

Description of ILA International Law on Biotechnology Committee

This Committee was formed in May 2003.

Mandate

Biotechnology regulation cuts across many areas of law, public, private, national, regional and international. The Committee would seek to focus on aspects of international law of biotechnology regulation, and take national regulations into account to the extent required to understand and further develop international law rules.

1. Consideration would need to be given regulations of biotechnology per se in relation to intellectual property (TRIPs, patent harmonization, EPO et al), to environmentally motivated regulations (Carthagena Protocol), to Food standards and TBT (SPS Agreement and TBT Agreement) and possible future instruments to be developed, for example in relation to market approval rules, labelling rules and production and process methods. We also will need to address liability rules which, as it seems, are currently far from harmonized and create uneven playing level fields for the industry, ranging from product liability to strict liability rules in some countries.
2. Consideration will also need to be given to side effects of biotechnology, in particular in agricultural policies. We would need to look into the potential of enhancing the protection of traditional knowledge in order to counterbalance the potential of patenting of biotechnology. This is an area of law in development (both in WIPO and WTO). Main areas will need to focus on the law of plant genetic resources for agriculture and the relationship with the International Treaty on Plant Genetic Resources for Food and Agriculture of FAO.
3. Work would need to be coordinated with other Committees, in particular the International Trade Law Committee which may deal with specific related aspects.