Veille citoyenne d'information sur les OGM et les semences

Multinational companies want the DSI and the money from DSI

Par Eric MEUNIER

Publié le 14/05/2026

This autumn, governments, businesses, Indigenous communities and other representatives of civil society are to meet in Yerevan (Armenia) to discuss the protection of terrestrial and marine biodiversity. As more and more genetic components of this biodiversity are being digitised, multinational corporations want to seize the opportunity to exploit the benefit-sharing fund for the use of DSI, known as the "*Cali Fund*". Their demands? To reduce the amount of the contributions and the ability of states to decide on national measures, and to widen the loopholes allowing them to bypass prior consent for the use of living organisms that make up biodiversity.



Colin Anderson

The digitisation of our lifestyles through social media, smartphones, algorithms of “*artificial intelligence*”, and other brain implants is not the only digitisation underway. As already reported in our pages[i], the living organisms that make up terrestrial and marine biodiversity are facing a massive digitisation of the genetic information they contain. A program like the Earth Biogenome Project, which aims to digitise the genome of all known eukaryotes on Earth, is one example.

But make no mistake, this digitisation of life, highly reductionist, is not solely intended to respond to a current trend of viewing and interacting with the world only through computers, connected glasses, or other smartwatches. For multinational seed and biotechnology companies, it is an essential step toward practices that some are already denouncing as biopiracy 2.0. And along this path, in a period of dismantling environmental law by the European Commission and of aggressive debates, illustrated internationally to the point of caricature by Donald Trump, the demands made by these multinationals, even if voiced by employees who "*are writing in their personal capacities*", are increasingly lacking in humility…

A general strategy already deciphered

The genetic sequencing of living organisms feeds into both public and private databases. At the Convention on Biological Diversity (CBD), the term used is not "*sequences*", but "*digital sequence information*" (DSI). This term currently has no legal definition, neither in a treaty nor in any other document. This lack of a legal definition implies a certain ambiguity as to what it refers to.

For companies with the financial, technical, and human resources, the databases containing these DSI become like gift packages from which they can select specific genetic sequences. Then, under the guise of biotechnological genetic modification processes, companies can claim patents on genetically modified sequences, referred to as "*genetic information*" when associated with a particular trait (or "*function*"). These patents grant them rights that, in most countries, they can extend retroactively to any organism containing these sequences and expressing their function, including organisms initially sequenced, provided the link between these sequences and their function is not already widely known. This extension of the scope of patents would indeed be possible if the products sold were no longer legally considered GMOs and therefore disseminated without any publication of detection and identification methods allowing them to be distinguished from any other organism. A case which is currently being debated in Europe with the still-under-discussion proposal to deregulate GMOs obtained through new techniques of genetic modification.

For many years, to protect biodiversity from industrial biopiracy, companies wishing to use organisms that comprise this biodiversity have been required to:

- respect a procedure for obtaining prior, free, and informed consent from the countries and/or indigenous communities that have preserved these organisms;
- obtain a material transfer agreement that prohibits any intellectual property rights covering these organisms;
- and share with these countries or indigenous communities the financial benefits derived from these organisms.

However, much like a hacker who would defend himself against the accusation of stealing someone's money because he seized the digital financial information from a bank account but not the physical cash from a wallet, these companies argue in various international forums that DSI are not genetic components of the living organisms where they were identified, but rather "*products of research*". This reasoning is baffling and would have the corollary of no longer being subject to

these obligations intended to protect biodiversity from biopiracy. This bluff was so effective that the management of DSI appears to fall outside the scope of any already ratified international text, even though the CBD and the Nagoya Protocol, which govern prior consent and benefit-sharing, should indeed be applied.

With corporate rhetoric amplified by governments of the "*Global North*", negotiations began on these DSI, culminating in 2025, as detailed in a previous article[ii], with the establishment of a multilateral fund for sharing the benefits associated with these DSI, called the Cali Fund. *Inf'OGM* reported how, a year after its creation, the implementation of this fund is encountering resistance from companies to pay their contributions, given that they remain voluntary. An article published in September 2025 and co-signed by, among others, employees from Bayer (multinational seed and pharmaceutical company) and Novonesis (multinational microorganisms company), provides some explanations[iii].

Extending the Cali Fund to physical resources?

Considering that the Cali Fund is "*still nascent and requires several years of technical negotiation for full implementation*", these employees posit as a fundamental point that it would be impossible to "*track and trace use of individual sequences*". This assertion mirrors another, albeit still theoretical, claim concerning the multilateral fund itself, which is not "*intended to require tracking and tracing of individual sequence records [since] payment is determined on the use of the global dataset*". This fund is indeed intended to be financed by voluntary contributions from any actor in economic sectors likely to use DSI (biotech, seeds, pharmaceuticals, etc.). Explaining that this Cali fund still falls under "*soft law*", which could become legally binding once countries transpose it into their national law, these employees detail the three challenges they believe would arise in its implementation.

One such challenge is the scope covered by the multilateral fund, which they consider too limited. While DSI can be recorded in public or private databases, the multilateral fund only covers public databases. The authors of the article are certainly not suggesting that DSI recorded in private databases should also be included. That approach is more insidious. According to them, research using DSI can mix DSI from public databases, DSI under embargo, or DSI from private databases generated following a material transfer agreement. It would therefore be complicated, according to the authors, to determine the portion to be paid into the Cali fund and the portion to be paid as benefit-sharing, "*neither or both*". This complexity is even greater when DSI are mixed to create new DSI. A final example given is research and development work combining DSI and physical genetic resources, which could lead to payments into the Cali fund, benefit-sharing under the Nagoya Protocol, and benefit-sharing under the ITPGRFA.

The authors therefore propose that the Cali fund be adapted to include voluntary benefit-sharing related to the use of physical genetic resources if these resources are used to generate DSI. A proposal that surely hides the stripping away of the mandatory sharing of benefits linked to these physical genetic resources under the CBD, the Nagoya Protocol or the ITPGRFA, given that most public databases of DSI do not indicate in which physical genetic resources these DSIs have been identified.

Reduce the amount of contributions and strengthen "*legal certainty*"?

Currently, contributions to the Cali Fund are calculated quite simply. The companies concerned are encouraged to pay 1% of their profits or 0.1% of their revenue. An amount deemed manifestly too high by the authors of the article. Far from providing a specific figure, they merely denounce what

they consider to be a calculation error. According to them, these amounts were adopted in the final hours of the meeting that led to the creation of the Cali Fund, solely to allow a consensus to emerge. Furthermore, studies on the amounts requested are still pending, implying that "*parties knew that these rates would likely need further consideration*".

The main "*error*" raised in the article is that these two rates were allegedly calculated based on the revenue generated by companies "*in sectors that typically use DSI and the overall economic output in their entirety*". The authors of the article argue that the benefits specifically linked to the use of DSI stored in public databases were not taken into account, but rather "*all [physical] genetic resources and all DSI regardless of whether they were publicly available or in scope of other ABS instruments*". Just as if DSI were not simply a representation of the genetic components of physical biological resources… meaning of living beings!

The final challenge raised in the article concerns the "*39*" countries that have already incorporated the sharing of benefits related to DSI into their national law. While the authors believe this creates uncertainty that could even lead to double contributions (one from the Cali Fund and one from national law), they suggest that the policymakers should "*articulate clearly that the DSI Multilateral Mechanismis intended as an alternative for national Access and Benefit sharing systems that extend to public DSI, not as an addition*", thus allowing them to replace potentially binding national law with non-binding international law. Their idea remaining that national law should be reduced, they propose that funding from the Cali fund be paid only to countries that have aligned their national law with the fund.

DSI, DSI funds and their control

To address what the authors of the article published in September 2025 consider to be significant obstacles to the operation of the Cali Fund, several proposals are put forward. Most aim to give multinationals greater freedom to exploit terrestrial and marine biodiversity without paying excessive amounts of money, or even to recover a portion of it. Other proposals seek to encourage voluntary contributions by directing the use of the limited funds allocated according to the needs of contributors seeking access to new resources and related knowledge. One proposal, for example, is that contributions to the Cali Fund be "*distributed directly to project-based activities serving the CBD's and Global Biodiversity Framework's biodiversity protection objectives*", particularly within the framework of the CBD. Bayer explained this position during a webinar in January 2026 as "*supporting innovation*".

While the authors propose that multinationals be integrated into the Cali Fund's standing committee "*as full members rather than observers*", they do not neglect the legislative and financial aspects, the latter being the subject of the greatest number of proposals. These proposals clearly reflect the multinationals' intentions regarding what appear to be their minimum conditions for agreeing to contribute to the fund.

On the legislative front, the proposals aim to compel states to prioritise the Cali Fund over national laws. Bayer and Novonesis would like countries to "*recognise the DSI multilateral mechanismas an alternative to bilateral approaches*", implying that national law should be set aside. This proposal is accompanied by another, a quite astonishing one, as the authors suggest that countries "*commit to not enforce any national DSI claims from public DSI databases if a company has made a payment to the Cali Fund*".

On the financial front, a highly opportunistic proposal aims to make contributions to the Cali Fund tax-deductible (requiring this international law to override the exclusive competences of national

law). This is a way to reduce the actual contribution paid and participation in societal solidarity. The authors also suggest that other benefit-sharing instruments "*could reciprocally recognize payments in other instruments as credited toward a Cali Fund contribution*". This recommendation directly targets the ITPGRFA Benefit-Sharing Fund, which is binding as soon as a patent is claimed on a plant genetic resource, its parts, or genetic components. It supports the obstructionist strategy of industry and developed countries, which aims to block negotiations on DSIs within this Treaty.

Taking advantage of the situation, the discussions scheduled for autumn 2026 in Yerevan (Armenia) will clearly be seized as an opportunity for multinationals to turn a tool meant to protect biodiversity from biopiracy into one that facilitates it. These negotiations are therefore expected to be complicated and could, as employees from Bayer and Novonesis have written, take several years. Meanwhile, the sequencing of living organisms continues, and companies can continue to claim patents on DSI without prior consent, agreement, or other benefit-sharing arrangements.

i Eric Meunier, « The genome of 1.8 million species is being sequenced », *Inf'OGM*, 11 December 2024.

ii Denis Meshaka, « The Cali Fund: one year on, the promise is fading », *Inf'OGM*, 12 May 2026.

iii Blom C. *et al.*, « From frameworks to finance: how sharing benefits from the use of digital sequence information can evolve to contribute to biodiversity conservation », *Nature Biotechnology* , Volume 43, octobre 2025, pp.1599–1602.

Adresse de cet article : https://infogm.org/en/multinational-companies-want-the-dsi-and-the-money-from-dsi/