

technology & innovation
education
trade
culture
tourism
sustainable development
employment
social development
science

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social development
trade
employment



Organización de los Estados Americanos



ENVIRONMENTAL DIMENSIONS OF INTERNATIONAL TRADE

Intellectual Property Rights

Trade and Environment Summer Session

June 2014

Washington College of Law

American University



Key Topics IP and Environment

- International Trade on Intangibles
- Patents
 - TRIPS Art. 27 (3)(b)
- Biodiversity Convention
- Access to Genetic Resources
- Traditional Knowledge
- Bio-piracy
- International Fora

SI TÚ NO DARME PATENTES, TU ESPÁRRAGO MORIR





- **Trends**
- High growth of goods and services with high intangible value as a percentage of international trade
- Product niches and high consumer standards
- Our Products and Services? Place in the value chain?



- Mechanism to capture the intangible value and transform it in tangible economic advantages.
- Capacity to distinguish and differentiate, control the value chain, negotiate better terms and conditions, market access, strategic information, get closer to the consumer and the retail price

Capturing the Value



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I-Phone

Retail Price: US\$699

US\$199 with service
contract

Income to China: US\$25

Margin for Apple: 25%

Nike Mercurial Vapor Superfly II FG

Retail Nike US\$400

Income to China: US

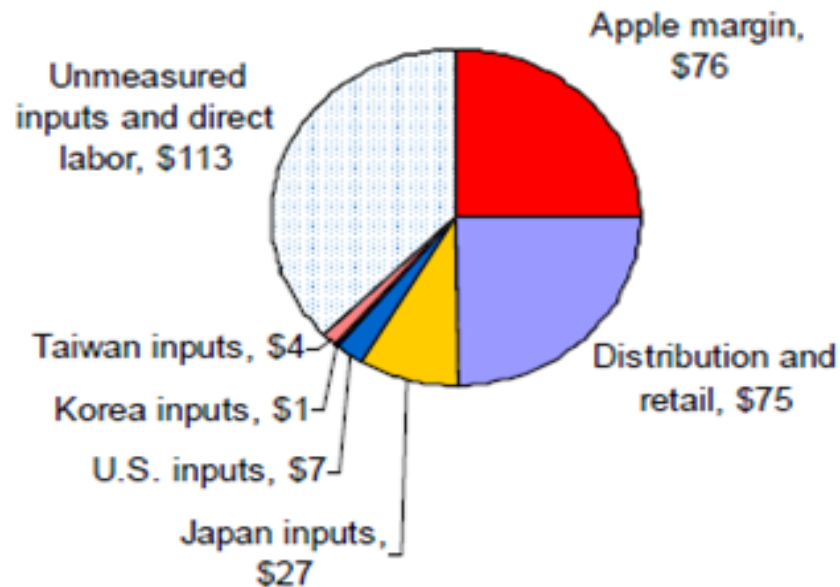
\$4 cents

Source: ACM University of California/ Wash.
Post/



Distribution of value capture: iPod

Value capture for \$299 iPod



Source: Kenneth L. Kraemer,
Jason Dedrick, Greg Linden
Personal Computing Industry
Center
University of California, Irvine



- Producers rely on commodities, establishing new processing or manufacturing or processing plants
- Intangible Value in products is captured in the importing country (distributors and retailers) and not in the country of origin
- Intense Competition between developing countries for a SMALL and SHRINKING value of products
- Producers receive commodity prices not sufficient to improve living conditions

Distinctive Products

- Biodiversity, creativity, culture
- Improve ability to generate income
- Move beyond the gate and the border, closer to consumers
- Move up the product chain to control intangible value of products and services through IP and business strategies
- Own, control, manage the intangible value
- Empower with information, bargaining power, engage more equally with international buying partners

Domain Names



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mazon.com - Unline 3h...
MOTHER NATURE BEATS OUT AMAZON IN BID FOR ".AMAZON" DOMAIN



Amazon Loses Bid for ".Amazon" Domain Name

By Alison Griswold



.patagonia



Investment



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- Just one way to promote innovation, connect research to market
- IP is a means to appropriate, negotiate and monetize knowledge and intangible assets
- Many factors play a role, including:
 - **Strong Research Base**
 - **Legal and Policy Framework**
 - **Culture of Innovation**
 - **Tech Transfer Infrastructure**
 - **Business Development Network**
 - **Prof. Alan Bennett, PIPRA-UC DAVIS**

SweeTango



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Minneiska Patent



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(12) **United States Plant Patent**
Bedford et al.

(10) **Patent No.:** **US PP18,812 P3**
(45) **Date of Patent:** **May 13, 2008**

(54) **APPLE TREE NAMED 'MINNEISKA'**

(50) Latin Name: *Malus domestica*
Varietal Denomination: **Minneiska**

(75) Inventors: **David S. Bedford**, New Gemany, MN
(US); **James J. Luby**, St. Paul, MN
(US)

(73) Assignee: **Regents of the University of
Minnesota**, Minneapolis, MN (US)

(*) Notice: Subject to any disclaimer, the term of this
patent is extended or adjusted under 35
U.S.C. 154(b) by 40 days.

(21) Appl. No.: **11/580,467**

(22) Filed: **Oct. 13, 2006**

(65) **Prior Publication Data**

US 2007/0089206 P1 Apr. 19, 2007

Related U.S. Application Data

(60) Provisional application No. 60/726,438, filed on Oct. 13,
2005.

(51) **Int. Cl.**
A01H 5/00 (2006.01)

(52) **U.S. Cl.** **Plt./161**

(58) **Field of Classification Search** **Plt./161**
See application file for complete search history.

(56) **References Cited**

U.S. PATENT DOCUMENTS

PP2,800 P *	3/1968	Arends	Plt./161
PP7,197 P *	3/1990	Luby et al.	Plt./161
PP11,367 P *	4/2000	Luby et al.	Plt./161
2007/0089206 P1 *	4/2007	Bedford et al.	Plt./161

* cited by examiner

Primary Examiner—Wendy C. Haas

(74) *Attorney, Agent, or Firm*—Penny J. Aguirre

(57) **ABSTRACT**

A new cultivar of apple tree, 'Minneiska' that is character-
ized by having fruit with an early ripening season, a crisp
and juicy texture and slightly tart but well-balanced flavor.
The fruit of 'Minneiska' has an unusually long storage life
for an early ripening variety and can be stored for 3 to 4
months with little change in texture or flavor.

3 Drawing Sheets

How about Latin America and the Caribbean?



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LUCIEN BIOTECHNOLOGIES



« Anterior Siguiete »

SUSTANCIAS NATURALES QUE MEJORAN LA CALIDAD DE LA FRUTA.
ÁLVARO OLIVERA, ANDRES LESCHOT Y FELIPE CAMPOSANO

Hacia la fruta perfecta

Empezó como una conversación entre amigos y terminó como una cuyos componentes fueron aprobados para el consumo humano por la exigente

LUCIEN BIOTECHNOLOGIES Helping nature to improve life

BIENVENIDA | ACERCA DE | TECNOLOGIA | I+D | FLAVONOIDES | LINKS

GOLPE DE SOL

El golpe de sol es un tipo de daño superficial producido sobre la manzana, la pera, el membrillo y otras frutas, causado por la radiación solar. En la etapa inicial, el daño se observa como una capa ligeramente acorchada, decoloración dorada o bronceada, y otros daños del tejido epidérmico sobre la superficie expuesta al sol. El daño ocurre principalmente en las capas superficiales y sub-superficiales.

Basándose en la causa, se ha propuesto dos tipos principales de daños por golpe de sol. El primero es la "necrosis por golpe de sol", que es una necrosis de las células epidérmicas y sub-epidérmicas causado por calor. Este fenómeno produce una mancha en el lado iluminado del fruto. El segundo tipo es el "pardeor por golpe de sol", que provoca manchas



Coconut Water



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international

The Conference Board of Canada
Insights You Can Count On



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Government Partners / Socios Gubernamentales:



DLA Piper Agricultural Intellectual Property Audit Team

Team Leaders: Lisa Haile, Pamela Bechtel

Team Members: Tiffany Nichols, Eduardo Blanco, Kristen Abrams,
Matthew Hierholzer, Brian Biggs, Edward Sikorski

Enhancing Opportunities in the Canadian Market for
Innovative High-Value Colombian Agricultural Products

Agricultural Intellectual Property Audit for Colombia Report

January 2013

Project Managers:



PUBLIC INTEREST
INTELLECTUAL PROPERTY
ADVISORS



Centro Internacional de Agricultura Tropical
International Center for Tropical Agriculture
Consultative Group on International Agricultural Research



Agricultural Intellectual Property Audit for Colombia Report

Overall, international applicants seek the majority of agricultural IP protection. Very few Colombian entities seek IP protection for agricultural products or related methodologies. However, this is not confined to just the agricultural sector. Across the board, international applicants dominate those seeking IP protection in Colombia. From the research and interviews conducted for this project, the abundant level of agricultural research being performed in Colombia that would have an economic impact on the world markets is evident and clear. However, there are several obstacles or deterrents faced by Colombian entities in obtaining IP protection. These obstacles are culturally related as well as due to lack of knowledge, experience, and enforcement.



Agricultural Intellectual Property Audit for Colombia Report

January 2013

Culture

Colombia does not have a concrete or cohesive culture in the agricultural sector for seeking IP protection or using IP as leverage to generate income. Most individuals and institutions are focused on research that directly relates to Colombia, such as developing methods to battle plant-based diseases only occurring in Colombia, and do not focus on potential commercial opportunities outside of Colombia for developed methods and technologies. Most of the scientists and researchers prefer and are encouraged to publish rather than pursue IP protection prior to publication.

Further, there also seems to be a perception that IP protection is very expensive to procure as well as time consuming and confusing. In addition, many farmers and growers have had their methods misappropriated under the guise of providing IP protection, particularly in technologies that are related to traditional knowledge.



Agricultural Intellectual Property Audit for Colombia Report

Lack of Knowledge

In general, most researchers and entities are aware of basic forms of IP protection (i.e. patents, trademarks, copyright and trade secret), but lack concrete knowledge of the rights conveyed by these forms of IP protection as well as the procedures for obtaining such protection. In addition, most researchers and entities have misconceptions about the fees involved in obtaining IP protection. Further, most researchers are not concerned about existing IP in their areas of research except for those areas which are applicable for Colombian agricultural problems and are described in patents that are about to expire. Additionally, many of the researchers either did not know if there were IP restrictions in funding agreements or were unsure what the restrictions were.



Elements of regional innovation agendas

- 1) Incentives
- 2) Clear Rules
- 3) Colaboration
- 4) Benchmarks and Indicators to measure results
- 5) Diversify opportunities and risks
- 6) Strategy to prioritize objectives
- 7) Capacity to manage IP and Tech Transfer

VISION + STRATEGY

INNOVATION + COMPETITIVENESS



Cesar Parga

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