

IRRI's Policy on Intellectual Property Rights

Preamble

Whereas IRRI is a non-governmental, not for profit international organization dedicated to reducing hunger and improving livelihoods by developing and delivering superior rice technologies, particularly for the poor in developing countries;

Whereas progress toward IRRI's mission relies on partnerships with many stakeholders, including farmers, governments, national and international organizations, civil society, and the public and private sectors;

Whereas IRRI recognizes and respects the intellectual property and other rights of its partners;

Whereas IRRI believes that the sustainable development of the rice industry relies on the effective conservation, use, and facilitated international flow of diverse rice genetic resources to develop and deploy a wide range of improved rice varieties;

Whereas IRRI recognizes the indispensable role of farmers, agricultural professionals, and scientists in breeding and conserving the genetic resources of rice;

Whereas, IRRI ensures equal opportunities for all partners, but the nature, extent, and particular conditions of each collaboration shall depend upon the circumstances attendant to the relationship.

Whereas in discharging its responsibilities, IRRI accepts its obligation to comply with the International Treaty on Plant Genetic Resources for Food and Agriculture ("the Treaty"), and all other relevant international treaties and agreements;

IRRI now adopts the following principles governing its intellectual property and its relationships with its stakeholders and partners.

General Principles

Access

1. IRRI is committed to keeping its intellectual assets, including germplasm, inventions, improvements, data, processes, technologies, software, trademarks, and publications, as freely available as possible to any public or private sector entity.
2. To the extent possible and when appropriate, publication or contractual provisions will be used to ensure that such information, innovation, or material remains available for use by the public and private sectors.
3. Provided it is fully consistent with IRRI's mandate, international agreements on genetic resources, and IP policies of its donors and partners, IRRI may seek protection of its intellectual assets or impose restrictions on its use by others.

Benefits

4. IRRI accepts that the primary beneficiaries of its research and training activities are the rice farmers and consumers, especially in developing countries.
5. IRRI will use any revenue generated from management of its IP, including royalties and licensing fees, to support its research and capacity-building programs and those of its national partners.

Stewardship

6. IRRI shall ensure proper stewardship of its intellectual property as well as those belonging to other parties for which permission to use has been granted. To this end, IRRI will devise, maintain, and monitor employee policies on intellectual property rights (and, if necessary, signed employee agreements) and policies or agreements to govern its relations with visitors and research collaborators (including visiting scientists and trainees) from other institutions.
7. In cases where IRRI protects or asserts intellectual property rights, it shall do so in the name of the Institute as an assignee (or co-assignee as the case may be) while recognizing the individual scientist/s as inventor/s or author/s.

Rice Genetic Resources

8. IRRI is committed to the conservation, maintenance, and distribution of the rice germplasm in its genebank for the benefit of the global community. It will accept for long-term conservation rice germplasm that can be distributed to others, and will agree to distribution restrictions imposed by the donor only when refusal to accept such restrictions would endanger the long-term preservation of the rice germplasm. The genebank will consider requests for “black box storage” of germplasm of other seed-propagated crops on agreed terms.
9. In accordance with the Treaty and all relevant biosafety, phytosanitary, import, and export regulations, IRRI will supply samples of rice genetic resources, whether or not they are conserved in the genebank, to anyone anywhere for the purposes of research, breeding, and training for food and agriculture, within the limits of capacity and availability, and provided they are not subject to IP or other contractual restrictions set by IRRI’s collaborators.
10. Through appropriate licensing mechanisms, IRRI will ensure that any IP is made available in a manner that permits wide dissemination to the public and private sectors, assures high quality of the technology, and benefits farmers and/or consumers worldwide.

Biotechnological Innovations

11. IRRI recognizes that innovations in biotechnology offer unique or preferred routes to developing important rice products, and that many of these advanced technologies (methods and materials) may be formally protected or proprietary in a number of countries.

12. When it is essential to access such advanced technologies, IRRI may accept limitations on the distribution of the derived and associated materials, but must ensure some access for developing countries to these materials.
13. To ensure availability to developing countries of advanced biotechnological innovations, IRRI may, when and where appropriate, apply for protection of its intellectual property or provide it to a collaborator on a restricted basis. Through appropriate licensing mechanisms, IRRI will ensure that such IP is made available in a manner that permits wide dissemination to the public and private sectors, assures high quality of the technology, and benefits farmers.

Non-rice biological materials

14. IRRI will supply samples of its collection of non-rice biological materials, such as microbial strains, soil samples, green manure species, and preserved insect specimens, to anyone anywhere for purposes of research, within the limits of capacity and availability and provided they are not subject to IP or other contractual restrictions set by IRRI's collaborators, in accordance with the Convention on Biological Diversity and all relevant biosafety, phytosanitary, import, and export regulations.
15. Where it is appropriate and consistent with its mandate, IRRI may seek intellectual property protection for certain of its non-biological materials.

Research Data and Software

16. Upon request, IRRI will release research data and software through collaborative agreements, with appropriate disclaimers/warranty and subject to donor and collaborative research partner conditions.

Publications

17. IRRI will release its information products (scientific, popular, and promotional publications; Web pages; photographs, videos, and other multimedia presentations) as much as possible under a suitable open content license, such as Creative Commons. Such license shall allow copying, distribution, and the creation of derivative products; prohibit commercialization without IRRI's knowledge; and require attribution as well as the release of derivative products under the same license as the original product was released by IRRI.

Crop and Resource Management Technologies, Agricultural and Scientific Equipment and Tools, and Other Technologies

18. IRRI will exercise its rights in a manner that ensures their availability to any public and private entity for the benefit of farmers. In exceptional cases, such as to prevent misappropriation or enhance wider dissemination of the technology, IRRI may seek intellectual property protection for specific crop and resource management technologies or tools, agricultural and scientific equipment, and other technologies.

Collaborative relationships

19. IRRI shall enter into formalized collaborative relationships with the public and private sectors, including civil society organizations, when such relationships serve to further IRRI's mission, enhance the quality and impact of research, contribute to capacity building, and ensure continued availability and delivery of information and inventions.

Approved by the Board Executive Committee on 16 August 2010. Confirmed by the Board of Trustees on 14 November 2010 Board meeting.