

# Intellectual Property Issues Associated with Genetic Resources and Natural Product Development

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Research universities fulfill multiple roles in the innovation ecosystem. While they operate primarily in the early stages of discovery and innovation, universities are in the distinctive positions of collecting unique materials and data, bringing materials into the laboratory for further study, sharing research data and efforts with other researchers within the research laboratory and across borders in other countries, developing new discoveries that may eventually alleviate societal maladies, as well as transferring these discoveries to industrial partners who can bring them to market for the public benefit. In the course of fulfilling these roles, the university enters into research and license agreements that define the myriad relationships with the broad range of partners involved, from research sponsors, material providers, research collaborators and commercial licensees. Careful attention must be paid in particular to the intellectual property terms of the individual agreements as they often interrelate with one another.

Access to unique genetic resources provides an incentive for universities to conduct research and learn more about the basic properties of the material. Intellectual property rights provide an incentive for industry to invest the effort and resources into the lengthy and risky process of developing a healthcare product in the rare event of such a discovery. During the collection process, universities must respect and balance the needs and desires of the material provider remaining mindful of potential future applications of the material that are noted during the discovery process. However, high level discussions in the international arena may significantly impact the university's ability to forge these various relationships for a particular material or product.

This presentation will explore the multiple roles of the research university and the delicate balance of obtaining access to genetic resources and sharing benefits with the source community, while maintaining an incentive for potential commercial development of a healthcare product that can be utilized by the general public. Such arrangements could benefit developing countries as material providers as well as society which otherwise may not have had access to the material and the creation of new knowledge. Examples of benefit sharing arrangements with Pacific Rim countries will be discussed.