
The International Treaty on Plant Genetic Resources for Food and Agriculture within the Current Legal Regime Complex on Plant Genetic Resources

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The International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA) is the most recent piece in the current regime complex on plant genetic resources. In their article for the Journal of World Intellectual Property, Christiane Gerstetter, Benjamin G  rlach, Kirsten Neumann and Dora Schaffrin investigate the legal relationship between the ITPGRFA, the Convention on Biological Diversity, the TRIPS Agreements of the World Trade Organization (WTO) and the Acts of the International Union for the Protection of New Varieties of Plants (UPOV).

The International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA) entered into force in 2004. It is the most recent piece in the current regime complex on plant genetic resources. However, wherever there are several legally binding international agreements dealing with at least partially overlapping issues, a conflict between them may arise. Such conflicts narrow the leeway that parties to more than one of the treaties have for implementation, and may thus also reduce the treaties' potential for reaching their objectives. Against this backdrop, this article investigates the legal relationships between the ITPGRFA, on the one hand, and the Agreement on Trade-Related Aspects of Intellectual Property Rights, the Union for the Protection of New Varieties of Plants and the Convention on Biological Diversity (CBD) on the other. It arrives at the conclusion that there are no conflicts between the ITPGRFA and any of those treaties at present, while negotiations conducted currently in the framework of the World Intellectual Property Organization and the CBD need carefully to avoid creating such legal conflicts.

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An Abstract is available at [Wiley Online Library](#). The article may be ordered at the same location electronically.

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