

The Access, Use and Circulation of Biogenetic Resources: The Nagoya Protocol and Implementing Measures.

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Law Department
London School of Economics and Political Science

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Call for Abstracts

The Nagoya Protocol on Access and Benefit Sharing (2010) is a supplementary agreement under the Convention on Biological Diversity 1992 (CBD). The Protocol is a product of and subject to distributional justice concerns between developing and developed countries, but it also has the potential to transcend these. Using rules of access, benefit-sharing commitments and by imposing user obligations it controls the circulation of genetic resources, including traditional knowledge associated with such resources. It has the potential to facilitate the demand for and supply of ethical and legally obtained biogenetic material and information. This highly significant instrument however has been interpreted in divergent ways globally, leading to fears of blocking research and utilisation.

The protocol relies heavily on due diligence on the part of individual researcher-users working under diverse domestic legal regimes. In many jurisdictions there is no formal link between patent requirements and the new rules under the Protocol, yet the potential intersection of the two at the moment of commercialisation could have a long and ambiguous trail-back effect on the prospecting of genetic resources. The open question of digitised sequence information also threatens the existing consensus on compliance requirements. This symposium sets out a number of questions designed to critically evaluate the objectives, regulatory design, and enforcement of the Nagoya Protocol and other legislative measures that implement the Convention on Biological Diversity on the use and circulation of biogenetic resources and relevant traditional knowledge. The following questions are not exhaustive of the issues this two-day symposium will explore.

- What are the stated and implicit objectives of the CBD and how successfully do these map onto the compliance, user-obligations and enforcement design of the Nagoya Protocol. Is the Protocol a necessary supplement to sovereign property rights or better conceived of as a regulatory measure to spur bio-industry innovation.
- How do researcher-users in different country, and use contexts respond to compliance requirements, and how should the motivational postures they adopt influence enforcement structures in implementing measures such as EUR 511/2014.
- In what ways will the potential extension to digital sequence information and their derivatives, modify or further the stated objectives of the CBD? How would such an extension address bioinformatic data that is difficult to label or attribute due to the multiplicity or fluidity of sequence information

and their sources. Will compliance and user obligations attach to artificially generated sequence information.

- How will the uneven implementation of a formal link between patents and the Nagoya Protocol impact on the development of a market for legally obtained biogenetic resources and associated traditional knowledge. How does traditional knowledge associated with the use of biogenetic resources traverse the different intellectual property regimes of patents, geographical indication, local laws on the protection of traditional knowledge and the Nagoya Protocol.

The discussions will be guided by keynote provocations one of which will be given by Prof Margo Bagley, Emory University School of Law and member of the CBD's Ad Hoc Technical Expert Group on Digital Sequence Information on Genetic Resources.

Limited funding may be available for PhD students. Apply with a short outline of your work and information on how the symposium relates to your own doctoral research. Those wishing to present their work should send a 300 word abstract by May 20th to Dr Siva Thambisetty <s.thambisetty@lse.ac.uk>

To register your interest in attending the Symposium email Law.Events@lse.ac.uk