

POLICIES AND PROCEDURES

Intellectual Property Management Policy

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1. Introduction

CABI's activities involve the generation and use of intellectual property (IP), that is, the creative outputs resulting from intellectual effort. Such creations include literary and artistic works, designs, and symbols, names and images used in qualifying activities, including commercial activities. Intellectual property rights (IPR) are the rights given to protect IP, if certain thresholds are met, and are protected by national and international law. Such property rights allow the holder to exercise a monopoly on the use of the item for a specified period. CABI needs to make conscious decisions about the management of IP (whether or not this is protectable) and the ownership of IPR.

The generation of IP and ownership of IPR is very important for CABI, which owns, and will own, all IPR generated through its own activities as well as externally-funded activities except where CABI has agreed otherwise. This means that all IP and IPR produced by CABI employees through the course of their employment belongs to CABI, unless otherwise agreed with external funders. But it also means that CABI must act responsibly and lawfully when reusing third party material in its sites, products and services and must adhere to national and international laws, regulations and conventions.

As a not-for-profit international UN treaty-level organisation, net financial benefit received from the exploitation of IPR arising from CABI's activities will be used as additional resource for CABI to pursue its mission.

2. Purpose

This policy, and its supporting documentation, is designed to ensure that CABI and its employees are able to benefit from the IP and IPR that it generates, including recognition of the work that has led to the IP as well as the IP itself (both for CABI and the employees involved), the dissemination of knowledge and information containing the IPR, and commercial use of the IPR. The policy is also designed to guide CABI employees on the correct use of third-party IPR.

This policy should be interpreted so as to encompass new and developing IP and IPR, which may not be explicitly referred to in any of the IP policies.

3. Scope

The policy covers all of the IP that CABI creates, including the following:

- a) Printed and digital publications, resources, and tools (excluding digital sequence information (DSI), which will be dealt with in accordance with the provider countries' Nagoya Protocol implementation requirements)
- b) Reference collections and associated data
- c) Inventions and trade secrets
- d) Programming code

With regard to biological material, including living organisms, their products and processes involving organisms, CABI complies with the requirements of the Convention of Biological Diversity (CBD) as enforced by the Nagoya Protocol on Access and Benefit Sharing implemented by the provider countries. Where CABI is permitted, it can take up IPR on the utilisation of genetic resources (biological material) and/or derivatives as the law allows, normally with its in-country partners, and shares benefits from such with the provider country as agreed with them under mutually agreed terms (MAT).

This policy also covers the use of third-party IP in CABI products, resources, and services.

4. Intellectual Property Principles

Intellectual property is the tangible and original expression of an idea and must exhibit some degree of labour, skill or judgement in its creation.

The main protections for IP include:

- a) Copyright

- b) Trademarks
- c) Patents
- d) Confidential Information (Trade secrets and Know-how)
- e) Rights in Designs
- f) Database Rights

In some cases, these rights need to be both original and registered (eg trademarks) and original, applied for, and granted (eg patents).

The general position in the UK is that ownership of IP and IPR that has come into existence in the course of employment will vest in the employer. Accordingly, almost all IP and IPR created by CABI employees in the course of their employment, some of which may be outside of their normal office hours, will automatically be owned by CABI. There may be some exceptions where creations are totally unrelated to CABI's work but if in doubt, employees should discuss IP-related issues with their line managers in the first instance.

More generally, as a part of the Agreement on Trade-Related Aspects of Intellectual Property Rights (known as 'TRIPS'), the World Trade Organisation has required all member countries to establish minimum levels of IPR protection. In dealing with IPR generated by non-UK based employees, it is the policy of CABI to follow, as far as possible within the individual national legislation, procedures and practice as if the IP and IPR had been generated wholly within UK jurisdiction.

Notwithstanding the above, CABI will ensure that employees are recognised for their input into the creation of CABI's IP and IPR and will generally allow employees to use their inputs such as images for dissemination and information purposes.

Further information on all of these aspects of IP and IPR are given in the sub-policies and related IP guides and it is vital that employees adhere to the guidance contained in these additional documents in order to protect and recognise CABI's IP/IPR and the IP/IPR of others.

5. Responsibilities

CABI and its employees are all responsible for ensuring that CABI complies with national and international legislation, regulations, and conventions.

Whatever IP employees produce in the course of their employment with CABI belongs to CABI and in certain cases, employees will need to give full details of that IP to CABI and take whatever actions are needed to secure CABI's rights to that IP. Employees will waive all moral rights under the Copyright, Designs and Patents Act 1988 (and all similar rights in other jurisdictions) which they have or will have in any existing or future works and will allow CABI to use their names and take the relevant actions that are necessary or desirable for CABI to obtain the full benefit of its IP.

Employees must ensure that they investigate IP requirements and outputs, including the use of third-party material and gaining the correct licences and permissions, at the beginning, and throughout the life, of projects and product development. Employees are also responsible for correctly logging the use of, and permissions for, third-party IP in order to ensure that it is correctly cited. Further guidance on how to do this is given in the sub-policies and associated documentation.

6. Review and Approval

Each of the documents constituting the Intellectual Property Management Policy will be reviewed annually. It is the responsibility of the Head of IP, Legal and Compliance to ensure that these reviews take place so that they:

- remain operationally fit for purpose;
- reflect changes in legislation and statutory regulations;
- are aligned to industry best practice;
- support continued regulatory, contractual, and legal compliance.

This policy has been approved by EMT. Substantive changes may only be made with the further approval of EMT.

Changes or additions to the Intellectual Property Policy may be proposed by any member of staff to the Head of IP, Legal and Compliance.

The policy shall be communicated to all staff and relevant external parties and is available via the Intellectual Property area on SharePoint and via MyHR.

7. Sub-Policy Document List

- a. CABI's IP – IPMP 01
- b. Third-party IP used by CABI and its employees – IPMP 02

8. Monitoring

Everyone must adhere to this policy. The Head of IP, Legal and Compliance has overall responsibility for this policy and will monitor it regularly to make sure staff are adhering to the policy.

9. Effective date

This policy will take effect from February 2021.

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CABI's Intellectual Property and Intellectual Property Rights

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1. Introduction

This policy is a sub-policy of the Intellectual Property Management Policy (IP-Overarching) and sets out the responsibilities of CABI and its employees to manage and secure CABI's intellectual property (IP) and intellectual property rights (IPR).

CABI's IP is at the heart of its activities and it is vital that the IPR generated from the IP are managed and secured for the benefit of CABI, its employees, and those it serves. It is the responsibility of all employees to read and understand this policy and to conduct their activities accordingly.

2. Purpose

The purpose of this policy is to ensure that CABI's IP is managed effectively to ensure that CABI is able to benefit from the IP and IPR generated through all of its activities so as to be able to use that IP and the IPR for the benefit of the organisation and those it seeks to help.

This policy should be interpreted so as to encompass new and developing IP and IPR, which may not be explicitly referred to in any of the IP policies.

3. Scope

This policy applies to all CABI employees and those contracted to undertake work for or supply services to the organisation that could generate IP and IPR unless specifically excluded by the contract under which they are working.

The policy covers all of the IP and IPR that CABI creates, including the following:

- a) Printed and digital publications, resources, and tools (excluding digital sequence information (DSI), which will be dealt with in accordance with the provider countries' Nagoya Protocol implementation requirements)
- b) Reference collections and associated data
- c) Inventions and trade secrets
- d) Programming code

With regard to biological material, including living organisms, their products and processes involving organisms, CABI complies with the requirements of the Convention of Biological Diversity (CBD) as enforced by the Nagoya Protocol on Access and Benefit Sharing implemented by the provider countries. Where CABI is permitted, it can take up IPR on the utilisation of genetic resources (biological material) and/or derivatives as the law allows, normally with its in-country partners, and shares benefits from such with the provider country as agreed with them under mutually agreed terms (MAT).

4. Responsibilities

CABI's IP is created throughout the course of its activities and it is important that this is recognised and protected by appropriate legislation. CABI owns the IP and IPR generated through its activities unless formally agreed otherwise, eg with donors.

CABI will seek to recognise the contribution of employees to the generation of this IP and IPR where possible, eg naming a staff member who has taken a photograph used in a CABI resource. Employees should raise any queries about the creation of and use of IP and IPR with their line managers in the first instance.

Employees should:

- a. Uphold and protect CABI's IP and IPR
- b. Alert relevant CABI staff to the creation of IP for CABI, which could be utilised as part of its package of IPR
- c. Keep IP-related information confidential and only share it internally and externally where relevant and necessary
- d. Ensure they receive formal authorisation for public disclosure of activities and research so that opportunities for CABI to pursue patents are not compromised

- e. Ensure contracts and agreements contain IP and IPR clauses that allow CABI to own or utilise IP created in the course of activities and projects, unless it is formally agreed otherwise
- f. Where relevant, ensure that Background IP (IPR), owned by CABI, is specified, adequately referenced, and protected in contracts and agreements
- g. Ensure that images are added to Portfolio with the correct metadata showing the copyright and permissions (use within CABI)
- h. Ensure that contractors and consultants adhere to CABI's IP Management Policy
- i. Ensure the use of appropriate Creative Commons licences and other open access and open source licences when publishing CABI IP (IPR) where relevant
- j. Ensure partners and collaborators respect and use CABI IP and IPR appropriately
- k. Notify their line manager and other appropriate staff should they discover that CABI's IP and IPR are being misused either internally or externally
- l. Make themselves aware of CABI's IP procedures where relevant to their work, eg through the use of relevant 'how to' and 'quick' guides
- m. Seek CABI's permission to use CABI IP and IPR for personal and non-CABI purposes, and such consent will not unreasonably be withheld
- n. Seek advice internally on IP-related issues
- o. Include relevant IP statements where necessary to ensure the IPR is recognised as belonging to CABI, eg copyright statements
- p. Ensure, as far as possible, that authored or co-authored papers are published under a licence that allows CABI to reuse those papers in its activities and resources should it so wish
- q. Not upload CABI IP to external websites and repositories unless specifically authorised to do so or if it is allowed under relevant CABI procedures.

CABI and its employees are all responsible for ensuring that CABI complies with national and international legislation, regulations, and conventions.

Whatever IP employees produce in the course of their employment with CABI belongs to CABI and, in certain cases, employees will need to give full details of that IP to CABI and take whatever actions are needed to secure CABI's rights to that IP. Employees will waive all moral rights under the Copyright, Designs and Patents Act 1988 (and all similar rights in other jurisdictions) which they have or will have in any existing or future works and will allow CABI to use their names and take the relevant actions that are necessary or desirable for CABI to obtain the full benefit of its IP.

Employees must ensure that they investigate IP requirements and outputs, including the use of third-party material and gaining the correct licences and permissions, at the beginning, and throughout the life, of projects and product development as well as other CABI activities.

5. Review and Approval

This policy will be reviewed annually to ensure compliance with legal and regulatory requirements, remain reflective of the current IP and IPR landscape, and address current and future business needs.

This policy has been approved by EMT. Substantive changes may only be made with the further approval of EMT.

6. Effective date

This policy will take effect from February 2021.

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Third-Party Intellectual Property and Intellectual Property Rights

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1. Introduction

This policy is a sub-policy of the Intellectual Property Management Policy (Overarching) and sets out the responsibilities of CABI and its employees to manage and use appropriately and legally third-party intellectual property (IP) and intellectual property rights (IPR).

It is important to recognise and give due credit to third parties for the use of their IP and IPR in CABI's products and resources. CABI's reputation could be damaged by the misuse of third-party IP and IPR.

2. Purpose

The purpose of this policy is to ensure that third-party IP and IPR are managed effectively to ensure that CABI is able to benefit from their use in CABI activities, resources and products.

This policy should be interpreted so as to encompass new and developing IP and IPR, which may not be explicitly referred to in any of the IP policies.

3. Scope

This policy applies to all CABI employees and those contracted to undertake work for or supply services to the organisation that could generate IP and IPR unless specifically excluded by the contract under which they are working.

The policy covers all IP created by third parties and the related IPR that are either licensed for use by CABI or are available under appropriate open access and open source licences.

4. Responsibilities

Employees should:

- a. Uphold and protect third parties' IP and IPR
- b. Seek the appropriate licences and agreements to use third-party IP, including open access and open source licences
- c. Only share third-party IP where specifically authorised or licensed to do so
- d. Ensure contracts and agreements contain IP clauses that cover the use of third-party IP, including Background IP (IPR) brought to the project or activity and appropriate agreement for CABI and third parties to use IP (Foreground IP) created through such projects and activities
- e. Ensure partners and collaborators respect and use third-party IP and IPR appropriately
- f. Seek the appropriate permissions to reuse third-party IP, eg images, in CABI resources and products
- g. Cite third-party IP appropriately in CABI resources and products, including requesting guidance from third parties on how to cite their IP
- h. Not upload third-party IP to external websites and repositories unless specifically authorised to do so by the relevant third parties
- i. Ensure that images are added to Portfolio with the correct metadata showing the copyright and permissions (use within CABI)
- i. Protect genetic resource (biological material) provider country sovereign rights and access and benefit sharing requirements as outlined in CABI's ABS policy and Centre ABS best practices keeping abreast of the global situation on the use of Digital Sequence Information on such genetic resources

CABI and its employees are all responsible for ensuring that CABI complies with national and international legislation, regulations, and conventions.

Employees must ensure that they investigate IP and IPR requirements and outputs, including gaining the correct licences and permissions, at the beginning, and throughout the life, of projects and product development as well as other CABI activities. This also includes responsibility for logging such use of, and permissions for, third-party IP and IPR in order to ensure that it is correctly cited.

5. Review and Approval

This policy will be reviewed annually to ensure compliance with legal and regulatory requirements, remain reflective of the current IP and IPR landscape, and address current and future business needs.

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