



public intellectual property resource for agriculture

Enabling access to agricultural intellectual property for public benefit.

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Issue 1

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**PIPRA (The Public Intellectual Property Resource for Agriculture) is an organization committed to the strategic management of intellectual property owned by universities and not-for-profit research institutions, encouraging the broadest applications of existing and emerging agricultural technologies for the development of subsistence crops for developing countries and specialty crops in developed countries.**

[www.pipra.org](http://www.pipra.org)

## PIPRA Expands to 27 Members

Membership in PIPRA has expanded to 27 universities and not-for-profit research institutions in the US and abroad (for a full list of current members, see page 4).

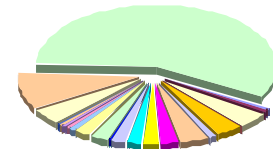
This year PIPRA extended its membership base to include international organizations. Two Consultative Group on International Agricultural Research (CGIAR) centers joined (**CIMMYT** in Mexico and **IRRI** in the Philippines). PIPRA and the CGIAR have many common goals and the potential for productive collaborations. PIPRA's third new international member is **Fundación Chile**, a not-for-profit institute working to develop applied research and innovations to improve the Chilean economy. We look forward to welcoming other new members from the global community.

PIPRA's **24 U.S. members** (for a full list of current members, see page 4) continue to work with PIPRA staff on the submission of licensing data for

the common ag-IP database. Their cooperative efforts to unify the fragmented portfolio of public sector agricultural IP are resulting in an increasingly robust PIPRA database that now contains over 4500 of our members' patents and patent applications.

Based on a comparison with the USDA's agricultural biotechnology patent database, our current members' IP accounts for 43% of the US public sector ag-biotech portfolio.

US Public Sector Portfolio



PIPRA Portfolio

**PIPRA Ag IP Portfolio Represents 43% of Public Sector**

## PIPRA IP Database Opens to Member Institutions

PIPRA's IP database was released this month to member institutions. More than 4500 agriculture-related patents and patent applications owned by members can now be easily accessed through an on-line interface. Once members provide feedback on the design and performance of the interface, we will make the portfolio publicly available, linked through the PIPRA website.

Public access will allow keyword searches of the portfolio over 26 biblio-

graphic fields, views of the full text of patents, details about licensing information, links directly to the managing technology transfer office, and the ability to download PDFs.

In addition, **M-CAM Inc.** ([www.m-cam.com](http://www.m-cam.com)) has engineered member-level accessibility to their analytical tools. For any patent in the PIPRA portfolio, members can use M-CAM's linguistic analysis algorithms to find patents that are technically-related to PIPRA portfolio's patents.

These software tools are state-of-the-art in the patent analysis industry, providing a sophisticated alternative to the usual keyword searches. While the PIPRA staff uses these tools for freedom-to-operate analyses, we anticipate members will find them useful to identify potential licensees and partners.

## Enabling Technology FTO Update

Choosing which materials and tools to use in the lab is an important juncture where increased knowledge about IP can help avoid later proprietary claims to innovations. PIPRA assists researchers by providing information about the ownership and availability of commonly used technologies, areas that can require the complex analysis of patent claims. In addition, PIPRA is working to create and disseminate a set of tools intended to provide researchers with maximum freedom from third party intellectual property claims on their work.

With the help of pro-bono services from law firms and institutions we have made progress over the past year in identifying technologies with maximum FTO. Our research indicates that the Figwort Mosaic Virus 34S (FMV34S) provides a good alternative, both legally and technically, to the widely-used Cauliflower Mosaic Virus (CaMV35S). We also investigated a fruit-specific promoter from the tomato E8 gene, previously used for plant bio and pharmaceutical engineering. We have concluded that, with minor exceptions to its use, this promoter is in the public domain. In addition, background FTO infor-

mation has been completed for other constitutive and tissue-specific promoters, including the differentially expressed promoters corresponding to Rubisco genes from various plants; seed-specific regulatory elements from the cruciferin gene and a naturally occurring G-box element; and a root-specific transcription activator.

In response to inquiries about the selection of transgenic plant cells, an ongoing analysis on the broad patents claiming antibiotic selection of plant cells reveals that US patent 6174724 is expected to expire in 2008. In the United States, this dominating patent limits the use of antibiotic genes for plant transformation. PIPRA's portfolio contains other potential alternatives useful for selection of transgenic plant cells.

PIPRA will continue to expand its research into FTO background information, providing reports on specific technologies most often requested by its member institutions. Please contact our offices for comments, additional information, and suggestions for future FTO targets.

***The system of IPRs must balance the need to provide incentives for innovation against the need of poor countries to get the results of innovation.***

**—Jeffrey Sachs**

## Humanitarian Use Reservation of Rights Licensing Language

PIPRA has developed licensing language for a humanitarian use reservation of rights. The language reserves non-exclusive rights for the use of an invention or germplasm for research and development purposes by any not-for-profit organization anywhere in the world that has the express purpose of developing plant materials and varieties for use in a developing country, *and* the use of an invention or germplasm for commercial purposes, including the use and production of germplasm, seed, propagation materials and crops for human or animal consumption,

in a developing country. The full licensing language can be accessed on-line via the PIPRA website.

In 2004, PIPRA consulted with IP attorneys to discuss legal issues related to the use of this licensing language by our members' technology transfer offices. Several models of humanitarian use language are being developed and promoted by different institutions. PIPRA is currently developing materials to promote the use of the language in member institutions. Our staff is available to discuss PIPRA's re-

search in this area and assist with specific inquiries.

## African Agricultural Technology Foundation & PIPRA Collaborate

The African Agricultural Technology Foundation (AATF) and PIPRA are entering into a cooperative agreement to broaden research programs and technology transfer aimed at increasing food security and reducing poverty in sub-Saharan Africa. This commitment reflects PIPRA's priority to support agricultural systems of developing countries.

AATF, a not-for-profit foundation in Nairobi, Kenya facilitates public-private partnerships for the access and delivery of appropriate technologies to resource-poor smallholder farmers in sub-

Saharan Africa. The AATF acquires technologies through royalty free licenses or agreements along with associated materials and know-how for use on behalf of Africa's farmers. PIPRA will contribute to AATF's research platforms by searching its comprehensive ag-IP portfolio to identify potentially useful technologies, assisting in FTO research, facilitating technology transfer, and developing joint activities.

[www.aftechfound.org](http://www.aftechfound.org)



PIPRA participated in the African Programme for Health Innovation held in Tanzania in May 2005

## The Center for Management of IP in Health (MIHR) & PIPRA Combine Approaches

[The Centre for the Management of IP in Health R&D \(MIHR \[www.mihr.org\]\(http://www.mihr.org\)\)](http://www.mihr.org) and PIPRA have common goals to facilitate the management of IP so that new and improved products can become more readily available to the poor in developing countries and to promote coordination and synergy in R&D. The approaches adopted by MIHR and PIPRA are complementary and reflect relative priorities established by each organization in the health and agriculture arenas, respectively. In 2003, MIHR published a [Handbook of Best Practices for Management of Intellectual Property in Health Research and Development](#) which seeks to raise awareness and develop expertise in licensing transactions for health research. PIPRA and MIHR are joining forces to create

a much-expanded, new edition of the handbook that includes both health and agriculture. The handbook chapters will be written by leading experts in a wide variety of fields. The project is expected to be completed in 2006.

PIPRA and MIHR are currently collaborating in the area of identifying how the services that PIPRA has developed can best address developing country IP needs. Recognizing MIHR's strengths in organizing workshops designed to build IP and technology transfer capacity related to health research in developing countries, PIPRA participated this spring in the African Programme for Health Innovation (APHI) in Dar es Salaam, Tanzania. Building upon MIHR's experiences is instrumental as PIPRA develops service platforms aimed at

developing countries. The overall continuing goal of APHI, supported by MIHR and the [Medical Research Council of South Africa \(MRC\)](#), is to deliver IP management and technology transfer skills within research and professional health institutions in sub-Saharan Africa. MIHR and PIPRA will collaborate in two future workshops (East Asia and Latin America), broadening the agenda to include agriculture. The workshops and preceding intensive IP needs assessments provide important information as PIPRA creates service platforms targeted to the needs of developing countries.

***"Science knows no country, because knowledge belongs to humanity, and is the torch which illuminates the world."***

**Louis Pasteur (1822-1895)**



## New Affiliations Provide Greater Research Capacity

PIPRA collaborates with IP law schools to expand our legal research capacity. In a pilot program, Washington University School of Law's Intellectual Property and Business Formation Clinic (<http://law.wustl.edu/IPTech/>), managed by Charles R. McManis, Scott Kieff, and David Deal, completed in depth background research to examine whether enabling tools (promoters) are in the public domain. This research provides the background for PIPRA's requests for claims analysis from IP attorneys and furthers our investigation into the FTO of commonly-used enabling technologies. PIPRA and Washington University have plans to continue the collaborative FTO research and explore other synergies. New developments at The Franklin Pierce Law Center (FPLC, <http://www.piercelaw.edu/>) will form the basis for continued collaboration with PIPRA. FPLC has approved plans to establish an International Development Intellectual Property Clinical Program (IDIP

Clinic), headed by Professor Peter Wright, Professor Karen Hersey and Dr. Stanley P. Kowalski. This will be a hands-on, practical educational program, dedicated to advancing awareness, understanding and practice of IP and legal acumen pertaining to the transfer of ag-biotech and pharmaceutical applications from industrialized to developing countries. Program development and implementation. A potential long-term program goal is to build institutional capacity in specific developing country technology-transfer offices. By partnering with institutions in developing countries, the PIPRA/FPLC initiative will forge a long-term relationship in cooperative IP legal education and training, so as to support sustainable ag-biotech transfer, development, innovation and utilization. This will ultimately contribute to the establishment of fully functional, independent technology-transfer/IP management offices in several regions in the developing world.

## PIPRA Member Institutions

1. Arizona Technology Enterprises LLC (Arizona State University's technology transfer company)
2. Boyce Thompson Institute for Plant Research
3. Cornell University
4. CIMMYT, International Maize and Wheat Improvement Center, Mexico
5. Donald Danforth Plant Science Center
6. Fundación Chile
7. Iowa State University
8. IRRI, International Rice Research Institute, Philippines
9. Kansas State University
10. Michigan State University
11. North Carolina State University
12. Purdue University
13. Salk Institute for Biological Studies
14. The Samuel Roberts Noble Foundation
15. The State University of New Jersey, Rutgers
16. University of Arizona
17. University of Arkansas – Division of Agriculture
18. University of California, Davis
19. University of California, Berkeley
20. University of Florida
21. University of Georgia Research Foundation
22. University of Kentucky
23. University of Idaho
24. University of Missouri-Columbia
25. Virginia Tech, Virginia Polytechnic Institute and State University College of Agriculture and Life Sciences
26. Washington State University
27. Wisconsin Alumni Research Foundation

**We welcome the participation of non-profit universities, research institutes, and organizations that endorse PIPRA's mission. Please contact PIPRA to inquire about , membership information and how to participate with PIPRA.**

## Save the Date! 2006 PIPRA Membership Meeting

**Orlando, FL March 1st 2006**

Make plans to attend PIPRA's 2006 Annual Membership meeting! **Co-Hosted by PIPRA and the University of Florida**, the 2006 meeting will be held in sunny **Orlando, Florida on Wednesday March 1st**. This annual gathering is a forum for representatives from member and affiliated institutions to discuss PIPRA's progress, governance, and activities, set future priorities, and explore opportunities to fulfill the organization's mission. In addition, this yearly event provides an opportunity for technology transfer officers, researchers, lawyers, and intellectual property leaders, to share their ideas on how to continue building a stronger and more effective PIPRA. PIPRA's 2006 Annual Membership meeting has been conveniently scheduled to coincide with the 2006 AUTM Annual Meeting held at Disney's Yacht & Beach Club Resorts, Orlando, FL, on March 2 -4, 2006 ([www.autm.net](http://www.autm.net)).

Details for PIPRA's 2006 meeting will be available soon. In the meantime please contact PIPRA offices if you have immediate questions or suggestions.



**PIPRA's first annual meeting held on the campus of the University of California, Berkeley, in January 2005**

## 2005-6 Executive Committee

On behalf of PIPRA and its members, we thank **Bryan Renk** and **Randy Woodson** for supporting PIPRA by serving on the executive committee until 2005. Following petitions for Executive Committee nominations, we welcome our new executive committee members, Gerard Barry, John Byatt, Carlos Fernandez, and Irvin Mettler, who are starting a 2 year term in July 2006. We appreciate the continued leadership of Lisa Lorenzen, Henry Lowendorf, and Karel Schubert, who will serve through July 1, 2006.

### Executive Committee Members:

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### Previous Executive Committe Members

Bryan Renk

Randy Woodson

## PIPRA Headquarters, Staff and Contact Information

In 2004, a request for proposals was distributed to host PIPRA and the University of California Davis was selected as its headquarters. The campus provides office and laboratory space, accounting, IT, and human resources support, start-up funds, and support for Alan Bennett, its founding Executive Director.

PIPRA's staff includes:

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