds', markers, genes and research tool kits, even though India has opted for *sui generis* system of protection for plant life.

Dr Vandana Shiva of Research Foundation for Science, Technology and Ecology recently hosted a policy dialogue on the issue.

She has given a call for nationwide protest by NGOs and farmers from August 9 to 15 against biopiracy, patenting of life forms and seed monopoly of corporates. ♦