

ILRI's Policy on Intellectual Property Rights, Biosafety and Bioethics (September 1998 Revised November 2000)

The vision, mission and mandate of the International Livestock Research Institute (ILRI) is:

Vision

A world made better for poor people in developing countries by improving agricultural systems in which livestock are important.

Mission

To help reduce poverty, hunger and environmental degradation through livestock research to enhance productivity and sustainability of agricultural systems in the developing world.

Mandate

To measurably and sustainably improve the livelihood of resource-poor livestock keepers, make animal products more affordable and accessible for the poor and conserve natural resources in developing countries through partnerships and alliances for innovative livestock research, training and information exchange.

ILRI has a global mandate for livestock research in developing countries. In accordance with TAC recommendations, ILRI focuses on ruminants in smallholder mixed crop-livestock systems.

ILRI's research produces international public goods aimed at alleviating poverty, increasing food security and protecting the environment, building on the Institute's comparative advantage and working through collaborative partnerships.

ILRI's capacity and comparative advantage is focused on three organising themes as part of the Agreed Agenda for the CGIAR:

- improving livestock productivity
- balancing livestock productivity and environmental sustainability
- strengthening national partnerships.

I. Intellectual Property Rights

ILRI recognises that intellectual property protection on its products and technologies may be necessary to:

- ensure continued availability of germplasm, inventions, publications and databases to ILRI clients and prevent their mis-appropriation by others for profit making
- ensure the delivery of improved products and technologies in developing countries
- negotiate access to other proprietary rights and technologies required for product development.

ILRI recognises the indispensable role of farmers and scientists in developing countries in the domestication and conservation of the valuable genetic resources of livestock, microbes, parasite and forage species and will seek to promote and support this role. ILRI also supports the international flow of genetic resources for food and agriculture for use by poor farmers and scientists, within the provisions of the Convention on Biological Diversity.

ILRI believes that its research will continue to be supported with public funds and that it should not look to profit from any of its products or genetic materials.

A. Genetic resources collected before the Convention on Biological Diversity

ILRI holds forage germplasm in trust for humankind in accordance with the Food and Agriculture Organization of the United Nations (FAO)/ILRI agreement signed on 26 October 1994, placing CGIAR germplasm collections under the auspices of FAO trusteeship. ILRI will make the genetic resources that it holds in trust freely available. In accordance with the agreement with FAO, ILRI will supply germplasm to recipients under a Material Transfer Agreement (MTA) where the recipient agrees:

- not to claim ownership over the material received, nor to seek intellectual property rights over that germplasm, its components or related information
- to ensure that any subsequent person or institution to whom they pass on samples of the germplasm is bound by the same provision and to inform ILRI.

This measure is designed to ensure the free availability of the materials, and of genes derived directly from them, which are designated collections of plant germplasm held in trust under the auspices of FAO.

ILRI does not warrant the safety, quality, viability or purity (genetic or mechanical) of the germplasm nor the accuracy of passport or other data provided with it. It is the recipient's responsibility to comply with the recipient's country's biosafety and import regulations and any of the recipient's country's rules governing the release of genetic material.

B. Genetic resources collected after the Convention on Biological Diversity

In adherence with the Convention on Biological Diversity and the Food and Agriculture Organisation of the United Nations Code of Conduct for Germplasm Collection and Transfer, ILRI respects the sovereign rights of nations to their genetic resources.

ILRI will abide by the terms and conditions of access with prior informed consent agreed under national policies. Clear material transfer agreements setting out the terms and conditions of acquisition, benefit sharing and any future transfer and use of the material will be signed with the appropriate national body empowered by the nation to implement the national legislation.

Germplasm-collecting missions for forages, livestock and microbial genetic resources will be done in a participatory mode between ILRI and its national partners in accordance with the principles of the Convention on Biological Diversity and any national legislation promulgated to implement its provisions. ILRI will co-operate with its partners to facilitate characterization and where appropriate duplicate storage of this germplasm in the country of collection.

ILRI holds indigenous populations of African cattle and sheep breeds, which are used in ILRI's research on the genetics of disease resistance and are maintained by ILRI for research purposes only. These breeding populations are considered to be held in trust by ILRI. In transferring any genetic material from these populations, ILRI's will abide with national legislation or policy governing such transfer.

C. Biological resources from research activities

Clones, breeding materials, elite germplasm, and parental lines of livestock, parasites, microbes and forages that are derived from research activities carried out by ILRI will be made available under a material transfer agreement in accordance with the Convention on Biological Diversity. ILRI will provide elite germplasm, and parental lines of livestock, parasites and forages that are derived from domestication activities to both public and private sector organisations on the understanding that:

- the materials or components of the material are for research or academic purposes only and will not to be used for commercial purposes without prior consent of ILRI and, where applicable, it's partners.
- the materials or components of the material will be used only in the laboratory that has signed the MTA and will not be distributed to any person or organisation
- ILRI retains the right to distribute the same material to other organisations
- any publication of any results obtained through their use shall be approved by ILRI before being submitted for publication and include appropriate acknowledgements to ILRI
- experimental data obtained through the use of this material will be made available to ILRI prior to publication

- the recipient agrees not to claim ownership over the materials or components of the materials received from ILRI, nor to seek intellectual property rights over these materials, components and derivatives of the materials or related information.

D. Products developed through the application of advanced technologies

Any kind of information, invention, or biological material developed through advanced technologies, including biotechnology, at ILRI and which does not include proprietary technology will be made freely available in the public domain. Where appropriate, publication, contractual provisions or the ILRI logo trademark will be used to ensure that such information, invention, or material remains in the public domain.

Exceptions to this principle will be made where distribution of products or publication of information in the public domain must be limited for confidentiality reasons to ensure continued availability to developing nations. ILRI recognises that intellectual property protection on its products and technologies may be necessary to ensure continued availability of information and inventions to ILRI clients and prevent their appropriation by others for profit making.

ILRI recognizes that effective collaboration should benefit all parties and must be consistent with the goals and objectives of all collaborators. ILRI will concentrate on areas where it has a comparative advantage in relation to other suppliers and where there may be less interest by the private sector.

ILRI recognises that it may need to form partnerships with the private sector to ensure continued availability and delivery of information and inventions. In order to promote delivery of product, where necessary ILRI will establish linkages with the private sector in the early stages of development of products. All such partnerships will be governed by a signed memorandum of agreement between the Director General or his designate and a recognised authority of the collaborating institution. ILRI will use confidentiality agreements and material transfer agreements to clearly define access to and use of information and materials between ILRI and the private sector.

In negotiating collaborative arrangements for the development of products derived from the application of advanced biological technologies, ILRI will strive to ensure unrestricted access by smallholder livestock farmers in developing countries to the products of research.

To make these advanced technologies and techniques available to developing countries, ILRI may apply intellectual property protection or limitations on the publication and distribution of the derived and associated materials.

In obtaining and exercising any form of intellectual property rights over biological material, ILRI will observe the principles of and any national legislation promulgated in accordance with the Convention on Biological Diversity and other relevant agreements.

ILRI will instruct staff on the limitations to use of any proprietary materials in the research and conditions set by donors on applying intellectual property protection to products resulting from research funded by these donors.

E. Scientific and agricultural equipment, publications, databases, photographs and software

ILRI will seek intellectual property protection on new scientific and agricultural equipment designs and will exercise its rights and will strive to ensure that these are available to developing nation partners and farmers at minimum reasonable cost.

Copyrightable material from ILRI, which includes but is not limited to publications, databases, photographs and software, will be made freely available to scientists and other partners in developing nations. Such material may only be used for non-commercial purposes. Any person making such use must acknowledge ILRI as holder of Copyright subsisting in such material.

All copyrightable material from ILRI will bear the following notification:

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In addition all email and facsimile transmission shall bear the following notification:

IMPORTANT NOTICE - this e-mail / facsimile and the information that it contains may be confidential, legally privileged and protected by law. Access by the intended recipient only is authorized. Any liability (in negligence or otherwise) arising from any third party acting, or refraining from acting, on any information contained in this e-mail / facsimile is hereby excluded. If you are not the intended recipient, please notify the sender immediately and do not disclose the contents to any other person, use it for any purpose, or store or copy the information in any medium. Copyright in this e-mail / facsimile and attachments created by us belongs to The International Livestock Research Institute. ILRI also asserts the right to be identified as such and object to any misuse.

ILRI Acronym and ILRI Logo are trademarks and service marks belonging to the International Livestock Research Institute.

F. Confidentiality

All relationships with other institutions will be governed by a signed confidentiality agreement between the Director General or his designate and a recognised authority of the collaborating institution. Any advice given or information disclosed through such collaboration will be governed by this agreement.

ILRI will require all visitors to sign a confidentiality agreement before access is permitted to any information or technology developed by ILRI, unless such information or technology is already in the public domain.

ILRI will devise, maintain and monitor employee policies on intellectual property rights and policies and agreements to govern its relations with consultants, visitors and collaborators from other institutions, including visiting scientists and trainees. Staff are bound by the ILRI personnel policy manual, which covers intellectual property and confidentiality. This manual may be revised with Board approval from time to time. Employees will be required to sign an appointment letter to agree to the following conditions:

- laboratory books will be maintained in such a way as to ensure research is confidential and to support claims for any intellectual property protection sought by ILRI under the above conditions where such intellectual property protection would be necessary
- staff interests in all commercial undertakings must be declared before joining ILRI. Failure to do so will be considered a disciplinary offence under the Personnel Policy Manual
- staff may not derive any direct financial benefit from any commercial undertakings or collaboration with the private sector as set out in the Personnel Policy Manual
- staff must obtain prior informed consent before disclosure of any information on ILRI research or establishment of formal collaboration outside of ILRI, especially with the private sector
- staff must ensure that detailed and accurate records are maintained at all steps of research, especially in use of proprietary materials and use of biological materials
- laboratory books and other materials may not be removed from ILRI except with the express permission of the Director General
- no commercial use may be made of ILRI materials without the express written consent of the Director General
- all discoveries, products and technologies developed or made at ILRI remain the property of ILRI and may not be removed, exploited or sold without the permission of the Director General
- all publications pertaining to such materials must be cleared by the Director General or his nominee in advance of publication.

II. Biosafety

The products of ILRI research, advanced technologies and techniques will be made available for use in improving livestock productivity in developing countries. These products may be biological material, genetically modified through traditional breeding techniques or developed through use of biotechnology.

ILRI will comply with the biosafety regulations of nations in movement of germplasm or biological materials. In those cases where no such standards exist, ILRI will comply with the following minimum set of standards and ensure to the extent possible that the products of its research will not have negative environmental consequences, negative impact on human or animal health nor negative impact on biological diversity through:

- full experimentation and testing on station in secure contained conditions before release for field testing
- ex ante impact assessment of the impact of new technologies on the environment and biodiversity before release for use
- risk assessment of those products or biological material which have been genetically modified

ILRI will develop further guidelines for biosafety following completion of the protocol being developed under the Convention on Biological Diversity on biosafety, covering the handling, transport, use and release of living modified organisms derived from modern biotechnology.

ILRI will appoint a biosafety officer to oversee implementation of the policy and biosafety regulations and be responsible to the biosafety committee.

III. Bioethics

ILRI is committed to implementing research that produces international public goods aimed at alleviating poverty, increasing food security and protecting the environment.

A. Equity

ILRI works for the attainment of equity in the use and sharing the benefits derived from its research. This commitment to fairness requires that emphasis be given to the needs of resource poor communities and to disadvantaged members of society, such as rural women.

ILRI recognizes the contribution of many different communities and individuals, especially of women and traditional societies, to the conservation and enhancement of genetic diversity of potential use for food and agriculture. ILRI strives to ensure that the benefits derived from such use are made available to those that developed and nurtured these resources.

B. Trusteeship of genetic resources

ILRI holds forage genetic resources in trust for the world community under the auspices of FAO. In addition ILRI promotes the conservation and sustainable use of indigenous livestock genetic resources. As a trustee of genetic resources, ILRI recognizes its responsibility to:

- be impartial and fair in administration of the trust
- respect and observe national regulations and international conventions, in particular the Convention on Biological Diversity
- be accountable for its actions
- exercise due care and diligence in conserving the material for the use of present and future generations and in making it available for use for the public good.

C. Respect, responsibility and integrity in science

ILRI's scientific work, while respecting the general scientific principles of good faith and the search for truth, is guided by its particular humanitarian and equity-based concerns, and not by a morally neutral pursuit of knowledge for its own sake.

ILRI's scientific work, including that on biotechnology, is based on the principles of accountability, responsibility and precautionary action. For any undertaking, potential benefits shall clearly outweigh potential risks, emphasizing broad societal interests such as long-term environmental sustainability over shorter term gains.

ILRI recognizes the necessity to respect the integrity of culture, tradition and the relationship of local people with nature. Likewise ILRI respects the aspirations and culture of partner institutions and the societal context within which they operate.

ILRI adheres to national regulations and to relevant internationally accepted codes of behaviour and conduct in areas of both plant and animal biology and in particular the collection and transfer of genetic resources, biosafety, animal welfare and intellectual property. ILRI will not intentionally cause any suffering to animals used in its research and has established an Institute Animal Care and Use Committee to ensure that minimum international standards are adhered to.

D. Social benefits

ILRI aims to promote lasting social benefit through its research for the international public good. ILRI strives to increase individual, local and national food and livelihood security in developing countries through sustainable advances in productivity, stability and through promoting biological and food diversity. For this purpose it will internalize and be accountable for the dimensions of social and gender equity and environmental sustainability in its research, human resource development and capacity building programmes.