

## Brazil Is Having a Hard Time Preventing International Biopiracy

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The problem of biopiracy and improper registration of traditional knowledge pertaining to communities in the Brazilian Amazon will only be resolved through changes that give internal consistency to the international rules that regulate intellectual property and the economic utilization of biological diversity.

This idea was defended by Juliana Santili, a prosecutor with Brazil's Public Defense Ministry of the Federal District, at the II Seminar on Intellectual Property, Science, and Traditional Knowledge of the Amazon," an event that ended Wednesday, September 14, in the city of Manaus, in northern Brazil. The seminar was organized by the National Research Institute of Amazônia (INPA).

Brazil is a signatory of the Biological Diversity Convention (BDC), established in 1992. It determines that access to biodiversity and associated knowledge can only be conferred with the prior and informed consent of the communities involved and with mechanisms for sharing the benefits of this research or the economic application of these resources.

Santili cited "cupulate" (chocolate made from cupuassu) as a classic example of biopiracy. According to her, a Japanese firm, Asahi Foods, registered the "cupulate" brand name and the process of extracting oil from cupuassu seeds with the Japanese Patent Office.

"Brazil mobilized in force to reverse this decision. The brand name patent was broken. But the patent for the production process, initially developed by the Embrapa (Brazilian Agricultural Research Enterprise), continues to be protected by the Japanese," she lamented. This means that, in practice, no other company can use this process in Japan without paying royalties to Asahi Foods.

"Intellectual property must fulfill its socio-environmental function," the prosecutor insisted.

In her opinion, this issue will be the focus of debates at the Conference of Parties to the Biological Diversity Convention, a meeting held every two years among representatives of the BDC signatory nations. The event is scheduled to take place in Curitiba, in southern Brazil, in March, 2006.

The II Seminar on Intellectual Property, Science, and Traditional Knowledge of the Amazon was attended by around 250 people, including experts and others interested in the topic.

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