



**THE BIOTECHNOLOGY  
INDUSTRY ORGANIZATION  
AND THE  
AMERICAN BIOINDUSTRY  
ALLIANCE**



**CREATING AN ENABLING ENVIRONMENT FOR ACCESS AND  
BENEFIT SHARING**

**Intercontinental Hotel**  
7-9 Chemin du Petit-Saconnex  
1211 Geneva 19, Switzerland  
**14 March 2006**  
18h30 – 21h30

**Program**

The biotechnology industry is committed to the equitable sharing of benefits related to the development of new products based on genetic resources and relevant traditional knowledge. New mandatory patent disclosure requirements intended to promote benefit sharing may actually have the opposite effect. By creating a high degree of uncertainty over the patent rights needed to commercialize innovative ideas, additional disclosure obligations pose a significant commercial threat to biotech companies and may chill investment in biotechnology in the developing world. BIO and ABIA member companies strongly oppose the unauthorized removal of genetic resources from their rightful owners and support front-loaded benefit sharing through contractual arrangements. BIO and ABIA member companies also are committed to the Bonn Guidelines and other national and international ABS disciplines.

BIO and ABIA have designed a program to provide delegates to the TRIPS Council with the views of industry on the consequences of new mandatory disclosure requirements.

***18h30—Introductions and Welcome***

*Jacques Gorlin, ABIA President, and Lila Feisee, Director for Intellectual Property, BIO*

***18h40—Program Overview***

*Jacques Gorlin*

***18h50—Successful Collaborations Between Biotechnology Companies and Developing Countries***

*Dr. Lene Lange, Professor, Science Director, Novozymes and Dr. Tanticharoen Morakot, Director, National Center for Genetic and Biotechnology (BIOTEC) Thailand*

Most biotechnology companies are not involved in bioprospecting and/or natural product development. Those that are engaged in such activities, however, strictly adhere to the Bonn Guidelines. Lessons can be learned from the successful collaborations that some biotechnology companies have had with developing countries. Drs. Lange and Morakot will present real life, practical examples of existing collaborations and the challenges experienced by the collaborating parties under existing systems.

***19h20—The Impact of Additional Patent Disclosure Requirements on Biotechnology Investment***

*Mr. Ian Harvey, Chairman of the Board, Intellectual Property Institute, London*

Biotechnology companies, particularly small ones, depend heavily on outside investment and the financial resources provided by venture capitalists. Very often, the only asset that these start-up companies have is their intellectual property. Additional mandatory disclosure requirements will frustrate the ability of these start-ups to raise the necessary capital, particularly in the developing world, by adding another layer of uncertainty to an already uncertain venture. Mr. Harvey will present a venture capitalist's perspective on the impact that special patent disclosure requirements will have on investment in biotechnology R&D.

***19h40—The Unintended Consequences of New Mandatory Patent Disclosure Requirements on Biotechnology Innovation and Product Development***

*Dr. Lin Sun-Hoffman, Patent Counsel, Celera Genomics*

Biotechnology research and development is, by its very nature, a risky endeavor. It can take years and hundreds of millions of dollars for a company to develop a biotechnology crop, pharmaceutical or enzyme. Any added uncertainty in the R&D process for these products either in patent protection, regulation or reimbursement increases the risk for such investments. A company wishing to comply with disclosure requirements contained in the current proposals made by developing countries runs the risk of not be assured that it has fully complied with the terms of the obligation. Current disclosure proposals would cast a cloud on patent validity, increasing the opportunity for litigation in related cases. Faced with such additional uncertainty, biotech companies are likely to invest their resources elsewhere rather than in genetic resources from abroad. Dr. Sun-Hoffman will provide a research-based company's perspective on the impact of patent disclosure requirements on their R&D efforts.

***20h00—Discussion***

***20h20—Concluding Remarks***

*Lila Feisee*

***20h30—Continued Discussion over a Buffet Dinner***