

## Section 2

### Executive summary of the project

Sri Lanka is predominantly an agricultural country. In the face of growing scarcity of land, water and emerging challenges of climate change, productivity gain in agriculture will be the option available to increase agricultural output in the country. Productivity improvement should be achieved by introducing new technology generated through sustained investments. A well-established Intellectual Property Rights (IPRs) system will help to encourage innovations, technology transfers, product development etc.

Being a signatory to the TRIPs agreement, it was compulsory for Sri Lanka to formulate its IP regulations to comply with TRIPs agreement and to provide legal protection to new plant varieties via patents or by an effective *sui generis* system or by both by 2006. Although Sri Lanka passed its Intellectual Property Rights Act in 2003 to comply with TRIPs agreement it does not allow patenting of plants. Due to the inability of securing necessary protection Sri Lankan agricultural sector had to face several difficulties in international trade and also it has lost a number of opportunities to use its own plant varieties for the benefit of future generation. Further, several cases of bio-piracy and loss of patentability of new plant varieties were encountered due to lack of effective IPRs system. Presently, Sri Lanka produces almost all its seed paddy requirements. Majority of farmers (90%) use seeds paddy produced by themselves from their previous crops or else they borrow from neighbouring farmers. Thus, it is imperative to protect their inventions and knowledge in a systematic manner.

The main objective of this study is to identify the best possible protection method for new plant varieties in Sri Lanka mainly focused on seed paddy sector. The methodology of this study consisted with literature survey, key informant interviews, perception survey using a semi-structured questionnaire, focus group discussions with farmers and an expert consultation workshop.

The main finding was that the *sui generis* system is the most appropriate protection method for Sri Lanka considering its economy, agricultural patterns and farming systems and also considering the existing IPR laws in Sri Lanka. Further, the study suggested several other techniques and methods such as a need of a separate institute to monitor intellectual property activities, documentation of existing knowledge of farmers, the importance of implementing a strong IPRs system for Sri Lankan agricultural sector etc.