



Fund

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Draft IA principles for inclusion in the COF

(Working Document - For Discussion Only)

*Document presented for Agenda Item 13:
CGIAR Guiding Principles on
Management of Intellectual Assets*

Submitted by:
Consortium Office

CGIAR Guiding Principles on the Management of Intellectual Assets

(‘CGIAR IA Principles’)

(effective as part of the Common Operational Framework as of _____; approved by the Consortium Board on _____ 2011 and by the Fund Council on _____ 2011)

Whereas the CGIAR consists of a global research-for-development partnership between the CGIAR Fund donors and the Consortium of International Agricultural Research Centers working with partners to implement a common strategy, the Strategy and Results Framework (‘SRF’);

Whereas the vision of the CGIAR is to reduce poverty and hunger, improve human health and nutrition, and enhance ecosystem resilience through high-quality international agricultural research, partnership and leadership (‘CGIAR Vision’);

Whereas the CGIAR, guided by the SRF, pursues the CGIAR Vision through CGIAR Research Programs with a wide range of partners;

Whereas the purpose of the Common Operational Framework is to provide common processes that apply to all funding and implementation aspects of the SRF, including CGIAR Research Programs, regardless of funding source or implementing entity;

Therefore, the following CGIAR Guiding Principles on the Management of Intellectual Assets (‘CGIAR IA Principles’) have been mutually agreed between the Fund Council and the Consortium as part of the Common Operational Framework:

- The CGIAR regards the results and outputs of the research and development activities conducted under the SRF as international public goods and is committed to their widespread diffusion and use and to achieving the maximum possible access, scale and scope of impact from them for the benefit of the poor, especially farmers in developing countries;
- The CGIAR recognizes that partnerships are critical to ensure access to the best knowledge and innovation, harness efficiencies in product development and achieve maximum impact through effective delivery and deployment, and that such partnerships require clarity with regard to intellectual asset management and may require incentives that must be innovatively designed, carefully managed and diligently monitored;
- The CGIAR further recognizes the indispensable role of farmers, indigenous communities, agricultural professionals and scientists in conserving and improving genetic resources;
- The CGIAR supports the effective conservation and widespread use of genetic resources for food and agriculture, and the sharing of benefits associated with such use. Accordingly, the eleven Centers hosting ‘in-trust’ collections of Plant Genetic Resources for Food and Agriculture for the benefit of the international community signed agreements in 2006 with the Governing Body of the International Treaty on Plant Genetic Resources for Food and

Agriculture ('Treaty'), placing those collections within the purview of the Treaty. Facilitated access to Plant Genetic Resources for Food and Agriculture within the purview of the Treaty shall be provided in accordance with the provisions of the Treaty.

- All intellectual assets¹ produced or acquired within the context of the SRF shall be managed in ways that fully support the CGIAR Vision and that are consistent with applicable laws, including the Treaty.
- All intellectual assets produced or acquired within the context of the SRF shall be managed in ways that maximize their global accessibility and ensure that they lead to the broadest possible impact on target beneficiaries. Conditions that restrict the global accessibility of such intellectual assets shall not be imposed or allowed unless they are necessary for the further improvement of such intellectual assets and/or to enhance the scale or scope of impact on target beneficiaries.
- Intellectual property rights² over intellectual assets produced or acquired within the context of the SRF shall be used prudently and strategically in order to further the CGIAR's capacity to serve the resource-poor.
- The CGIAR shall ensure resources are available for the sound management of intellectual assets in accordance with these CGIAR IA Principles, Consortium policies, guidelines and best practices.
- These CGIAR IA Principles shall not be interpreted or applied in a way that impedes on fundamental human rights.

¹ **'Intellectual assets'** means any results and/or products of research and development activities, of any nature whatsoever (including, but not limited to, knowledge, publications and other information products, databases, improved germplasm, technologies, inventions, know-how, processes, software, and distinctive signs), whether or not they are protected by intellectual property rights.

² **'Intellectual property rights'** means ownership rights over intellectual assets (or applications thereof), whether registered or not, granted in any jurisdiction, including but not limited to, copyright and related rights, database rights, patents, industrial design rights, plant variety rights, trade secrets, trademarks and service marks, geographical indications, and trade secrets.