

Exploration of access and benefit sharing models: The common domain model.

Marcel Jaspars

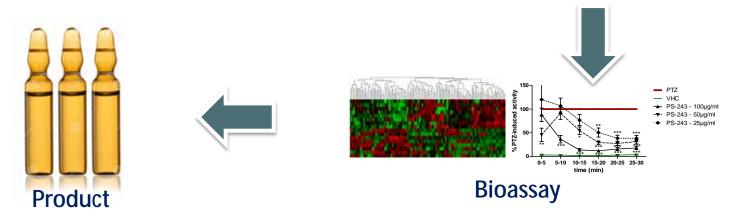
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Biodiscovery from BBNJ





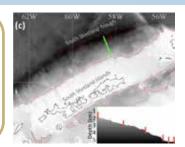
Elements of good practice already exist at all stages of the marine biodiscovery pipeline



Notification & Reporting Requirements

Application

Cruise plan



 Starts with marine scientific research

Feasibility

Checks



Where to report data?

- Nagoya Protocol clearing-house
- New clearing house linked to NP
- A new international organisation

After Cruise

Award

Cruise report

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NP already requires evidence that collection did not come from area under national jurisdiction



Benefit Sharing

- Must be multilateral compared to bilateral for Nagoya Protocol
- In most cases most important benefits from use of MGR are nonmonetary.
- Non-monetary benefits may include:
 - Scientific exchanges/training
 - Technology transfer
 - Capacity building (infrastructure)
 - Enhanced reputation
 - Increased number/quality of scientific publications
 - Biodiversity conservation
 - Valuable regional resources developed (knowledge, samples, data)
- Non-monetary benefits still cost money however they are upfront compared to royalties

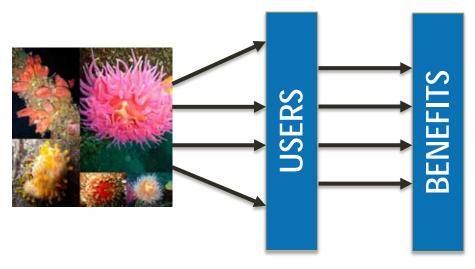


Benefit Sharing

- Multilateral NOT Bilateral
- Most important benefits are non-monetary.

Public domain approach





- Low cost
- Benefits will accrue where MGR are used
- All should be able to benefit from research, development and commercialisation on MGR from ABNJ
- Requires capacity building to ensure fairness
- This approach will lead to greater innovation, transparency and openness



IUCN Matrix: Public Domain

- Create a multilateral/pool system based on the public domain approach facilitating international access to and scientific research on MGR from ABNJ as well as associated raw data
- Fair and equitable sharing of non-monetary benefits, in particular by putting samples of MGR collected in ABNJ as well as associated data in the public domain as soon as possible (use embargo period)
- Share further non-monetary benefits by facilitating international collaboration, technology transfer and capacitybuilding
- Fair and equitable sharing of monetary benefits in case of commercialisation



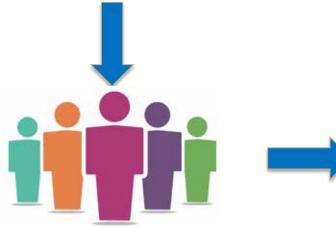
The Idea



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MGR samples

and raw data



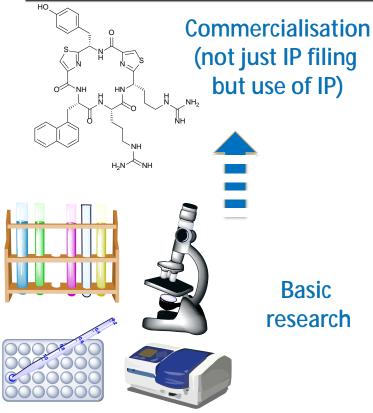
Share samples and data

(12) INTERNATIONAL APPLICATION PUBLISHED UNDER THE PATENT COOPERATION TREATY (PCT)

(19) World Intellectual Property Organization International Bureau



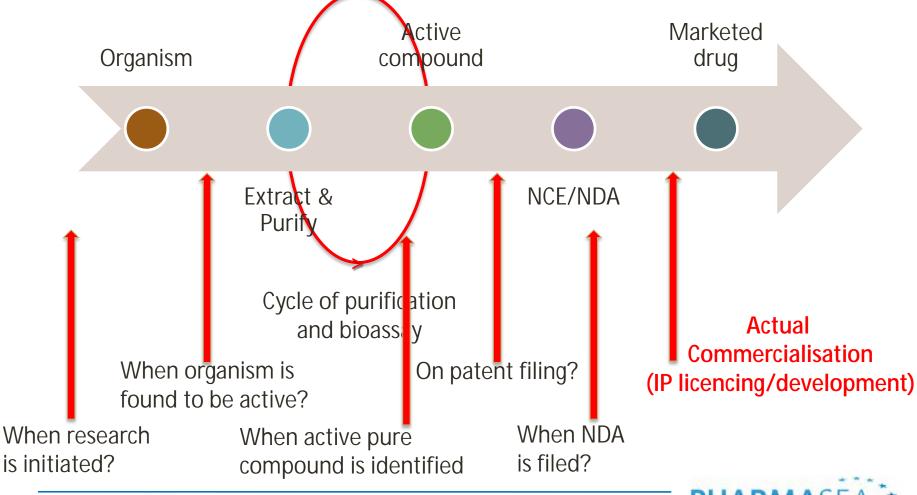
(43) International Publication Date 13 September 2007 (13.09.2007) (10) International Publication Number WO 2007/103739 A2





Commercialisation

Where is the transition from basic research to research with commercial intent? (when does actual value become apparent?)





















































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