

ICARDA Intellectual Property Rights Policy

Approved by the Board of Trustees (BoT) in May 2003

The ICARDA Intellectual Property Rights (IPR) policy is summarized as follows:

1. ICARDA will protect the products of its research if this is in the interest of the availability to and use of new technology by farmers in Dry Areas.
2. The plant genetic resources ICARDA holds in trust under the auspices of FAO (all collected or received material registered at the signature with FAO on October 26, 1994), are made available under an approved material transfer agreement (MTA).
3. ICARDA will strive to make the plant genetic resources it holds and which are not covered by the FAO agreement, available to farmers by the most efficient mechanism and always with an MTA.
4. Other living organisms are made available according to reasonable conditions set by the country of collection.
5. Recipients of ICARDA developed breeding materials may protect those materials under conditions set by ICARDA. The main condition is that ICARDA can continue to freely distribute the material to other countries.
6. ICARDA is the owner of all research products developed by its staff or contractors.
7. ICARDA policies, including this IPR policy, are BoT approved and may be amended from time to time.

Policy on Intellectual Property Rights

Preamble

ICARDA recognizes the indispensable role of farmers and scientists, particularly in developing countries, in enhancing and conserving the valuable genetic resources of crops, animals, and associated organisms.

The genetic resources conserved in the genebank at ICARDA concern the ICARDA mandated crops. These have been assembled over more than two decades through collaborative collecting missions between national programs in WANA, Latin America, Asia, or through donation of these materials by national programs and individual farmers and scientists for safety duplicate storage. The materials are maintained as working collections and under long-term storage conditions.

ICARDA holds germplasm in trust under the auspices of FAO since October 26, 1994, as part of the International Network of Ex-situ Collections, with a responsibility to conserve, maintain and distribute it for the benefit of farmers and agricultural research for the world community.

The Convention on Biological Diversity, together with the FAO International Undertaking on Genetic Resources, has created a changed international regime for genetic resources. There is greater concern to conserve genetic resources and to obtain a fair distribution of the benefits derived from the potential use of those resources. In this context, ICARDA recognizes the rights of farmers in this context.

ICARDA believes in the conservation of plant genetic resources as the foundation for food security and will facilitate, when possible, the international flow of these resources.

ICARDA is a contributor to a variety of forms of technology development, including segregating populations, improved varieties, information and knowledge, and wishes to bring to the developing nations and to their farmers the benefits of the new biological technologies.

ICARDA adopts the following principles governing plant and other genetic resources kept at the Center, its inventions, and its cooperation with other research institutions:

Principles

1. ICARDA will continue to make genetic resources that it holds in trust available, in accordance with the detailed policy specified.
2. In compliance with the Convention on Biological Diversity, and the Agreement between ICARDA and the Food and Agriculture Organization of the United Nations (FAO) placing Collections of Plant Germplasm under the Auspices of FAO, ICARDA will supply these genetic resources under a Material Transfer Agreement (MTA) designed to ensure the free availability of the materials, as well as their evaluation and characterization data.
3. The genebank at ICARDA will accept germplasm for long-term conservation that can be freely transferred in accordance with the MTA described in Principle 2. The genebank may also accept materials for safety duplication (or "black box storage") on which the donor of the germplasm has placed distribution restrictions. Such germplasm will be kept in its long-term (-18°C) storage facilities, on agreed terms.
4. Some breeding materials, elite germplasm, and parental lines that are derived from breeding by ICARDA will be made available in accordance with the policy detailed in. Material Transfer Agreements will be used for distributing these materials.
5. ICARDA may apply for intellectual property protection of technologies and materials or provide them to a collaborator on a restricted basis, if otherwise the availability of such advanced biological technologies and/or products to developing countries is likely to be threatened.
6. ICARDA will make available micro-organisms and biological control materials from its collections as per the conditions specified
7. ICARDA will continue to seek copyright protection for its publications, databases, and software as appropriate
8. Registration of the ICARDA name and logo as trademarks shall be undertaken in order to obtain exclusive rights for the use thereof.
9. When various institutions are involved in the development of new technology, ICARDA will negotiate appropriate IPR agreements on the basis

of this policy.

Appendix 1: Intellectual Property Rights and Plant Genetic Resources

A: Plant Genetic Resources placed under the auspices of the FAO (the so-called designated collection of material registered in ICARDA before October 26, 1994).

1. The plant genetic resources maintained in the genebank at ICARDA are held in trust for the world community.
2. ICARDA will stimulate the utilization of plant genetic resources it holds in trust (except germplasm held under "black box storage" on which the donor of the germplasm has placed distribution restrictions) including evaluation and characterization information.
3. ICARDA will not protect the FAO designated plant genetic resources it holds in trust by any form of intellectual property protection.
4. The plant genetic resources held in trust by ICARDA will be made available with an approved material transfer agreement, which states that the recipients will take no steps which restrict their further availability to other interested parties. The recipient will not be allowed to claim ownership over the material and related information.

B: Material obtained after October 26, 1994 (material not included in the FAO designated collection):

1. Plant genetic material acquired after the above date will be made available according to reasonable conditions set by the donor country when ICARDA received the material.
2. In the absence of such specific terms, the conditions as for designated germplasm will apply.

Appendix 2: Breeding Lines, Elite Germplasm and Hybrid Material (Not currently in the designated material)

1. ICARDA will stimulate the availability of breeding lines, elite germplasm and parental lines of hybrids of any of its mandated crops produced in its conventional breeding programs.
2. ICARDA will provide breeding lines, elite germplasm and parental lines of hybrid plants to both public sector institutions and private organizations on the understanding that:
 - The recipient must receive approval by ICARDA to take out intellectual property rights on, or commercialize the material.
 - ICARDA will consider granting such rights subject to the following elements:
 - (a) ICARDA retains the right to distribute the same material to organizations in countries other than the recipient country.
 - (b) The use of ICARDA materials will be publicly recognized when a derived variety or hybrid is released.
 - (c) Such approvals will not unreasonably be withheld.
3. ICARDA may grant intellectual property rights to a profit-making organization if it is in the interest of the farmer community.

Appendix 3: Micro-organisms and Biological Control Agents

1. ICARDA maintains a collection of micro-organisms (mainly of Rhizobium, Mycorrhiza and endophytes) and conducts research using biological control agents of pests and diseases employing parasitoids and disease organisms.
2. ICARDA will make available microorganisms or biological control agents in its collections to researchers, with an appropriate Material Transfer Agreement.

Appendix 4: Publications, Databases, Software and Equipment

1. ICARDA will continue to seek intellectual property protection on its publications, databases, software and machinery designs.
2. Intellectual Property Rights may be applied on designs of equipment developed by ICARDA, and it will exercise its rights so as to ensure that the equipment designs are available to developing nation farmers.
3. ICARDA publications, databases, and software will be protected by copyright in accordance with established publishing practices.