



World Agroforestry Centre  
TRANSFORMING LIVES AND LANDSCAPES

# World Agroforestry Centre Policy Series

## Intellectual Assets Policy

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## Intellectual Assets Policy

### 1. Mission and Intellectual Assets

Whereas the World Agroforestry Centre's mission is to generate science-based knowledge about the diverse roles that trees play in agricultural landscapes, and use its research to advance policies and practices that benefit the poor and the environment;

Whereas the pursuit of this mission requires the generation of scientific and other products, which constitute intellectual assets<sup>1</sup>;

Whereas World Agroforestry Centre is a constituent of the CGIAR, which is a global scientific research-for-development partnership with the vision of reducing poverty and hunger, improving human health and nutrition, and enhancing ecosystem resilience through high-quality international agricultural research, partnership and leadership;

Whereas World Agroforestry Centre is determined to observe the CGIAR IA Principles<sup>2</sup>;

Whereas World Agroforestry Centre intends to operate in conformity with the Convention on Biological Diversity ("CBD") and its objectives, including the conservation of biological diversity, the sustainable use of its components, and the fair and equitable sharing of benefits arising out of the utilization of genetic resources;

Whereas World Agroforestry Centre intends to operate in conformity with fundamental human rights, in particular in the Universal Declaration on Human Rights and other relevant international treaties;

Therefore World Agroforestry Centre adopts the Intellectual Assets Policy to:

- ensure that our intellectual assets and products are promoted and disseminate widely, thus furthering our mission
- ensure that the intellectual assets and intellectual property rights (IPRs) of our partners, collaborators and others are respected as per legal, contractual and moral obligations

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<sup>1</sup> **'Intellectual Assets'** means any results or products of research and development activities—of the World Agroforestry Centre—of any nature whatsoever (including, but not limited to, knowledge, publications and other information products, data, databases, improved germplasm, technologies, inventions, know-how, processes, software and distinctive signs), whether or not they are protected by Intellectual Property Rights.

<sup>2</sup> **'CGIAR IA Principles'** means CGIAR Principles of the Management of Intellectual Assets of 7 March 2012.

- ensure that our intellectual assets and IPRs are managed with integrity, fairness, equity, responsibility and accountability.

## **2. Scope**

This policy applies to the intellectual assets associated with all research, knowledge and knowledge products including but not limited to publications, data and databases, images, software, designs, drawings, maps, graphics, inventions, processes and methods, genetic resources and traditional knowledge. Such intellectual assets might constitute IPRs in the form of trademarks, service marks, design rights, copyrights, moral rights, database rights, trade secrets, plant variety rights or patents, whether registered or unregistered, or any other rights associated with the ownership of intellectual assets.

This policy provides the general framework for the management of Intellectual assets at World Agroforestry Centre. It is complimented by a series of guidelines on genetic resources, publications, authorship and data management.

## **3. Principles**

### **3.1. Compliance with legal obligations**

World Agroforestry Centre will take steps to ensure that it is fully compliant with international treaties and national regulations, or in the absence of such, international best practices on the management of intellectual assets as they relate to our operations and programs.

### **3.2. Ownership of IPRs**

Any right of ownership associated with products generated by World Agroforestry Centre and/or its staff, (visiting scientists, fellows, contractors and students) or consultants during the performance of their duties at the Centre, shall reside with the Centre and not the individual. Due recognition of the contributions of individuals will be made, and their moral rights (including authorship rights) will be respected.

### **3.3. International Public Goods**

World Agroforestry Centre views its final research outputs as "International Public Goods" (IPGs). In line with the principle of unrestricted public access to its final research outputs, the Centre will seek to make such outputs widely available.

### **3.4. Partnerships**

The Centre recognizes that partnerships (i) are critical to accessing the best knowledge and innovation, harnessing efficiencies in product development, and achieving maximum impact through effective delivery and deployment, and (ii) may require incentives that must be innovatively designed, carefully managed and diligently monitored.

### **3.5. Intellectual Property Rights**

The Centre is committed to the prudent and strategic use of IPRs. In this regard the Centre does not seek IPR protection on its intellectual assets and final research outputs, unless such protection facilitates increased public access to research results. Where copyrights are concerned, the Centre seeks the protection of the laws of the countries it operates in, as well as regional and international treaties including the Berne Convention for the Protection of Literary and Artistic Works. All publications will feature a standard blurb permitting free use of content, so long as the source is acknowledged, the correct citation appears alongside, and the content is reproduced without modification—unless permission to modify has been obtained in advance from the Centre.

### **3.6. Exceptional circumstances for protection of IPRs**

Where it is unlikely that publication or public disclosure will facilitate access to, or ensure delivery of, research products for the public benefit, in particular in developing countries, the Centre will, exceptionally, pursue this objective by:

- 3.6.1. applying for, or allowing others to make an application for, IPRs on research products, or material derived from research products; and/or
- 3.6.2. entering into confidentiality and/or limited exclusivity agreements over research products, in accordance with the relevant provisions of the CGIAR IA Principles.

### **3.7. Incorporation of third party intellectual assets**

The Centre may enter into agreements for the acquisition and use of third party intellectual assets that restrict the global accessibility of the products/services resulting from the use of such intellectual assets for commercialization, research and development ("**Restricted Use Agreements**"), provided that:

- 3.7.1. it is, to the best of its knowledge, unable to acquire equivalent intellectual assets from other sources under no or less restrictive conditions, and
- 3.7.2. the products/services that are intended to result from the use of such third party intellectual assets will further the Centre's mission in the countries where they can be made available.

### **3.8. Agreements with third parties**

In agreements between the Centre and partners/collaborative institutions, IPR provisions consistent with this policy will be agreed upon in advance of finalizing such agreements. The Centre shall not enter into agreements where IPR provisions shall be interpreted to restrict public access to our final research output except as described in Principles 6 and 7.

### **3.9. Fee generation**

The Centre does not view the protection of intellectual property as a mechanism for securing recurring financial returns upon which it may depend. However, the Centre may charge reasonable financial fees, beyond actual costs and reasonable processing fees, in return for providing access to its intellectual assets—so long as charging such fees does not jeopardise the Centre mission. To the extent that such returns are generated, they will be used in support of specific tasks and projects fully compatible with the mandate of the Centre, and which support benefit sharing. For the avoidance of doubt, this principle does not apply to Plant Genetic Resources for Food and Agriculture held-in trust by the World Agroforestry Centre, in pursuance of the agreement signed with the Governing Body of the International Treaty on Plant Genetic Resources for Food and Agriculture of 16 October 2006, for which a facilitated access shall be provided.

### **3.10. Respect for third party IPRs and confidential information**

The Centre will always endeavour to safeguard the IPRs and confidential information of others, whether these are determined by legal means or by commonly accepted standards.

### **3.11. Respect for traditional knowledge and farmers rights**

The Centre recognizes the indispensable role of farmers, indigenous communities, agricultural professionals and scientists in conserving and improving genetic resources. In this regard the Centre will help safeguard and

promote farmers' rights, traditional knowledge and other IPRs held by the communities with which it works. The Centre policy on genetic resources contains detailed provisions for achieving this goal.

### **3.12. Reporting**

In accordance with its obligations under the CGIAR IA Principles, each year the Centre prepares a Board-certified report on the implementation of the IA Policy during the previous year.

## **4. Implementation**

To ensure proper implementation of this policy the following should be adhered to:

- 4.1. In negotiations with partners:
  - 4.1.1. At the beginning of negotiations regarding research and development collaborations with public entities, private enterprises and/or donors, this policy must be brought to the attention of the other party. Their view on the Centre's mission to create IPGs must be obtained, preferably in writing. In case Principle 6 and/or Principle 7 are to be applied, the reasons for these, and justifications, must be documented by the negotiators.
  - 4.1.2. The Contracts Manager should be notified as soon as practically possible about any proposed application of Principle 6 and/or Principle 7.
- 4.2. New product process:
  - 4.2.1. All new scientific or knowledge products and research outputs should be published in accordance with the Publication Policy, and as soon as practicable, so as to put theses in the public domain. Publications should conform to the Centre Publication Policy and Authorship Policy.
  - 4.2.2. Until such publication takes place, data and related information should be managed in accordance with the Centre Data Management Policy and should be treated as confidential, if necessary. Confidentiality may be necessary if there is a risk of assertion of IPRs on a product by third parties, resulting in restrictions to their use or dissemination.