

# Of severance shapiro warhane, w. r. grace

Business



## **Of Severance/Shapiro/Warhane, W. R. Grace**

Case Study of Severance/Shapiro/Warhane, W. R. Grace affiliation

Introduction The position was that the corporation has the obligation of knowing and taking into account the traditional and customary laws that apply to the patent of the Neem plant. Consultations with the indigenous people are crucial and important to avoid patent issues. The Indian indigenous people had to be consulted since it helps in preventing issues that arise after obtaining a patent.

Ascertaining cultural and legal tenure of the community affected is crucial. The impact of the product should be analyzed and assessed both to people and to the environment, and if found to be negative it should be addressed. This plan must help reduce the effects of the environment or ensure the impact is of an acceptable standard. Assessing the impact of the product on the cultural traditions and practices of the Indigenous people is important. The writer views that such assessment should include active involvement of the Indigenous Indians who have spoken on behalf of their cultural practices.

I would agree with the writer that the Indigenous people play a big role in the discovery of the product and, therefore, the company should demonstrate financial return that is equitable for the people who are the true owners of the plant. The people should be compensated for their knowledge of the plants use.

From the Grace's case, the company should understand that the patent does not deny the farmers' access to the plant due to lack of finances. The patent allows the company to modify the plant to produce a product that benefits

the people and is less harmful to the environment. The company should make the peasant as their first priority before other opportunities.

From the case study, the peasant represents the Indigenous Indians farmers who had knowledge about the plant and stated that they discovered it. From this case study, it is clear that it was unethical for the company to manufacture the plant quickly that would only benefit a few. It is seen as a medicinal product that would be costly, and most farmers would not be able to afford it

Compensating the farmers would be a step to ensure that both parties benefit from the plant. The company in manufacturing the plant must ensure that it does better than harm and must benefit all customers. With all ethical and practical guideline considerations associated with the plant, the company can apply for the patent. Clearly, the plant has positive effects in improving the well-being of the community and general health of the people.

Presuppositions observed is that the Neem plant is seen as the village pharmacy because it has a variety of healing benefits. The plant has been used for a very long time because of its medicinal properties. Farmers from India claim that the corporations of America what they call new discoveries is actually theft as they are stealing and pirating indigenous practices of its people (Weissbrodt, 2007). Most Indians fully oppose the idea of the Neem plant being pirated and owning the rights to living organisms since they believe the rights of farmers will be harmed especially in developing countries

In conclusion, the writer's view is that corporations need to establish ethical issues before they rush to manufacture the medicinal plant. This means that <https://assignbuster.com/of-severanceshapirowarhane-w-r-grace/>

they should acknowledge that the Indigenous Indians discovered the Neem plant and, therefore, must compensate them. I agree with this view of the writer because it will ensure that both the corporations and the Indigenous Indian farmers benefit. The Neem plant has both health and environmental benefit and, therefore, the corporations should ensure that the manufacturer of the plant is beneficial to all parties involved.

#### References

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Weissbrodt, D. S., & Vega, C. . (2007). International human rights law: An introduction. Philadelphia: University of Pennsylvania Press.

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