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Portrait: Anatole Krattiger—Intellectual Property Management in The Global Public Interest

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PORTRAIT: ANATOLE KRATTIGER— INTELLECTUAL PROPERTY MANAGEMENT IN THE GLOBAL PUBLIC INTEREST

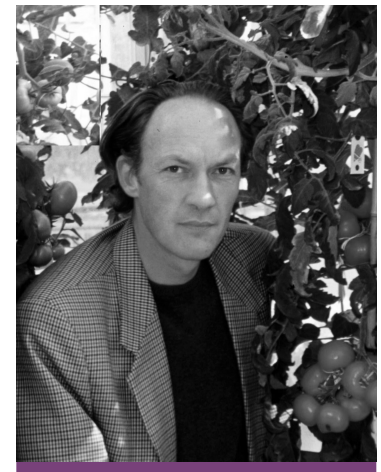
BY STANLEY KOWALSKI (JD '05)

AS A MEMBER OF THE FRANKLIN PIERCE LAW CENTER'S Advisory Council on Intellectual Property (ACIP), Dr. Anatole Krattiger brings a wealth of experience, knowledge, and international networking capacity to Pierce Law. These assets can contribute valuable insights for meeting the challenges and capturing the opportunities that have traditionally been among Pierce Law's greatest strengths—that is, teaching intellectual property (IP) law to professionals from the rapidly emerging developing nations of Africa, Asia, and Latin America. Pierce Law can tap this resource as it contemplates its continuing role in the exponentially growing and increasingly dynamic global IP landscape of the 21st century.

What do cows in green Alpine landscapes have in common with IP? Not much unless you ask Dr. Krattiger. As a young farmer in his native Switzerland, and later in the South of France where he cultivated vineyards, he developed a practical approach to solving problems. During these formative years as a farmer, Dr. Krattiger particularly enjoyed tending dairy herds in the green pastures of the Swiss Alps. There he learned and practiced the art of fine cheese making: an age-old and fundamental application of traditional biotechnology. Working in sight of the sublime peaks of the Alps must have spurred his mind to lofty goals, for Dr. Krattiger has since gone on to pursue a career focused on providing developing countries with access to new agricultural and health technologies. This idealism, however, remains rooted in a farmer's sensibility: his professional life has been grounded in a results-driven pragmatism.

Given his multidisciplinary, yet focused, career path, it is not surprising that Dr. Krattiger has many interests and pursuits (including a passion for music and cooking). Beginning with his study of the fundamentals of agriculture in Switzerland where he obtained his B.Sc. in Agronomy, his education spanned across applied genetics and molecular biology at the then Plant Breeding Institute at Cambridge University in England (where he earned his M.Phil and Ph.D.). He has focused his energy, however, on a single goal: extending the benefits of modern crop improvement and health research to those who need it most. Concentrating on strategies for institution building, and more recently on innovation management, he has been actively involved in building and managing public-private partnerships that seek to pursue dynamic IP management in the life sciences, both in agriculture and health.

Considering this broad outlook, it is easy to see Dr. Krattiger's lead and editorial hand at work in *IP Management in Health and Agricultural Innovation: A Handbook of Best Practices*. The premise of the *Handbook* is that IP management is about doing things and getting



ANATOLE KRATTIGER

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results. These results include new crop varieties for farmers in developing countries, higher incomes, more sustainable agriculture, better drugs and vaccines for people all over the world but particularly the poor in developing countries; all of these can grow from seeds of hope, vision and hard work (cultivated with the proper application of IP management).

The *Handbook* has grown from an earlier version, focused on health, edited by Dr. Krattiger's colleague and friend Dr. Richard Mahoney. Originally, this new version of the *Handbook* was slated to also include agricultural elements, but in the course of development it has become even broader in its scope. Prepared for policy makers, leaders of public sector research establishments, technology transfer professionals, licensing executives, scientists, companies around the world, the legal community (lawyers, counsel, in house and general), and the philanthropic community, the *Handbook* offers information and strategies for utilizing the power of IP while remaining aware of how it relates to the public domain.

For the *Handbook*, Dr. Krattiger assembled an impressive group of well over 100 authors—all practitioners in their respective fields from respected institutions, experienced dealmakers, and lawyers from leading law firms—to produce a resource that is as comprehensive as possible on current IP management issues and approaches. Several members of the Pierce Law community are contributing authors: Professor Karl Jorda (*Licensing know-how and trade secrets*), Professor Karen Hersey (*Building professional networks: National and international experiences of AUTM*), and Dr. Stanley Kowalski (*Freedom to operate: The preparations*). A recently published small volume of five sample chapters provides a preview of the approximately 135 more to come (available free: www.ipHandbook.org).

The *Handbook* is being prepared under the auspices of two organizations recently created by the Rockefeller Foundation in response to the changing IP environment in health and agriculture: the Centre for Management of IP in Health Research & Development (MIHR, www.mihir.org) and the Public IP Resource for Agriculture (PIPRA, www.pipra.org). Both share the common goal of facilitating best practices in the management of public sector IP. As with Dr. Krattiger, these organizations



Intellectual Property Management in Health and Agricultural Innovation

a handbook of best practices

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view IP as a tool for fostering innovation, that should neither be unduly feared nor blindly embraced, but rather *managed* to maximize the benefits of innovation for *all* of society, and *especially* for the poor.

Like a verdant green pasture in the Swiss Alps, the chapters of the *Handbook* are rich in diversity, addressing modern IP management practices (including global access strategies and “humanitarian” licensing), technology transfer, and various aspects of IP law as they relate to equitable international development. Broadly put, the goal of the *Handbook* is to support the development of effective global health and

agricultural innovation systems through a comprehensive IP management resource. Only by integrating IP management in a socially responsible manner can modern institutions achieve their goals and serve the developing world and the affluent alike.

Partly due to Dr. Krattiger's efforts, it is only now that the public sector is beginning to fully appreciate how it can use its own IP to help meet its social mission, including its responsibilities to the poor. He believes that, although there

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is growing interest in using IP for public benefit, there is a corresponding lack of knowledge and capability, hence, all the more, the critical role of the *Handbook*.

Having worked in the international development and public sectors for his entire career, along with consulting work for the private sector, Dr. Krattiger realized that the public sector was very slow in taking IP issues seriously. He has lived and worked in many parts of the world, including Mexico, where he worked in the late 1980s at the International Wheat and Maize Improvement Center (known by its Spanish acronym CIMMYT, a member of the Consultative Group on International Agricultural Research...the CGIAR). When with CIMMYT, he tried to collaborate with companies such as Monsanto, Ciba-Geigy and Sandoz (now Syngenta), but this was considered inappropriate, as CIMMYT sought to serve the "public domain." With all of the major and valuable biotechnology applications emerging from private companies, this struck Dr. Krattiger as myopic, and he looked elsewhere for the possibility of pursuing opportunities to team up with companies and begin the process of working out models for collaboration and sharing.

In 1991, Dr. Krattiger left CIMMYT and collaborated in the creation of an international biotechnology broker organization, the International Service for the Acquisition of Agri-biotech Applications (ISAAA), to facilitate agricultural biotechnology transfer from the private sector, via licensing and public-private partnerships, to developing

countries. As executive director of ISAAA he carried many responsibilities and realized many accomplishments. For example, under his directorship, ISAAA expanded internationally, with centers and programs in Europe, Africa, and Southeast Asia. While at ISAAA he also led the preliminary freedom to operate analysis of a now famous food biotechnology product, pro-vitamin A rice (Golden Rice), and also led IP audit teams at several of the international agricultural centers of the CGIAR. He subsequently served as Executive to the Humanitarian Board for Golden Rice, working on patent pooling, licensing, technology transfer, and regulatory issues to set up the Golden Rice network in Asia.

In addition to being a member of the ACIP, Dr. Krattiger currently serves as a member of the Board of the Black Sea Biotechnology Association, as Editor-in-Chief of *Innovation Strategy Today*, and as a member of the Editorial Boards of the *International Journal of Biotechnology* and the *International Journal of Technology Transfer and Commercialization*. He also serves on the Advisory Board of CABI's online service AgBiotechNet, was a Distinguished Advisor to the Council for Biotechnology Information in Washington DC until the Council merged with BIO, and chairs bioDevelopments International Institute, a non-profit organization that brings people together for the joint development of solutions to problems that extend beyond geographic and cultural frontiers. He has also edited several books and has over 70 publications in refereed journals

and book chapters. Working extensively around the world, he travels widely and often speaks at international meetings.

When he is not in motion, Dr. Krattiger is based in part at the Biodesign Institute at Arizona State University in Tempe where he focuses on *global access strategies* and related IP management aspects for plant-derived vaccines. In a graduate class he teaches at the Sandra Day O'Connor College of Law at ASU, innovation management from the perspective of IP management is the topic, that is, where *access strategies* and IP management converge with research and development, regulatory frameworks, manufacturing capabilities, trade aspects, and access to markets for the distribution of new vaccines to reach the poor in developing countries. He also serves as an adjunct professor at Cornell University, where he co-teaches a graduate course entitled *Patents, Plants and Profits: IP management in the life sciences*. And if you don't find Dr. Krattiger engaged in one of these many activities, then you might find him back in his beloved Swiss Alps, hiking in the spectacular alpine splendor, becoming reinvigorated and newly inspired to energetically pursue a new set of projects and tackle a new round of challenges. ■

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