Mechanisms for Protection of Agricultural Innovations in India

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ABSTRACT

The paper discusses various conventions/treaties/agreements affecting agriculture innovation systems, and the legal mechanisms existing in India for such innovations. It raises concerns on how the policy environment and governance is affecting the agriculture at large, and agri-based products in particular. It also discusses the role of various agencies including public, private and NGOs in India in protecting vast biodiversity and the measures they need to take to meet the challenges related to issue of IP protection related to agriculture in the country.

Keywords: Agriculture innovation, CBD, CITES, IPPC, TRIPS, UPOV, ITPGRFA

1. INTRODUCTION

Distinct paradigm shifts in agricultural systems are progressively reorienting mechanisms and mode of agricultural research and innovation systems all over the world including India. Encouraging results and broad commercial prospects are catalysing forces for new players including private sector to be part of this. However, the entry of new players and opening of markets in global arena has also brought new equations on owning of intellectual property (IP) and resultant difficulties in accessing inputs for research. The role of intellectual property rights (IPRs) in international trade, the global economy and international relation has grown considerably, especially since 1970s. IPR-protected products, technologies and services are major exports and rights manifesting in form of licenses to use the patented processes, products, designs, trademarks or copyrights. All these developments necessitated legal protection mechanisms to be in place.

Over the last few decades, several agreements at various international fora have been negotiated and adopted in order to enhance and better the livelihood, and to help the nations achieve the targets set in the millennium development goals. Some of these are of direct relevance to sustainable agriculture, enhanced trade and ensuring better environment. The agreements include Convention of Biological Diversity (CBD), 1992; Convention on Trade in Endangered Species (CITES), 1973; International Plant Protection Convention (IPPC), 1997; International Union for the Protection of Plant Varieties (UPOV), 1978 and 1991; Cartagena Protocol on Biosafety, 2000; Trade