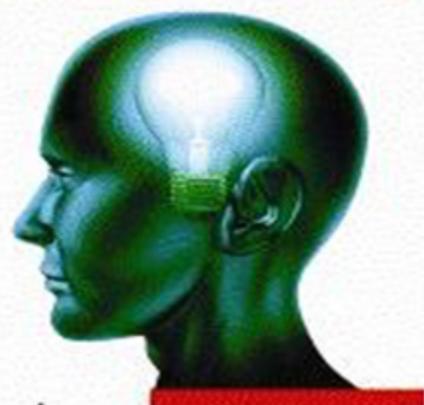


Agribusiness and Intellectual Property Rights

S. C. Gaur



Patent

Copyright

Utility
Model /
Design

Trade
Secretes

Trade
Mark

Plant
Breeders
Right

Geographical
Indication



AGRIBUSINESS
AND
INTELLECTUAL
PROPERTY RIGHTS

AGRIBUSINESS AND INTELLECTUAL PROPERTY RIGHTS

S. C. GAUR



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Preface

A business that earns most or all of its revenues from agriculture. An agribusiness tends to be a large-scale business operation and may dabble in farming, processing and manufacturing and/or the packaging and distribution of products. Within the agriculture industry, *agribusiness* is used simply as a portmanteau of agriculture and business, referring to the range of activities and disciplines encompassed by modern food production. There are academic degrees in and departments of agribusiness, agribusiness trade associations, agribusiness publications, and so forth, worldwide. In this context the term is only descriptive, and is synonymous in the broadest sense with food industry. The UN's Food and Agriculture Organization (FAO), for example, operates a section devoted to Agribusiness Development which seeks to promote food industry growth in developing nations.

Intellectual property rights (IPRs) can be broadly defined as legal rights established over creative or inventive ideas. Such legal rights generally allow right holders to exclude the unauthorized commercial use of their creations/inventions by third persons. The rationale for the establishment of a legal framework on IPRs is that it is a signal to society that creative and inventive ideas will be rewarded. This does not mean that there is no other way of rewarding such ideas or that this system is absolutely necessary, even less sufficient, to reward inventiveness or creativity. Nevertheless, it would be difficult to deny that IPRs do have a role to play in setting up of any such reward system. There are two broad categories of IPRs: one, industrial property covering

IPRs such as patents, trademarks, geographical indications and industrial designs; two, copyright and related rights covering artistic and literary works, performances, broadcasts and the like. IPRs that do not fit into this classical division are termed *sui generis*, meaning one-of-its-kind. Such *sui generis* rights include those covering lay-out designs of semi conductor chips and plant breeders' rights.

Therefore the knowledge of IPR helps you in the following areas: (1) Trade Mark related matters, (2) Industrial Designs, (3) Patents and (4) Copyright of the agricultural products.

The role of intellectual property rights has become a key issue in agricultural and resource economics over the past two decades. The changes in biotechnology and intellectual property protection that have occurred since 1980 make private enterprise possible for the first time in many broad research areas in agriculture and the health sciences. Furthermore, universities, cooperatives and other public and non-profit institutions now have the option of licensing or selling research outputs in this area, rather than giving their results away for free. As the scope and power of IPRs in biotechnology has grown, their international reach has expanded. These developments raise many fascinating and important issues: optimal patent design and licensing; the implications of IPRs under cumulative innovation, typical of agriculture and biotechnology; the effects of the TRIPS agreement on developing countries; the effects of IPRs on monopolization of key sectors; and the optimal way to ensure that the poor of the world have access to pharmaceutical products including AIDS drugs. Berkeley is the acknowledged world leader in academic IPR expertise, and relevant graduate courses in the department are complemented by others in economics, business and law.

The present book includes chapters related to above issues like Agribusiness: Introduction, Trends and Proposals in the Context of Agricultural Globalization, World Trade Organization (WTO), Agribusiness and Intellectual Property Rights, Intellectual Property Rights, Protection of Plant Varieties and Farmers' Rights Authority, Implications of PPV and FR Act,

Protection of Plant Varieties, Genetic Inventions, and Intellectual Property Rights, Biotechnology and Intellectual Property Right, Contracts, The Protection of Plant Varieties and Farmers' Rights (PPV&FR) Act. In the end the book is appended with Glossary and Abbreviations.

I trust the book will be useful for the students of agribusiness and the people concern with IPR.

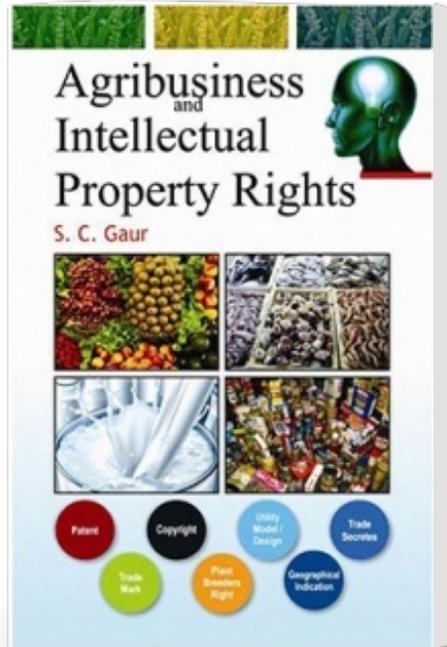
I would like to express my thanks to Dr. S. S. Purohit for valuable suggestions for preparing the book.

S. C. Gaur

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