

**POWERPOINT  
PRESENTATION ON ACCESS  
TO GENETIC RESOURCES  
AND EQUITABLE BENEFIT  
SHARING REGIME AND  
INTELLECTUAL PROPERTY  
RIGHT**

**SESSION: National Experience  
(BY Mrs. B.O. FALANA)**

# **INSTITUTIONAL FRAMEWORK INVOLVED IN THE MANAGEMENT OF IPRS IN NIGERIA**

- National office for technology acquisition and promotion(NOTAP)
- CO-OPERATE AFFAIRS COMMISSION (CAC).
- TRADE AND INVESTMENT (COMMERCIAL LAW  
DEPARTMENT (trademark, patency and Design)

## **CONDITIONS/REQUIREMENTS FOR ISSUANCE OF PATENT/TRADEMARK CERTIFICATE**

- Duly completed application forms from the patent, trade mark and industrial designs registry at the Federal Ministry of Trade and Investment.
- Power of Attorney issued by the statutory inventor in favour of NOTAP as patent agency office.
- Draft of patent specification of invention.

## INTRODUCTION OF THE CASE OF A JAPANESE SCIENTIST APPLYING FOR A MUTUALLY AGREED TERM ON AN AFRICAN CHIRONOMID

The resource is from the larvae of African Chironomid,  
*Polypendulum vanderplanki*.

The larva is resistant to desiccation stress. Several genes responsible for dehydration tolerance were isolated e.g. TRET1 and the result published in high impact journal, PNAS in 2007.

The physico-chemical mechanism on how the larva can stand complete dessication was elucidated and published in a journal in 2008.

The larva, when exposed to high radiation stress showed high resistance and the result published in several papers.

# TYPE OF IPR RELEVANT IN THIS CASE

- The discovery is already patented and the patent list is as highlighted below:
  - Dehydration procedures for induction of cryprobosis in insect larvae.
  - Insect desiccation resistant genes and uses thereof.
  - TRET gene and the introduction of the trehalose gene into cells, Japan

## INSTITUTIONAL FRAMEWORK RESPONSIBLE FOR THE MANAGEMENT OF ABS

THE INTER-MINISTERIAL COMMITTEE ON ACCESS AND BENEFIT SHARING WAS INAUGURATED IN THE YEAR 2000 TO FORMULATE THE LEGISLATIVE, ADMINISTRATIVE AND POLICY FRAME TO GUIDE BIOPROSPECTING, ACCESS AND BENEFIT SHARING. MEMEBERS WERE DRAWN FROM VARIOUS RELEVANT MINISTRIES, PARASTALTAS, ACADEMIC INSTITUTIONS, ILC AND INDIVIDUALS. THE SECRETARIAT BASED IN THE FEDERAL DEPARTMENT OF FORESTRY.

## LESSONS LEARNT FROM THE CASE

- There is the need to harmonize the various institutions managing ABS and IPR to ensure the benefits arising from the use of the resources get to custodians of the bio-resources.
- Through IPR, the possibility of technology transfer is very high

## THE TYPE OF( CONTRACTUAL) AGREEMENT THAT EXIST REGARDING THE USE OF THE INSECT

- The applicant is requesting for Material Transfer Agreement (MTA) but it is undergoing process for approval. He was working in collaboration with some lecturers from International Institute of Tropical Agriculture (IITA), Ibadan and Ahmadu Bello University, Zaria. The regulations guiding ABS and IPR are yet to be harmonized meanwhile, various institutions still carry out their functions in isolation. As regards to benefit sharing, negotiation is still ongoing