Consortium

CGIAR Consortium Legal/IP Network (CLIPnet) Annual Meeting Report 2013

8th October 2013, ILRI, Nairobi, Kenya

Photo Credit: Paul Karaimu/ ILRI 2013

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CLIPnet is a CGIAR Consortium community-of-practice Coordinated by the office of the CGIAR Consortium General Counsel

Executive summary

The Consortium Legal/IP Network (CLIPnet) annual meetings present the opportunity for the CGIAR Consortium Legal/IP focal points to share knowledge, experiences and best practices on the sound management of Intellectual Assets (IA) across the CGIAR Consortium. This was the third annual meeting of the CGIAR Consortium Legal/IP Network (CLIPnet) *post* CGIAR reform. The overarching objective of the network is to assist CGIAR Consortium members (Centers) and their partners to manage their intellectual assets or intellectual property in ways that best achieve the CGIAR Vision, by ensuring the broadest possible impact on target beneficiaries and maximizing global accessibility of Intellectual Assets.

Of the 15 CGIAR Consortium member Centers[1], 13 were represented at the 2013 annual meeting. This gathering was shorter than in previous years. It had been collectively decided that non-confidential topics which were of relevance to CGIAR Research Programs (CRPs) would be included in the agenda of the Regional workshop in support of Legal/IP management in the CRPs, which took place immediately after the annual meeting.

While there was some value in this approach, it was generally felt that this community needs substantial time to share, discuss and work together, especially since IP management is taking on a more prominent and strategic role within the reformed CGIAR – and demands on the IP managers and Legal Counsel are increasing as a result. There is a need to work together more cohesively, in order to generate practical solutions and best practices so as to respond to the growing demands of sound management of Intellectual Assets, in line with the requirements of the CGIAR Principles on the Management of Intellectual Assets (**CGIAR IA Principles**).

Some of the priorities identified by the group included:
- Reflection on the first round of Intellectual Asset (**IA**) reporting for the year 2012;
- Involvement in the bi-annual review of the CGIAR IA Principles Review in 2014;
- Involvement in the review of the Program Implementation Agreement (**PIA**);
- Contribution towards development of the CGIAR position on GMOs;
- Support and contribution towards development of the Guidance for CRP 2nd call.

Key issues and observations from the 2013 meeting included:

Legal/IP & partnerships

➢ While the CGIAR IA Principles provide clarity from a policy perspective, incorporating these principles into partnership arrangements with large organizations remains a challenge. Some Centers feel they do not have the necessary capacity or bargaining power to ensure that CGIAR policies are followed (potentially at the expense of the partnering organizations' own policies). More support at system level was requested for this matter. What happens if CGIAR policies and performance indicators clash with those of our partners?

➢ The issue of IP ownership needs to be addressed within the CGIAR Consortium. The CRP partnership model has added further complexity to the effective management of **co-owned outputs**. Furthermore, neither the CGIAR IA Principles nor the Implementation Guidelines addresses the question of IP ownership. There is a need for clearer guidance on this issue, which should be considered during the review of the CGIAR IA Principles in 2014, in consultation with the Fund Council IP Group and partners.

➢ Valuation of intellectual assets is another area requiring attention. Negotiations with the private sector are more challenging if Centers/CRPs cannot effectively value their intellectual assets. There is a need for more coordination and capacity building, so that such valuations can be conducted consistently across the CGIAR Consortium.

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[1] Absent were ICARDA and IFPRI; the latter was unable to attend due to security concerns

Strategic Legal/IP management

➢ There is a need for the CGIAR Consortium to work better with the Fund Council IP Group. Given the expectation of full compliance with the CGIAR IA Principles, and specifically with regard to IA reporting, improved and enhanced collaboration is needed between the Fund Council IP Group and the Consortium, with a view to ascertaining expectations and improving the second round of IA reporting.

➢ In the 2nd CRP round, **the CGIAR IA principles,** as well as IA Implementation Guidelines**, should be reviewed and integrated** in the CRP Proposals. Research activity will be aligned with these two key documents, paying special attention to farmers' rights, genetic resources for food and agriculture, sound management of intellectual assets and IP rights and prompt dissemination of research results, as well as the new Open Access policy. Reporting from CRPs through Center IA reports will be expected to provide adequate information and indicators useful for monitoring IP/IA compliance. Strategic IA management requires resources, placing a burden of added reporting requirements on the CRPs. Consideration of how to fund this IA management should be included in the 2nd CRP round.

➢ There is ongoing concern that many scientists/researchers are not up to speed on Legal/IP issues. This hinders the consistent application of the IA Principles, so more capacity building is required. Greater awareness also needs to be generated about how to manage IAs so as to 'maximize impact', rather than focus solely on the production of International Public Goods (IPGs) – a means rather than an end. There is a need for appropriate indicators to assess impact against the requirement that all IA produced or acquired by the Consortium and/or Centers should be managed in ways that maximize global accessibility. In other words, how do you balance accessibility with impact?

➢ It is important to develop linkages between the Intellectual Assets management policies of the Consortium, Centers and CRPs. There is a need to develop effective IA management mechanisms, tools and oversight links at two strategic policy levels – between Consortium and Center level policies, and between the IA policies of Centers (especially lead Centers) and CRPs. The aim is to build general awareness of the requirements of the CGIAR IA Principles, and to assist in continuous monitoring of compliance with the CGIAR IA Principles at Center and CRP levels. This will enable lead Centers to report on IA management practices in the CRPs that they lead, and also provide the opportunity of integrating sound IA Management practices within CRPs.

➢ The 2014 Annual Meeting will be held at a time that will allow group work to be carried out on the review of the CGIAR IA Principles that is due to take place in 2014. The structure of this review should be well thought out, so as to ensure an exhaustive review of all aspects of the CGIAR IA Principles.

Table of Contents

Introduction

The 2013 meeting focused on five key components:

1. Introductions to new participants
2. Updates and understanding key Legal/IP and related initiatives taking place across CGIAR
3. Review of first round of IA Reporting
4. An opportunity to discuss key topics of necessity and interest amongst IP/Legal focal points group
5. Sharing of promising practices

The meeting was hosted by ILRI and special thanks are extended to Linda Opati (IP and Legal Counsel, ILRI) and her team, who not only made the group welcome but also worked hard to provide the necessary support.

Participants

See **Annex 1** for the full list of participants. A total of 18 participants represented 13 CGIAR Consortium members and the CGIAR Consortium Office. The workshop was facilitated by an independent consultant, Nadia Manning-Thomas.

Agenda

See full agenda in **Annex 2**.

Evaluation

See results in **Annex 3**

Presentations and background documents

The following files are available on the document repository of the Network's intranet space[2]:

- Presentation files at http://bit.ly/17H20yF
- Background documents at http://bit.ly/1dRljte

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[2] Login to CGxchange will be required until changes to this site are made more accessible

Session A: Laying the foundation – Introductions, updates and identifying topics of necessity/interest for discussion

Welcome

The workshop participants were welcomed to Kenya, ILRI and the CLIPnet Annual Workshop 2013 by Linda Opati – Legal/IP Focal Point for ILRI. She said that ILRI management was delighted that the Center had been chosen for this meeting and she offered her support to make everyone's stay as comfortable and productive as possible. Opati added that she looked forward to an interesting meeting and the opportunity to get to know other Focal Points and to be able to share and learn together.

Introductory exercise

An introductory exercise was used to help all participants get to know each other and share what they do. It also served as an ice breaker and energizer at the start of the meeting. The facilitator used a Spectrogram exercise. Two different questions were asked and participants were asked to place themselves along a 'line' at the back of the room, according to the place that they felt best represented their position, between two stated points on the spectrum. The questions are shown in the image (right). After each question, participants were 'interviewed' by the facilitator, and asked to give their names, the Centers they represented and explanation of their positions on the spectrum. This exercise yielded many interesting individual perspectives, as well as a portrait of the community as a whole.
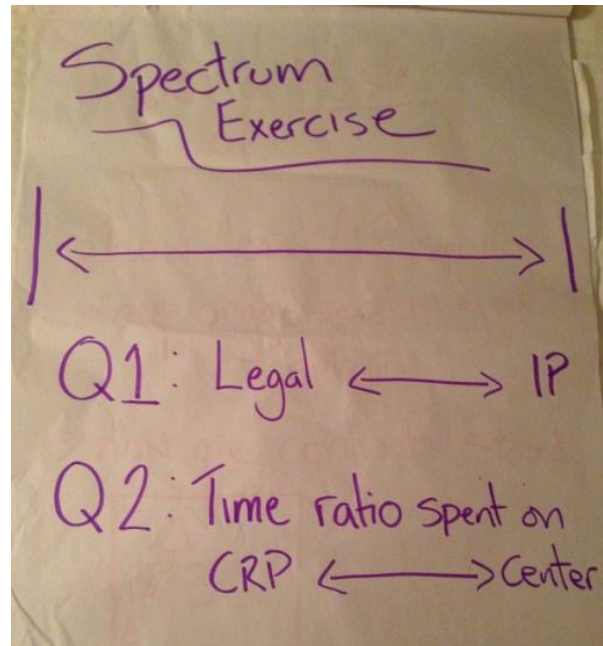
Opening and CGIAR Consortium update

Moses Muchiri, Legal Officer and Acting General Counsel[3] for the CGIAR Consortium, opened the workshop. He provided an update on key IP and legal and governance initiatives across CGIAR. He stated that "good and effective IP management has always been important for the Consortium and Centers. It is now becoming even more important, as part of the funding agreement requirements."

The table below outlines the topics in the update and provides some key highlights and associated resources for each of those topics. A document of the CGIAR Consortium Legal update was made available (http://bit.ly/17jy7rf.) The documents referenced below are in some cases either confidential or still work in progress. Please contact the CGIAR Consortium General Counsel should you require further information.

Topic	Highlight(s)
1. **Open Access**	- The first draft of the Open Access Implementation Guidelines has been circulated to Center DGs and Board Chairs for their comments and feedback. At the time of the meeting, this was the first of several planned rounds of consultations. - Ed Crothall was due to present more on this during the CRP IP Workshop.
2. **Program Implementation Agreements (PIA) review**	- The Program Implementation Agreements (PIA) stipulates that *"the parties agree to conduct a formal review of this PIA by May 31 2013 and make any necessary amendments"* (Article 10, PIA). - On 10th May, 2013 the Consortium CEO made a call for feedback to Center Board of Trustees (BoT) and Director Generals (DG), with a deadline of 24th May 2013. Six substantive responses were received and compiled by the acting General Counsel, who reviewed the comments and wrote a memo to the CEO which was discussed by the Consortium Board in June. The responses include legal, procedural and financial issues, and this latter aspect may require a high level working group. - Consortium Board (CB) agreed and decided to amend the current PIA format, based on the feedback received and to include a Performance Indicator Matrix (PIM). - Any amendments to the PIA will probably entail changes to the upstream agreements, i.e., the Joint Agreement and the Consortium Performance Agreement, as well as changes downstream to the Program Participant Agreement. The issue for consideration is therefore whether the feedback received should instead serve for the development of the next set of funding agreements. - There is a proposal to establish a working group on the PIA review. Volunteers to this group would formally begin the process of reviewing the responses received and generate proposals for amendment which the Consortium Legal Counsel would submit for higher level consultations at Center DG level, CB level and later to the Fund Council (FC) (only in the event that it is necessary to also

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[3] At the time of the meeting Moses Muchiri was Acting General Counsel. Elise Perset was on maternity leave (she returned to office on 4th November, 2013)

		-	amend upstream funding agreements in connection with the PIA amendment proposals).
3.	**CGIAR position on GMOs**	-	The CGIAR Consortium currently has no clear statement/position on GMOs.
		-	A proposal by the CGIAR Consortium to develop a clear but general position statement about where Consortium as a whole stands on the issue of GMOs was discussed by DGs, Board Chairs and the Consortium Board at their joint meeting in Los Banos on 1 October, 2013. At this meeting, it was agreed that a small taskforce at DG level would be formed to draft positions/statements about biotechnology in general, and GMOs specifically, and to engage donors as well as Centers.
		-	The proposed process includes 4 steps. The final step, in the first two quarters of 2014, will be to develop a CGIAR-wide position statement. This process will be managed from the Consortium Office
4.	**Policies**	-	The need for a Dispute Resolution policy has been acknowledged. A draft Dispute Resolution background document has been prepared and is being finalized by the Consortium Office. Once completed, there will be a period of high level consultations with Centers.
5.	**CGIAR Governance Review**	-	In December 2012, the CGIAR Consortium and the Fund Council jointly commissioned a Governance Review of the CGIAR system.
		-	Price Waterhouse Cooper's (PWC) CGIAR Governance Review Phase 2 Final Report was presented in September 2013. It contains a total of 68 recommendations.
		-	A key recommendation is for immediate analysis of the proposal of merging the Consortium Board and Fund Council, in essence substituting the existing dual pillar governance structure with a single pillar one. The report makes notable recommendations, which will be part of the work and agenda of the Consortium in 2014.
		-	The report is currently being discussed by the CB. This was due to be discussed by the FC at its meeting in November. It is expected to generate considerable discussion, leading to changes in the overall governance of the CGIAR system. Some of the recommendations will also feed into the upcoming Mid-Term Review (MTR).
6.	**CRP Extension, Synchronization and call for 2nd round of CRPs**	-	After extensive consultations with Center DGs and BOTs, the CGIAR Consortium Office developed a proposal for CRP Extension and Synchronization, which was approved by the CB on 1 October, 2013. This was due for further discussion by the Fund Council at the FC10 Nairobi meeting in early November.
		-	The Proposal includes a plan to synchronize the end dates for all current CRPs, so that the 2nd round of CRPs can begin

		simultaneously. This will mean setting a date when all CRPs end. It will also mean extending those CRPs whose contractual termination date is before the FC approved extension date, and reducing the contractual termination date for those CRPs with a term extending beyond the FC approved extension date.

- To improve on the next portfolio of CRPs, two proposals were made:
  1. **SRF management update**. This would involve integrating results based management in the 2nd round of CRPs, by linking Intermediate Development Outcomes (IDOs) with the System Level Outcomes (SLOs) through clearly defined impact pathways and theories of change, which are designed to ensure that the focus of science is to deliver measurable outcomes in addition to outputs.
  2. **Guidance for 2nd CRP call**. This is the process and documentation meant to guide the proposal development process for the 2nd round of CRPs. A comprehensive guidance document for the 2nd round of CRPs has been prepared by the Consortium Office for this purpose. It will be circulated to Center DGs and Board Chairs.

- In the 2nd CRP round, **the CGIAR IA principles,** as well as IA Implementation Guidelines**, should be reviewed and integrated** in the CRP Proposals. Research activity will be aligned with these two key documents, paying special attention to farmers' rights, genetic resources for food and agriculture, sound management of intellectual assets and IP rights and prompt dissemination of research results, as well as the new Open Access policy. Reporting from CRPs through Center IA reports will be expected to provide adequate information and indicators useful for monitoring IP/IA compliance.

- **Governance and Management Review of CRPs**: The review of CRP Governance and Management was requested by the Consortium and approved by the Fund Council. The review covers the 15 CRPs, as well as the research program established for Managing and Sustaining Crop Collections (Gene Bank CRP). The Independent Evaluation Arrangement (IEA) developed the review's terms of reference after consultation with CG Centers and CRP leadership. A senior consultant has been engaged to conduct the review and ToRs finalized. The review is expected to be concluded by February 2014.

7. **One Corporate System (OCS)**	- OCS is a joint initiative of 9 Centers, plus the Consortium Office, to implement a joint business solution which includes a) the harmonization of some of the processes and b) the configuration of modules of an Enterprise Resource Planning program (ERP).
	- The primary objective of the OCS project is to successfully implement a business solution to support and enable the efficient and effective integration of the processes of research management, program management, financial management, resource management and donor, partner and consultant management. The OCS objective is to implement a standard solution across all

		- participating Centers. - OCS is taking place in three phases, involving three Centers per phase, as well as the Consortium Office.
8.	**Mid Term Review (MTR)**	- The MTR is an extensive high level governance exercise which was due to begin in or about October 2013 and be concluded by the November 2014 meeting of the Fund Council. The MTR terms of reference have been finalized after consultations amongst Fund Council members. - The objective of the MTR is to examine the progress of CGIAR reforms, together with the resulting appropriateness, effectiveness and efficiency of the overall system, and make recommendations for course correction and improvements where necessary.

Center updates

As a way of conducting Center updates this year, focal points were asked to develop a poster showing how legal and IP services and functions are organized in their Center. Participants were encouraged to present this as an organogram or some other visual diagram. They were also asked to include a diagram or note on how contracts are stored. These 'posters' were put up on a pin board in the area where the coffee break was held and participants were invited to review and discuss these together as they had refreshments. To view all the posters, please see the CLIPnet workspace[4].
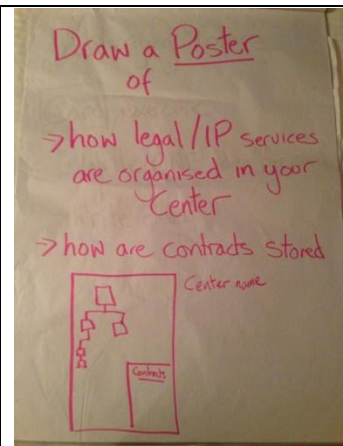

Photo 1: Instructions for posters

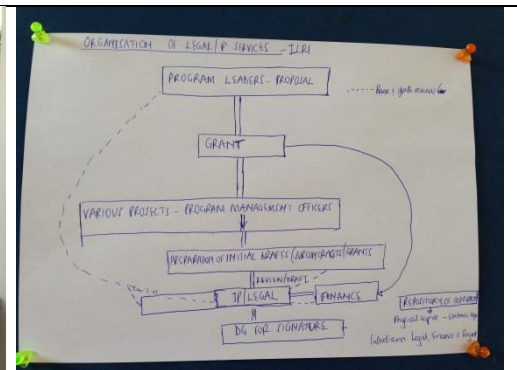**Photo 2: Exhibition of posters during coffee break**

Photo 3: Example of Center poster from ILRI showing how IP/Legal functions are organized and how contracts are stored

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4 Login to CGxchange will be required until changes to this site are made more inclusive

Exercise: What are some issues or areas you want to talk about today as Legal/IP focal points?

The Focal Points were asked to write on cards any topics or issues that they wanted to have discussed during the meeting. The topics on the cards included the following:

a. Implications of the CGIAR IA Principles on non-CGIAR Program participants.
b. Use of Standard Material Transfer Agreement (SMTA) for transfer of designated material to non-treaty countries.
c. Achieving full compliance with the CGIAR IA Principles. How to get BoT Assurance of Compliance?
d. Ownership of IAs and escape from the CGIAR IA Principles for non-CGIAR owned IAs (research results). Is this a gap in the CGIAR IA Principles?
e. When are we going to review the CGIAR IA Principles (Date in 2014)? CIP's preference would be that the review takes place in the second half of 2014 (following the 2014 CLIPnet Annual meeting).
f. Other Centers' experiences on conditions for agreements with private sector, community groups or LOAs with farmers.
g. Experiences of other Centers in cases where national laws, rules and regulations conflict with their work, gaps and how to deal with them.
h. Issues on farmers' rights – traditional knowledge and sharing of materials not in Multi-Lateral System (MLS) of the treaty.
i. Limited exclusivity licenses in relation with PGRFA under-development.
j. Farmers' rights. How to capture them?
k. IP management. Due diligence?
l. Dispute resolution.
m. Center sub-contracts – minimizing negotiation and turnaround time.
n. Restriction of IP dissemination by donor agreements.
o. What is an IP audit and how would it be conducted by the Consortium Office?
p. Discussion on PGRFA under-development. How Centers share/transfer? What instrument is used (e.g. SMTA, SMTA with additional terms). Important – Secretary of International Treaty will start reviewing CGIAR Centers' practices in this regard.

Topics that were not discussed due to time constraints were deferred to the Regional workshop in support of Legal/IP management in the CRPs, which took place directly after the Annual Meeting.

Discussion/decision on opening up of CLIPnet services

Before the coffee break, Kay Chapman (Consortium Office) made a proposal to open up CLIPnet services beyond the current group, given that we now work with many partners, through the CRPs.

She first outlined the services currently available through CLIPnet which include:
- Mailing list;
- Network list of IP Focal Points and other interested persons across CGIAR (currently 63);
- Intranet for the group featuring:
    o Work space
    o Document repository
- Monthly updates;
- ACIPA webinars/master classes.

The following services would remain private to the Legal/IP Focal Points:
- The Focal Points mailing list
- The CLIPnet Annual Meeting

The decision would be considered further in the Consortium Office and implemented subject to no objections. No objections were received during the meeting.

Session B: Discussing implementation of the CGIAR IA Principles and the first round of Intellectual Asset reporting

Report back from the Consortium Office on IA reporting for 2012, by Moses Muchiri

Muchiri gave a presentation as a 'report back' on the first round of IA reporting. The feedback on the first round of reporting was provided in a document that is available here (http://bit.ly/17jy7rf).

Supporting documents on the IA reporting include:

CGIAR IA Report (http://bit.ly/1aD2idw); Explanatory Note for the CGIAR IA Report (http://bit.ly/1fR91T9); tables showing breakdown of information in parts 1.1-1.5; Table of Center Board Assurances received are available.

Key components of Muchiri's presentation were:

1. **Review of the IA Principles**
   o Background to the IA Principles, which were effective from 7 March, 2012 on an interim two- year basis.
   o Article 12 provides that the CGIAR IA Principles need to be reviewed every two years.
   o Way forward for the review
     ▪ Formation of an IA Principles Review working group (5-7 members);
     ▪ Structure of process report and recommendations for amendment by mid-June 2014;
     ▪ Formulation of steps to undertake review;
     ▪ High level consultation process with Center DGs/BoTs, CB and FC.

2. **Feedback on report**
   a. Part A reporting – Non confidential
      i. Highlights from each Center
   b. Part B reporting – Limited Exclusivity Agreements (LEA) & Restricted Use Agreements (RUA): Aggregated – LEAs, RUAs and IP Applications: provided aggregated information (confidential details withheld)
      i. Note: Page 7 of CGIAR IA report gives a summary of this.
      ii. Comment by Muchiri: There were a lot of strong and extensive discussions with FC IP Group on this section. The FC IP Group was concerned with the fact that a substantial number of reported Limited Exclusivity Agreements and Restricted Use Agreements did not comply with the provisions of Art. 6.2. and 6.3 respectively. The FC IP Group interpreted the CGIAR IA Principles literally, particularly with regard to Art. 6.2, where the CGIAR IA Principles require that research and emergency exemptions be explicitly provided in the Agreements.

3. **Reminder of timetable for Center IA Reports for 2014 onwards**
   a. Center IA Reports – end of February, 2014
   b. Center Board Assurance of Compliance – by 30 April, 2014
   c. CGIAR IA Report – 15 May, 2014

Some of the key messages to emerge from the IA reporting that Muchiri shared with the group were:

- The Fund Council IP group had substantial comments on Center IA Reports and felt that although some gains have been made towards implementation of the CGIAR IA Principles, there is still need for improvement in terms of IA reporting from Centers, and also to ensure compliance with the CGIAR IA Principles. Lessons from this first round of reporting should be used to improve reporting in 2014.

- The FC IP Group expressed strong concern with a number of instances of non-compliance with the CGIAR IA Principles with regard to the reported Limited Exclusivity Agreements (LEAs), as well as Restricted Use Agreements (RUAs). Regarding LEAs, the FC IP Group was concerned that there were instances where there were no explicit research and emergency exemptions, and Centers did not request the Consortium for approval of deviation. In addition, for those Centers which did not comply, no explanations were provided to the Consortium or in their IA Reports, indicating the reasons for non-compliance. With regard to RUAs, in some instances there was insufficient information in the justifications to show how the CGIAR Vision was achieved. Further information was also sought as to why it was not possible to obtain third party Intellectual Assets with less, or no restrictive conditions.

- Insufficient information on management of IA in CRPs was included in a number of Center IA Reports, particularly IA Reports from lead Centers. The FC IP Group indicated it would like to see Center IA Reports from lead Centers contain information on how Intellectual Assets and Intellectual Property are being managed in the CRPs.

Session C: Exploring topics of necessity and interest identified by the group

Due to a decision made by the whole group to spend additional time discussing the IA reporting, the time for the planned session to explore the topics of necessity and interest through a World Café approach was cut short. Grouping the topics proposed in Session A by the participants into some key categories, the facilitator worked with the participants to establish where those topics might be covered in the agenda of both the CLIPnet meeting and the subsequent Regional Workshop on IP management in CGIAR Research Programs, and if special attention needed to be given to making a space for particular topics to be discussed.

Topics	Where to be discussed
PGRFA	Session on Thursday by Michael Halewood (update from Oman meeting and discussion on key emerging information, issues and opportunities)
IA 1. **Scope** 2. **How to get BoT assurance compliance** 3. **Implications for non-CGIAR Program participants**	In Review of IA Principles Decision to be made in 2nd Call
Farmers' rights	Include this topic in Friday morning Open Space with Partners
IP 1. **Restriction of IP dissemination by donor agreements** 2. **Due diligence** 3. **Audit**	Throughout agenda but specifically: 1. Discussed during previous IA reporting session 2. Throughout 3. Presentation on Friday morning and topic to be included in Open Space on Friday morning
Center sub-contracts 4. **Minimizing negotiation and turnaround time** 5. **Agreements with various groups**	Promising practice sessions General sharing during sessions and breaks

Session D: Promising practices showcase presentations on good practices and new ideas

The final session of the day was designed as an opportunity for sharing ideas within the community. An invitation was extended to all participants to share any promising practices with the group. Three promising practices were presented during the session, which elicited considerable discussion and resulted in additional practices being shared and ideas raised.

The promising practice presentations were:

1. How we integrate IA management in the project lifecycle at CIP, by Selim Guvener
2. Insights on ownership issues in research agreements, by Elsie Quaite-Randall
3. Important practices from the IP Office at ICRISAT, by Hanumanth Rao

How we integrate IA management in the project lifecycle at CIP, by Selim Guvener

Selim Guvener, from CIP, gave a presentation on how IA management is integrated into the project lifecycle at CIP. The presentation can be found at: http://bit.ly/1iqEDku
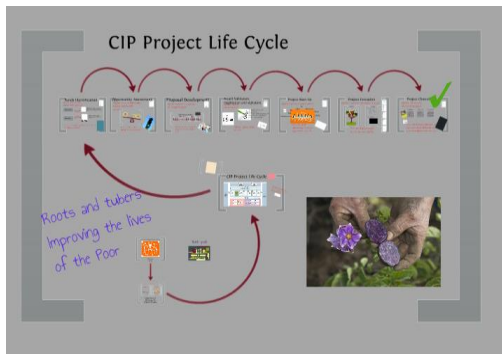
Photo 4: Main framework presented by Selim Guvener in his presentation on how IA management is integrated into the project lifecycle at CIP

Guvener outlined the main steps in the lifecycle at CIP as:

- Funds identification: Proactive and reactive
- Opportunity assessment
- Proposal development, including identification of IA project elements
- Award validation, negotiation and signature
- Project start up
- Project execution
- Project closure

He also described how IA management is integrated at CIP, using the following considerations:

- One of the main processes involved in the lifecycle is IA Management;
- Initial steps have to be captured and approved in a Project Notification Memorandum (PNM), which is reviewed by IP unit;
- Project start up meeting document includes a section on Intellectual Assets, which documents: Deliverables, Communication Tools and Proposed Publications;
- Project closure meeting document includes key questions to capture any IA management issues.

IP ownership in Collaborative Research Agreements, by Elsie Quaite-Randall

Elsie Quaite-Randall, from IRRI, gave a presentation highlighting promising practices in dealing with ownership issues in research agreements. Her presentation can be found at: http://bit.ly/1bAhmpQ

She began her presentation by sketching the nature of collaboration with respect to research agreements and IP:
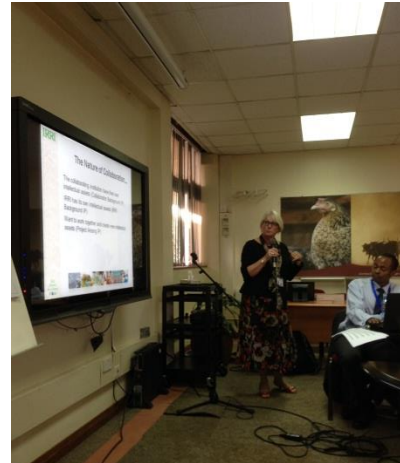
- The collaborating institution have their own intellectual assets (Collaborator Background IP);
- IRRI has its own intellectual assets (IRRI Background IP);
- Want to work together and create new intellectual assets (Project Arising IP).

Quaite-Randall then looked at Standard IP Clause (pre IA), IA Principles Adoption and Post IA. In the Post IA she focused on three Common Collaborative Agreements:

1. Memorandum of Understanding (MOU)
2. Letter of Agreement (LOA)
3. Scientific Knowledge and Exchange Program (SKEP)

Photo 5: Photo 5: Elise Quaite-Randall from IRRI giving a promising practice presentation on 'Insights on ownership issues in research agreements'

At the end of her presentation she offered some final thoughts on ownership issues:

- It is best if IRRI owns the IP created by its personnel

  o If jointly owned, then need to have joint decision-making ability

  o In some cases may be beneficial to be joint owners

- There is a need to understand Background IP implications;
- There is a need to include the 'commercial use, as well as academic and emergency aspects;
- License option can provide the private sector with the rights that it needs to start the project.

Important practices from the IP Office at ICRISAT, by Hanumanth Rao

Rao provided a number of promising practices in IA management from ICRISAT. His presentation is available at: http://bit.ly/17HLGD8

The main points highlighted in the presentation were:

- The key steps and factors necessary for the establishment of an IP office;
- Institutionalized IPR principles through key documents – personnel policy, confidentiality agreements, etc.;
- Facilitated IP awareness to staff through seminars, training programs, etc.;
- **IP Page on Intranet;**
- The following were registered as trademarks in India to protect the goodwill and reputation associated: ICRISAT name, ICRISAT logo, Science with a Human Face logo;
- Execution of agreements:
  - o Strategic Marketing & Communication Office (SMCO) is the oversight office
  - o Guidelines established on preparation of agreements
  - o Clearance/comments by concerned units/staff is mandatory
  - o Archiving at SMCO
- In **work flows on project development** clearance/comments by the IP Office is mandatory
- ICRISAT Open Access policy: Share and disseminate Institute's publications
  - o Scientists submit to Library final edited versions upon acceptance
  - o Library would upload on the OA website

Photo 6: Slide from promising practice presentation by Hanumanth Rao from ICRISAT, showing work flow for project development including IP office

- **ICRISAT/EPO collaboration**
  - o Initiated a method of making Center publications as prior art with the European Patent Office (EPO)
  - o Signed MoA with EPO in late 2005
  - o Dissemination of ICRISAT publications in EPO's Non-Patent Literature (NPL) database
- Staff training (e.g introductory seminar on IP for newly inducted staff was organized at headquarters in July 2010)
- **Strengthening IP management at ICRISAT locations through**
  - o Regular visits to 5 locations based in West, Central, East and Southern Africa
  - o Raising IP awareness through seminars and one-to-one meetings
  - o Visits to national IP offices and NARS
- Plant variety journal: **Providing breeders with details of applications submitted and varieties registered (pertaining to ICRISAT mandate crops) on a monthly basis**
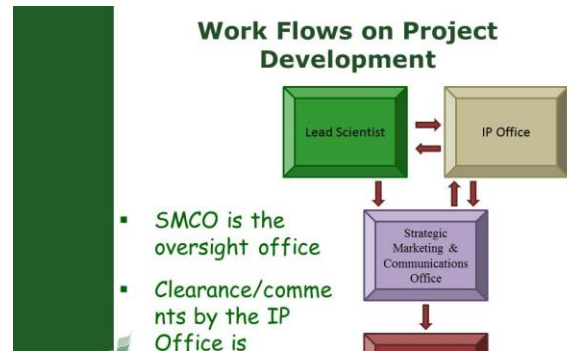
Ways forward

Way forward on CLIPnet online resources

It was proposed during the meeting that the CLIPnet site be opened up to partners/partner organizations in CRPs, since these should also be able to access key resources so as to ensure good IA management in CRPs. This will be done on a no-objection basis. By the end of the meeting, no objections were put forward, so the Consortium Office will make necessary arrangements.

Way forward on IA reporting

Various activities were proposed to respond to the issue raised in the first round of IA reporting, and to support improved IA reporting in future. These included the following:

1. Need clearer understanding from Fund Council IP Group about what it expects and wants from IA reporting.
   [Action: In the coming months, Consortium, together with the focal points, to develop Consortium expectations and position regarding certain key aspects of IA Reporting, particularly with regard to LEAs, RUAs and IA management oversight of CRPs. The Consortium shall forward these to the FC IP Group.[5]]
2. Need to make Fund Council IP Group aware that there are other sources of information on achievements etc., e.g Annual Reports.
   [Action: No action proposed].
3. Need more strategic process for IA reporting and IA management for CRPs.
   [Action: IP focal points to discuss and work with CRP directors].
4. Provide input concerning integration of Intellectual Asset management in the development of 2nd Call for CRPs.
   [Action: ideas to be developed on the workspace by working group and others. Ideas to be forwarded by Muchiri to the Consortium Office team working on guidance for the CRP 2nd call].
5. Provide input to review of the CGIAR IA Principles.
   [Action: Structure and procedure of the review will be decided when time approaches. This will be the main agenda for the 2014 CLIPnet Annual Meeting, when the focal points will have ample time to provide input to the review].
6. Share and showcase good examples of IA strategies and budgets.
   [Action: Make use of CLIPnet site to share good examples, best practices and good IA reports].

Working groups and collaboration opportunities

Topic	Status and members
To provide IP/IA management ideas for CRP 2nd Call	- Selim Guvener - Andres Alvarez Cordero - Elsie Quaite-Randall
CGIAR position and way of dealing with GMOs from IP/IA perspective	Recommendation for a dedicated area on the workspace to be created for CLIPnet members to share information relevant to the issue of how/what the CGIAR position on GMOs should be.

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5 A working group has since been established to look into the purpose and scope of Research and Emergency Exemptions.

Closing

The meeting was closed by Moses Muchiri, who thanked all participants for the fruitful contributions and discussions. He said he looked forward to working on some of the issues and initiatives in the coming months.

Participants were reminded that the Regional Workshop on IP Management in CGIAR Research Programs would start the following day (lasting for three days) and that participants would be joined by 12 representatives from partner organizations.

Annex I: List of participants

| Center/Organization	Person(s)	
Africa Rice	Takashi Kumashiro	Leader of AfricaRice Program on Genetic Diversity and Improvement
	Rougie Thomasi	Legal Advisor
Bioversity	Gloria Otieno	Junior Professional Officer, Genetic Resources and Food Security
CIAT	Maria **Virginia** Jaramillio Navarro	General Counsel
CIFOR	Guat Hong Teh	Consultant
CIMMYT	Ana Carolina Roa	Senior IP Counsel
		General Counsel
	Andres Alvarez Cordero	
CIP	Selim Guvener	Compliance and Intellectual Assets Manager
CGIAR Consortium Office	Ed Crothall	Legal Counsel
	Kay Chapman	Communication Specialist
	Moses Muchiri	Legal Officer (acting General Counsel)
ICARDA	---	
ICRISAT	Hanumanth Rao	Senior Manager, IP
ICRAF	Elizabeth Kariuki	Head, Contracts and Grants
IFPRI	---	
IITA	Hilde Koper	Head of Contracts and Grant Office
ILRI	Linda Opati	IP & Legal Counsel
IRRI	Elsie Quaite-Randall	IP Manager
IWMI	Pradeepa Amarasekera	Legal and Contracts officer
WorldFish	Ahmed Nabil	Scientist, WF-Data Analyst
Other…	*Nadia Manning-Thomas*	*Consultant-Facilitator*

Annex II: Agenda

CGIAR Consortium Legal/IP Network (CLIPnet) Annual Meeting 2013 (CGIAR Focal Points only):
Tuesday 8th October, 2013

Time	9:00-10:30	*10:30-11:00*	11:00-12:30	*12:30-1:30*	1:30-3:30	*3:30-4:00*	4:00-5:30
Activity	**Session A: Laying the foundation - Introductions, updates and identifying topics of necessity/interest for discussion**	*BREAK-Discussing 'posters'*	**Session B: Discussing IA guidelines and first round of reporting**	*Lunch*	**Session C: Exploring topics of interest identified by the group-in group work**	*BREAK-Developing CLIPnet*	**Session D: Promising practices showcase presentations on good practices and new ideas by CGIAR Focal points** (suggestions/ volunteers before workshop)

Annex III: Evaluations

Session	Not all useful	Slightly useful	Somewhat useful	Very useful	Extremely useful
A: Laying the Foundation			2	8	
B: Discussing IA Guidelines and first round of reporting		1	3	6	
C: Exploring topics of any follow up required	1		3	5	1
D: Exploring topics identified by the group		1	2	6	1
Total of all Session	1	2	10	25	2
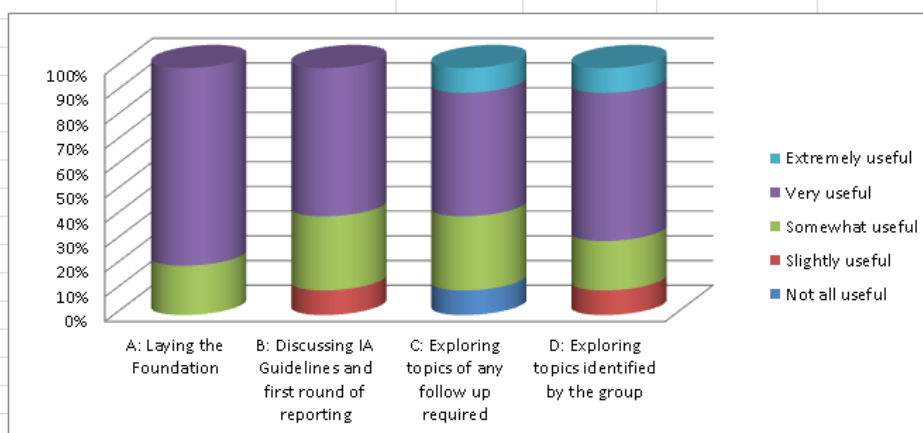
Session	Comments and details of any follow up required:
B	comments to FC
	consideration for CRP review
B	it was good to get the feedback from the Fund Council IP Group on our reporting, and as it was not as expected (more on Highlights than compliance).
	good to able to give reactions to that for (hopefully) the second report
D	very interesting presentation
B	useful suggestions about improvement on next round of reporting
C	very pertinent topics
D	the presenation was very useful
B	need to learn more areas such as IP audit
D	request to share with IP/legal group