



Intervention on Access, Legal Certainty and Generation of Benefits (Scope)
(Day 3 PM)

The ABIA, with the full support of the industry delegation to ABS WG -6, would like to make the following statement:

The ABIA-BIO-CLI joint industry side event held on Monday, January 21, provided insights into best practices to promote bio-pharmaceutical and agricultural innovation in developing countries.

On-the-ground experiences from India and Brazil relayed at the side-event underscored the importance of non-discriminatory access and legal certainty through clear property rights, including full patent rights, to enable genetic resource innovation.

Discriminatory access regimes have unquestionably reduced access, severely curtailed use of genetic resources and, consequently, limited the creation of innovative products. This has, in turn, hindered the generation of benefits from utilization of genetic resources. Legal certainty is only possible with agreed definition of terms, and by limiting the regime to the terms of the Convention.

In support of these outcomes, ABIA Members came to consensus in advance of this meeting on ABS Negotiating Principles, available on the ABIA website, which include principles of transparency, non-discrimination, and legal certainty. Further, we believe that all of the tools of the regime should be held to a reality-test, i.e., proven to have generated meaningful benefits in real world contexts.

By facilitating access on a non-discriminatory basis, providing full intellectual property protection, and listening to Genetic Resource innovators and industry practitioners, the ABS WG, will be most likely to develop outcomes that may result in real world benefits for all stakeholders.