



The International Treaty

ON PLANT GENETIC RESOURCES FOR FOOD AND AGRICULTURE



The International Treaty on Plant Genetic Resources for Food and Agriculture

AC-SMTA-MLS 3
New Delhi, India
26 June 2012

Overview of the state of implementation of the Multilateral System

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IT-PGRFA Secretariat, FAO

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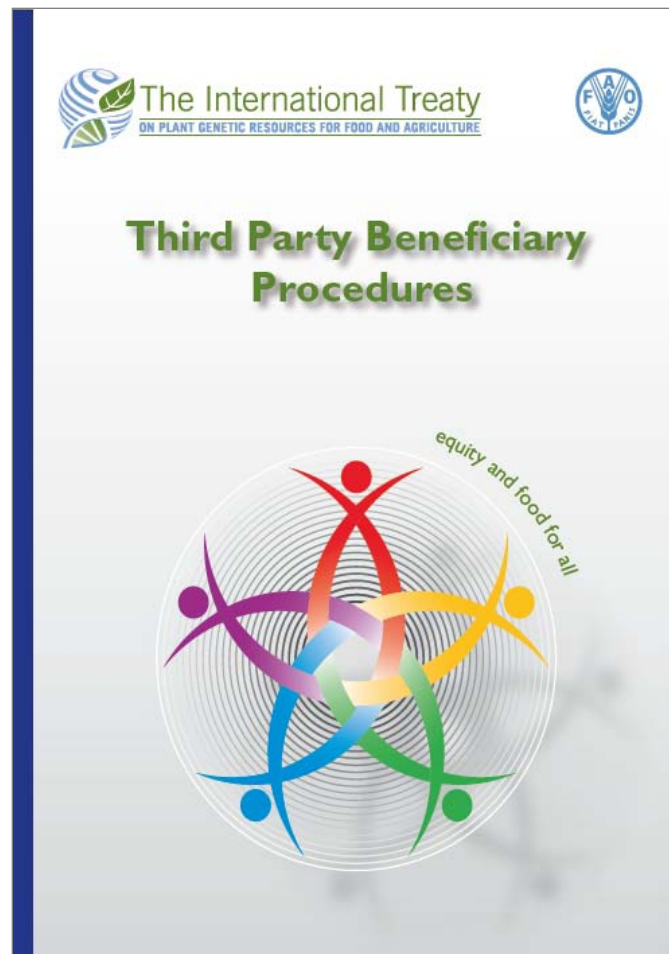
Key Outcomes of the Fourth Session of the Governing Body of the Treaty

- Implementation of the Multilateral System of Access and Benefit-sharing
 - Third Party Beneficiary Procedures - dispute resolution under SMTAs;
 - Information technology tools for the MLS and SMTA;
 - Ad Hoc Technical Advisory Committee on SMTA and MLS;
 - Assessment of progress in the inclusion in the Multilateral System of PGRFA held by natural and legal persons;
 - Review of the implementation and operation of the SMTA;

Third Party Beneficiary Procedures

Dispute resolution system is now in place:

- The Third Party Beneficiary Procedures have been completed
- Rules for mediation of a dispute in relation to a standard material transfer agreement
- Administrator of the Mediation Rules has accepted
- The TPB Operational Reserve has been established



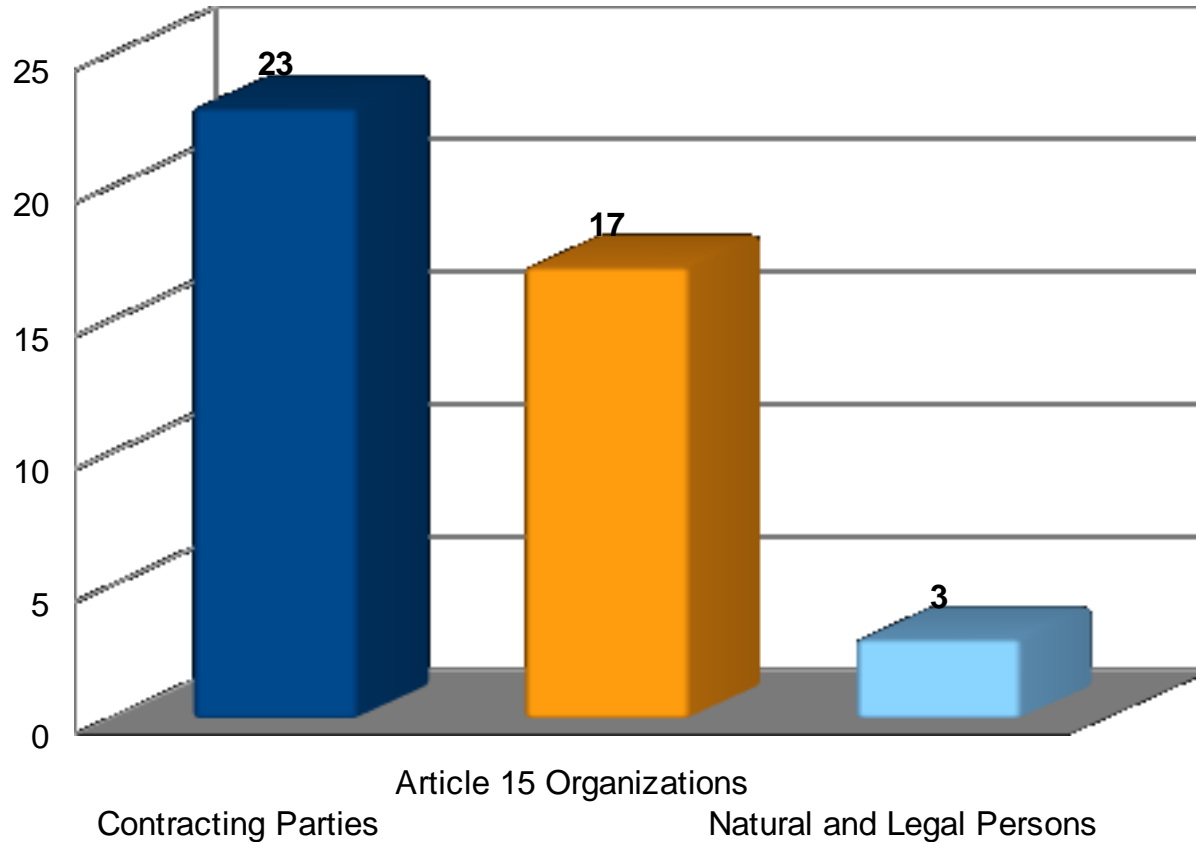
Inclusion of material

1. by Contracting Parties
 - 26 Contracting Parties, so far
details available at:
<http://www.planttreaty.org/inclusions>

2. by BSF project recipients
 - inclusion of germplasm into the Multilateral System
and use of information generated by projects
funded

Number of Notifications

Notifications of inclusions by type of provider (May 2011)



Cooperation with CBD

Resolution 8/2011

Resolution 8/2011, Part I, the Governing Body:

- ***Congratulates*** the COP on the adoption of the Nagoya Protocol;
- ***Appeals*** to Contracting Parties to sign and ratify;
- ***Takes note*** of the Memorandum of Cooperation;
- ***Requests*** the Secretary to explore with the SCBD on, practical means and activities to give effect to this cooperation;
- ***Requests*** the Secretary to strengthen collaboration with the SCBD;
- ***Calls on*** Contracting Parties to ensure mutual supportiveness in the implementation of the Treaty and the Nagoya protocol.

Cooperation with CBD

Memorandum of Cooperation:

1. Institutional cooperation
 - Capacity Building Workshops and other events
 - Coordination of technical assistance
2. Exchange of information
3. Reporting and further guidance



Cooperation with CBD, Joint Activities

- A series of joint Capacity Building Workshops on access and benefit-sharing for the harmonious national implementation
- To contribute to the identification of the capacity-building needs and priorities of Parties in the implementation of their obligations under the Nagoya Protocol
- Organized June and October 2011
- Upcoming: New Delhi, June 30 – 1 July 2012



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Easy-SMTA

Information System developed to assist users of the Multilateral System of Access and Benefit-sharing



mls.planttreaty.org

The obligations of the Provider

- the Provider of material has to report a minimum amount of information;
- resolution 5/2009 (GB3, Tunis, 2009);
- within a period of two years since the signature or acceptance of the SMTA.

What is Easy-SMTA?

- The Standard Material Transfer Agreement (SMTA) made easy!

This System has been developed by the Secretariat to assist users with:

- compiling and generating SMTAs in the six official languages of the International Treaty;
- reporting on SMTAs concluded in accordance with the instructions given by the Governing Body.

A little bit of history

2010

2009

2007

MLS
start-up



Online Reporting
System



2012
Easy-SMTA



Generating
+
Reporting

<http://www.planttreaty.org>

What's New

- Easy-SMTA is a voluntary tool that combines SMTA **generating and reporting** functions.
- The System has a new **design and workflow** that guides users in a step-by-step process that it is intuitive and easy to use.
- It also offers several **additional functions**, such as the uploading spreadsheet files listing the Annex 1 material being transferred, which clearly saves time.

Who are the users?

- mainly small and medium size SMTA users/providers
- customized agreed procedures for the transmission of larger amounts of data

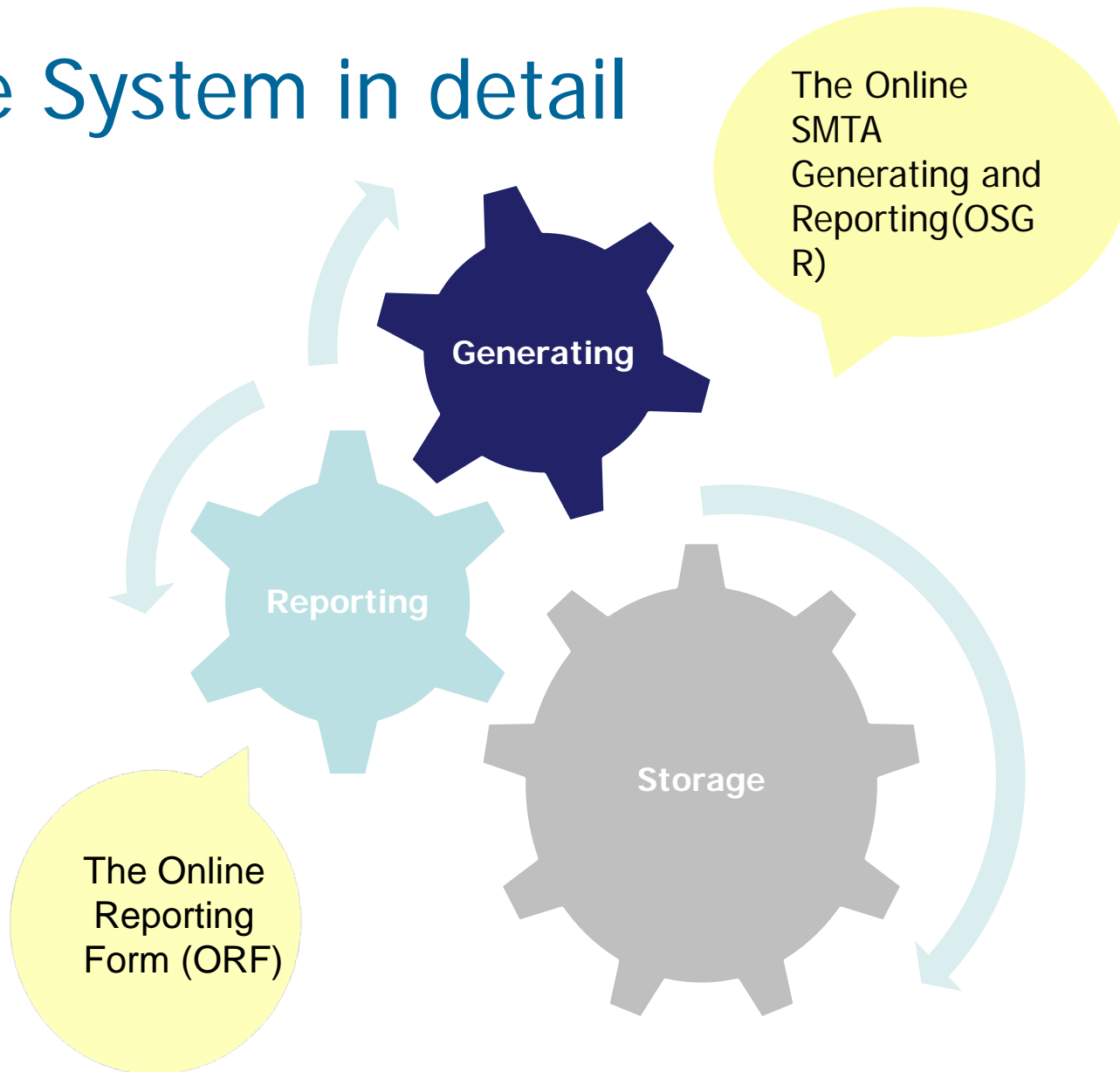


Security and Confidentiality

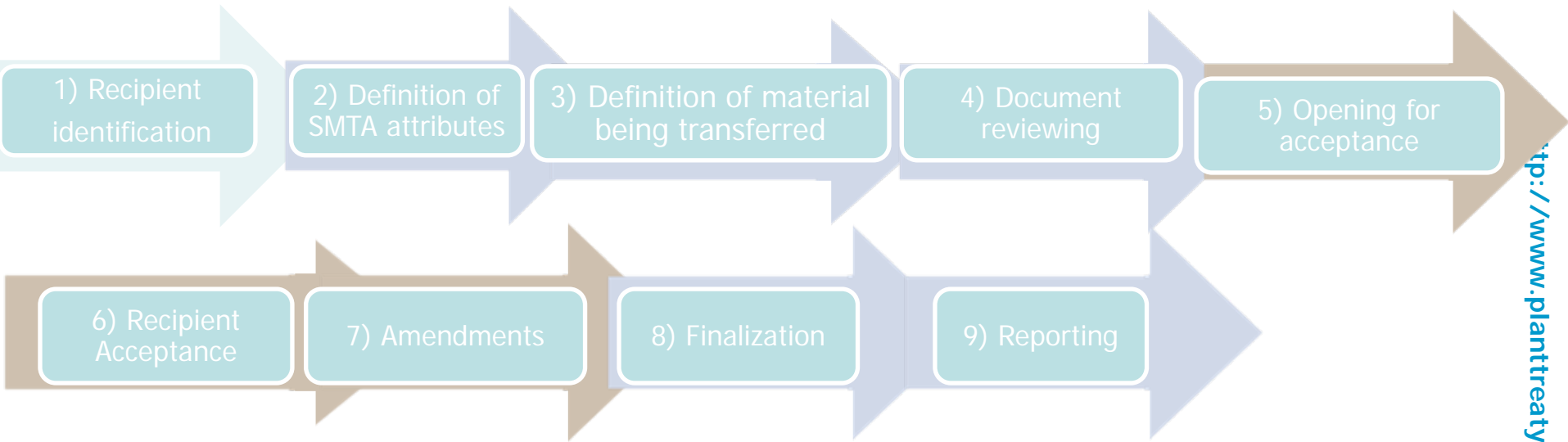
- Security, integrity and confidentiality continue to be a top priority
- The identifiable information will be only used by FAO acting as the Third Party Beneficiary
- Data protected against loss, misappropriation, unauthorized access by any third party, disclosure, alteration or destruction



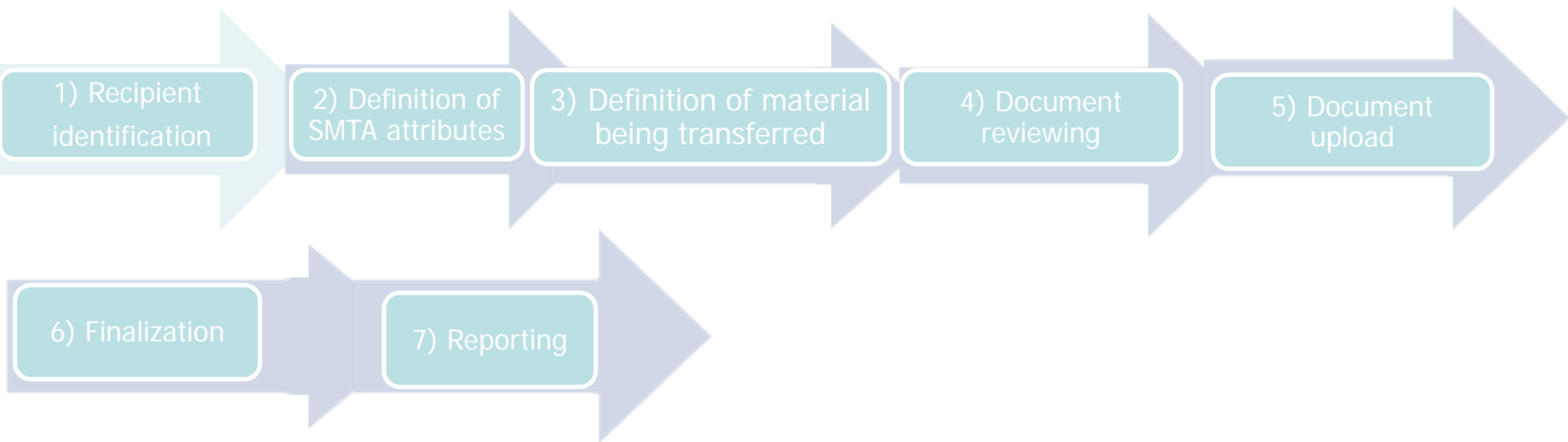
The System in detail



Workflow of the Online SMTA Generating and Reporting Tool (OSGR)



Workflow of the Online Reporting Form (ORF)



Homepage



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Homepage

Welcome to the homepage of the Information Technology System developed in support of the users of the Multilateral System of Access and Benefit-sharing of the International Treaty on Plant Genetic Resources for Food and Agriculture ([ITPGRFA](#)).

The Standard Material Transfer Agreement ([SMTA](#)) is a private contract with standard terms and conditions that ensures that the relevant provisions of the International Treaty are followed by individual providers and recipients of plant genetic material. This System has been developed by the Secretariat of the International Treaty to assist users with:

1. compiling and generating SMTAs in the six official languages of the International Treaty;
2. reporting on SMTAs concluded in accordance with the instructions made by the Governing Body of the International Treaty.

You need to [log in](#) to be able to use the system. Please [register](#) to create a new account if you do not have one

Registration (1)



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User registration

*Fields with * are required.*

Username *

Password *

Passwords must be at least 8 characters long, include at least one uppercase and one lowercase letters and at least one digit

Security question *

Please enter a question that will be asked to you should you forget your password

Reply *

Please enter the reply to the security question above

Please enter below an email address to be used for all messages sent by this system

Email

Retype Email address

User status


Name *

Surname *

Address *

Country *

Registration (2)

Country *	<input type="text" value="Afghanistan"/>
Telephone	<input type="text"/>
Fax	<input type="text"/>
Shipping address to receive material	<input type="text" value="None"/>
	Shipping address to be used by others when they ship material to you.
Interface Language	<input type="text" value="English"/>
Preferred tool *	<input type="radio"/> Online SMTA Generation and Reporting <input type="radio"/> Online Reporting Form
I accept the Terms of Use *	<input type="checkbox"/>
Verification Code	 Get a new code <input type="text"/>
	Please enter the letters as they are shown in the image above. Letters are not case-sensitive.
<input type="button" value="Register"/>	

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New SMTA



Main menu

- About
- Contact
- View Profile
- Logout

As Provider

- Generate new SMTA
- Pending SMTAs
- SMTAs ready for reporting
- Reported SMTAs
- Go to Online Reporting Form

As Recipient

- SMTAs ready for acceptance

Generate new SMTA

Fields with * are required.

Begin by clicking here to identify the Recipient

Type

Language

In listing the Material, the SMTA requires any associated public-domain information to be provided. This can be done as follows:

1) against each Sample, using the field available in the corresponding form

2) by entering a single URL in this field.

URL of website where information associated to the Material transferred with this SMTA can be obtained.
See the page help on how to upload a document.

3) by pasting the text in this field.

Information associated to the Material transferred with this SMTA

Save and Continue



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The CGIAR policy and principles on the management of intellectual assets



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CGIAR Consortium of
International Agricultural Research Centres

Consortium of International Agricultural Research Centers

Policy on the Management of Intellectual Assets

Effective as of July 1, 2011;

Approved by the Consortium Board on May 6, 2011

MLS-relevant provisions in the policy

III. DEFINITIONS

‘Intellectual assets’ means any results and/or products of research and development activities, of any nature whatsoever (including, but not limited to, knowledge, publications and other information products, databases, improved germplasm, technologies, inventions, know-how, processes, software, and distinctive signs), whether or not they are protected by intellectual property rights.

‘Intellectual property rights’ (‘IP rights’) means ownership rights over intellectual assets (or applications thereof), whether registered or not, granted in any jurisdiction, including but not limited to, copyright and related rights, database rights, patents, industrial design rights, plant variety rights, trade secrets, trademarks and service marks, geographical indications, and trade secrets.

MLS-relevant provisions in the policy (2)

2. Maximizing global accessibility

2.1 Global access. The Consortium and its Member Centers are committed to maximizing the global accessibility of their respective intellectual assets and ensuring that they lead to the broadest possible impact on target beneficiaries.

2.2 Conditions shaping access. The Consortium and its Member Centers shall not impose or allow any conditions that restrict the global accessibility of the intellectual assets they produce unless such conditions are necessary for the further improvement of such intellectual assets and/or to enhance the scale or scope of impact on target beneficiaries.

2.2.1 Limited exclusivity. While the Consortium and its Member Centers are committed to the general principle of non-exclusive access to their respective intellectual assets, as an exception, the Consortium and its Member Centers may grant limited exclusivity for commercialization of their respective intellectual assets, subject to the conditions of paragraph 2.2 above, and provided that:

- a) such exclusivity is as limited as possible in duration, territory and/or field of use, and
- b) the intellectual assets remain available for research and development in support of the CGIAR Vision.

...

MLS-relevant provisions in the policy (3)

...

2.2.2 Incorporation of third party proprietary material. The Consortium and its Member Centers may, as an exception and subject to the conditions of paragraph 2.2 above, enter into contracts concerning the acquisition and use of third party proprietary material (subject to IP rights or confidentiality) that may restrict the global accessibility of the products incorporating such material for commercialization, research and development when:

- a) the resulting products will improve food security and/or alleviate poverty in the countries where they can be made available, and
- b) the Consortium or its Member Centers were unable to acquire equivalent intellectual assets from other sources under no or less restrictive conditions.

For the avoidance of doubt, research and development does not include commercialization.

MLS-relevant provisions in the policy (4)

4. Specific provisions regarding access to genetic resources

4.1 PGRFA within the purview of the Treaty. Member Centers shall provide facilitated access to the following PGRFA (both Annex 1 and non-Annex 1 materials), for the purposes of research, breeding and training for food and agriculture, under the terms of the Standard Material Transfer Agreement ('SMTA') adopted by the Governing Body of the Treaty:

(a) all PGRFA held 'in trust' by Member Centers in genebanks and placed within the purview of the Treaty under the agreements signed in 2006 by the hosting Member Centers and the Governing Body of the Treaty;

(b) all PGRFA received by a Member Center under the SMTA or under another legal instrument that allows the Member Center to redistribute the PGRFA under the SMTA; and

...

MLS-relevant provisions in the policy (5)

...

(c) breeding lines, genetic stocks and other materials developed/improved by a Member Center that incorporate material described in sub-sections (a) and (b) above. Under the SMTA, Member Centers' developed/improved materials may be identified as PGRFA under development and Member Centers may impose additional conditions to those set out in the SMTA, provided that such additional conditions are consistent with the SMTA, and Sections 2 'Maximizing global accessibility' and 3 'Intellectual property protection' herein above.

In addition, Member Centers have agreed, going beyond their agreements with the Governing Body of the Treaty, to make also available under the SMTA Center-developed/ improved materials that do not incorporate material described in sub-sections a) and b) above.

Member Centers shall acquire all PGRFA in accordance with applicable law.



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CGIAR IA Principles for inclusion in the COF - 16 Feb 2012

CGIAR Principles on the Management of Intellectual Assets ("CGIAR IA Principles")

(effective as part of the Common Operational Framework as of _____; approved by the Consortium Board on _____ 2012 and by the Fund Council on _____ 2012)

Whereas the CGIAR means the global scientific research-for-development partnership consisting of the Consortium, Centers, CGIAR Funders, Partners and other CGIAR Participants to implement the Strategy and Results Framework ("SRF") based on the goals expressed in the CGIAR Principles and the aspirations expressed in the Joint Declaration¹.

Whereas the vision of the CGIAR is to reduce poverty and hunger, improve human health and nutrition, and enhance ecosystem resilience through high-quality international agricultural research, partnership and leadership ("CGIAR Vision");

Whereas the CGIAR, guided by the SRF, pursues the CGIAR Vision through CGIAR Research Programs ("CRPs") with a wide range of partners;

Whereas each CRP is subject to a series of agreements governing its implementation and funding (i.e. the Joint Agreement, a Consortium Performance Agreement, a Program Implementation Agreement and sub-agreements as required) which incorporate by reference the Common Operational Framework, including these CGIAR IA Principles;

Whereas the eleven Centers hosting 'in-trust' collections of Plant Genetic Resources for Food and Agriculture for the benefit of the international community² signed agreements in 2006 with the Governing Body of the International Treaty on Plant Genetic Resources for Food and Agriculture ("Treaty"), placing those collections within the purview of the Treaty;

Whereas these CGIAR IA Principles and the management of 'in-trust' collections hosted by Centers are intended to be consistent with the Treaty;

Whereas these CGIAR IA Principles are intended to be consistent with the Convention on Biological Diversity ("CBD") and its objectives, including the conservation of biological diversity, the sustainable use of its components, and the fair and equitable sharing of benefits arising out of the utilization of genetic resources;

Whereas these CGIAR IA Principles are intended to be consistent with fundamental human rights as stated in particular in the Universal Declaration on Human Rights and other relevant international treaties;

¹ Cf. As defined in the Glossary.

² In-trust collections may include improved germplasm placed in trust by Centers.

MLS-relevant provisions in the principles

1. International Public Goods

The CGIAR regards the results of its research and development activities as international public goods and is committed to their widespread diffusion and use to achieve the maximum possible access, scale, scope of impact and sharing of benefits to advantage the poor, especially farmers in developing countries.

...

4. Genetic Resources for Food and Agriculture

4.1 The CGIAR supports the effective conservation and widespread use of all genetic resources for food and agriculture.

4.2 Facilitated access to Plant Genetic Resources for Food and Agriculture within the purview of the Treaty shall be provided in accordance with the Treaty and these CGIAR IA Principles. In addition, the acquisition or transfer of any other genetic resources by the Centers shall be conducted in accordance with all applicable laws including those implementing the CBD, as well as these CGIAR IA Principles.

...



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Information and training resources

Website: Virtual Library

An innovative **virtual library** has been set up to allow easy access to meeting documents, training and communication materials in six UN languages. **More than 800 documents now available.**



Information and training resources

- The SMTA datastore

<http://mls.planttreaty.org/itt/>

- Bioversity International's Learning Module "Session 2: Understanding and Using the SMTA":

http://www.bioversityinternational.org/training/training_materials/international_treaty/treaty_module.html

- IRRI's Rice Knowledge Bank "Module 1: Procedures for the Transfer of PGRFA":

http://www.knowledgebank.irri.org/smta/index.php?option=com_content&view=article&id=76&Itemid=76

- MLS Handbook:

http://www.itpgrfa.net/International/sites/default/files/acsmta_mls2w10e.pdf

- IRRI's presentation on MLS and SMTA:

http://cropgenebank.sgrp.cgiar.org/images/file/learning_space/koreaworkshop/lecture1and2/MLS&SMTA.pdf



Thank you!

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