



Australian Government

**Cotton Research and
Development Corporation**

POLICY	Intellectual Property Management				
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Overview

CRDC's role is to enhance the performance of the Australian cotton industry and community through investing in research and development, and its application. This document sets out the CRDC's policy in relation to the intellectual property ("IP") arising from CRDC funded research. It deals with how the IP contained in research outputs should be managed to appropriately facilitate the adoption of the research results.

This policy has been reviewed in consideration of the 2012 *Australian Government Intellectual Property Manual* and *Primary Industries Standing Committee Intellectual Property (IP) Management Principles (2012)*.

The Policy

CRDC will manage IP to further the dissemination and adoption of the results of its investment in research and development for the benefit of the Australian cotton industry and community while effectively managing risks.

Principles of IP Management

CRDC has established guiding principles for IP management. These principles provide a non-exhaustive statement of the factors that will be taken into account by the CRDC when assessing proposed R&D investments and adoption plans for the results.

1. IP Management is integral to RD&E investment decisions:
 - a. CRDC will seek to manage the IP identified in research projects in such a way as to maximize the benefit to the cotton industry, which will include an assessment of the proposed adoption pathway for each relevant project.
2. IP Management is a means to an end, not an end in itself:



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- a. IP management is the process used to identify and establish rights in IP, appropriately protecting the IP and thereafter to optimize the benefits from IP through exploitation.
 - b. CRDC will adopt a flexible and adaptable approach to IP Management and IP Ownership, including seeking novel models of co-ownership where industry benefit is maximized.
3. IP Management facilitates decision-making on pathways for impact:
- a. CRDC's research procurement process will require an adoption pathway proposal.
 - b. CRDC requires an exploitation plan to manage the impact of Project IP or Scholarship IP and to assess the benefits of disseminating IP through a public domain, Australian cotton industry domain, by commercialization or through further research.
4. IP ownership and use rights must be carefully considered:
- a. Ownership and use of IP has inherent rights and obligations, including the IP owner's right to secure and benefit from the IP.
 - b. CRDC will ensure appropriate procedures are in place to safeguard the copyright and confidentiality of another party's IP.
 - c. Research providers may be required to demonstrate that they have appropriate IP policies and procedures in place to help protect CRDC IP.
5. "Freedom to operate" can minimize barriers to RD&E investment:
- a. IP management includes the identification of existing IP rights and the establishment of freedom to operate.
 - b. CRDC reserves the right to request assignment of copyright in works created in the course of CRDC-funded research.
 - c. CRDC may reserve a right of first refusal to purchase another party's share of any IP rights that arise from a CRDC-funded project.
6. "Rights to publish" is part of a broader IP management strategy:
- a. CRDC acknowledges that public research organizations may require information from RD&E investments to be published as part of their purpose or to allow students to complete their thesis.
 - b. CRDC will ensure appropriate procedures are in place to manage IP owner's rights and confidential information when assessing publications.
7. IP Risk Management Strategies are essential to protect IP rights and benefits:
- a. Each organization responsible for the generation and management of IP should develop and implement IP risk management strategies.



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- b. Effective IP risk management should strike an appropriate balance between the merits and risks of protecting and granting access rights to IP.
- c. CRDC will apply appropriate risk management assessment to IP management.

Assessing a Proposed Adoption Pathway

The CRDC has detailed operating procedures for determining whether a proposed adoption pathway is appropriate. It is recognised that, in practice, the most appropriate adoption pathway is often immediately apparent from the nature of the project. This is not true in every case, however, and hence the CRDC has a checklist against which the proposed adoption pathway for a project will be assessed.

Commercialisation

The CRDC also has detailed guidelines for determining their involvement in cases where commercialisation is the preferred adoption pathway. These guidelines are revised from time to time, but the issues they address include:

1. **Involvement:** The extent to which the CRDC will become involved in the commercialisation process.
2. **Level of Control:** The CRDC will seek to retain an appropriate level of influence over the commercialisation process, and by doing so CRDC will be better able to direct it for the benefit of the cotton industry.
3. **Non-compliance.** The CRDC will establish minimum performance indicators and will normally seek to retain the ability to renegotiate or terminate an agreement if the commercialising partner's performance is unsatisfactory.
4. **Sole License.** In order to ensure that CRDC-funded researchers working on another project are not required to seek a licence fee to use products or services that it initially funded, the CRDC will through a sole license arrangement, retain a right to use a technology for research purposes when entering into commercialisation arrangements.
5. **The preferred mode(s) of commercialisation.** Commercialisation pathway. The CRDC will explore options for commercialisation on a case-by-case basis. This may take the form of a non-exclusive, exclusive or sole license arrangement.

Free Dissemination

In cases where it is decided that a particular research outcome is not suitable for commercialisation, the CRDC recognises that it is important to ensure that there is a management strategy in place that is likely to maximise adoption and uptake rates. In many cases this will mean that research will be placed in the public domain as quickly as



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possible. In these cases the CRDC will seek to ensure that publication is in a form that fully discloses the research outcomes. Not only will this help ensure that the outcome is useful to the intended audience, it will also preclude third parties from procuring a monopoly over any substantially identical outcome.

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Modification History

Date	Board Meeting Ref	Description
15 May 2009	2009-04	Revision
5 Feb 2013	2013-01	Revision of overview, policy and principles



IP Management Plan

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Document Control

Policy Title	Intellectual Property Management Plan		
Governance Framework	Intellectual Property Management Framework		
Approved Date	24/6/2015	Board Reference	2015-04
Amended Date		Board Reference	
Review by	Audit Committee	Review Frequency	Tri-annual

1. Purpose

- 1.1. The purpose of the **Intellectual Property Management Plan** is to ensure that the Cotton Research and Development Corporation (CRDC) has established controls and procedures, in support of the **Intellectual Property Policy**, that establish efficient and effective processes for managing intellectual property owned or controlled by CRDC in accordance with the PGPA Act, the PIRD Act and the Funding Agreement.

2. Scope

- 2.1. This plan applies to:
 - a. All CRDC directors, officials and staff members.
 - b. All consultants and contractors fulfilling the role of a CRDC official or staff member.
- 2.2. This plan is effective from the Approved Date and amendments are effective from the Amended Date as recorded in the Document Control table.

3. Background

- 3.1. CRDC is a statutory authority under the Primary Industries Research and Development Act 1989 (PIRD Act) and is a corporate commonwealth entity under the Public Governance, Performance and Accountability Act 2013 (PGPA Act).
- 3.2. The Board, as the accountable authority, is required by the PGPA Act to establish and maintain systems of risk and control¹ to create an operating environment that promotes the proper use and management of public resources², without stifling innovation, in pursuit of both the public good and the purposes of the entity³ for which it is responsible.
- 3.3. Section 11(e) of the PIRD Act requires CRDC “*to disseminate and commercialise, and facilitate the dissemination, adoption and commercialisation of, the results of research and development in relation to the primary industry or class of primary industries in respect of which the Corporation was established*”.
- 3.4. Section 12(c) of the PIRD Act gives CRDC the power to “*make intellectual property and other applications, including joint applications, in relation to the results of research and development*”.
- 3.5. The PIRD Act Funding Agreement requires CRDC to maintain and publish an Intellectual Property Management Plan and to review the plan no later than every four years.
- 3.6. The Primary Industries Standing Committee (PISC) released seven (7) high level Principles of IP Management⁴ which have been adopted in the CRDC IP Policy.
- 3.7. This Plan is an annexure to the IP Policy.

¹ PGPA Act s16

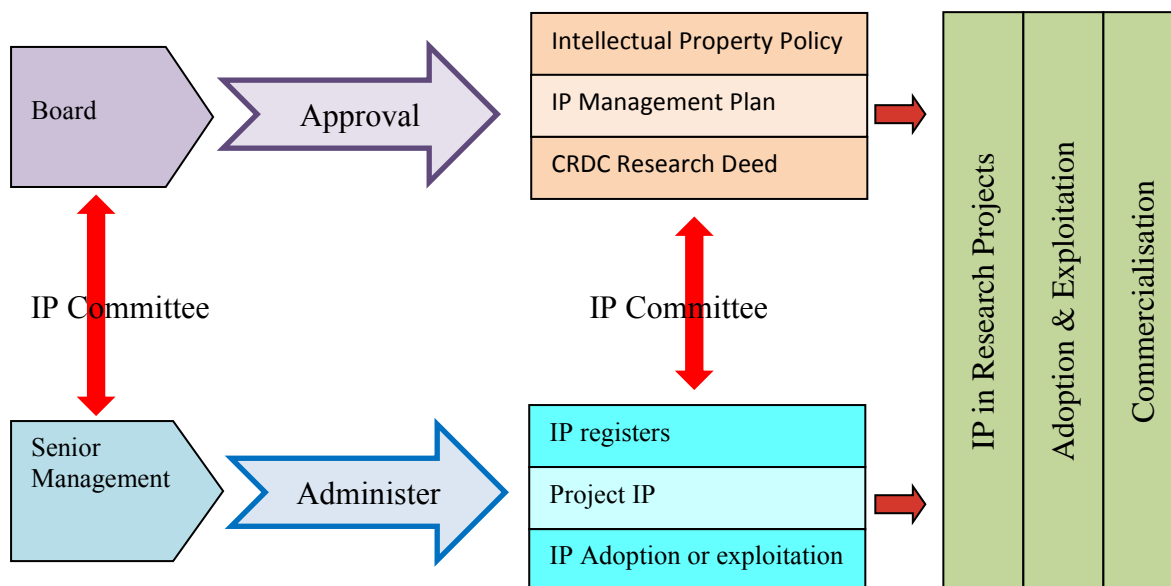
² PGPA Act s15

³ RMG400 Approving commitments of relevant money – Item 20

⁴ PISC Intellectual Property Management Principles (2012)

4. IP Management Framework

CRDC must manage its obligations under the IP Policy and the IP Management Plan through the following IP Management Framework.



5. IP Management

CRDC's primary aim in investing in research is to provide a benefit to the Australian cotton industry.

The maximisation of commercial returns is a secondary aim, which the parties to research projects agree will not be pursued to the detriment of the primary aim.

CRDC and our research partners undertake to work together, in good faith, to further the adoption, dissemination and exploitation of research outcomes to maximise the benefit for the Australian cotton industry.

5.1: Board Approval of the IP Management Framework

The Board in considering recommendations from the IP Committee has established an IP Management Framework consisting of:

- (a) An Intellectual Property Policy;
- (b) This Intellectual Property Management Plan;
- (c) Delegations listed in the Delegation of Authority Table;
- (d) The CRDC Research Deed and specifically the intellectual property management terms and conditions;
- (e) Any other agreements for special projects not covered by the CRDC Research Deed;

5.2: Board Approval of IP Management Decisions

5.2.1 The Board in considering recommendations from the IP Committee or management must review:

- (a) IP ownership in project proposals and project IP;
- (b) Equity in IP income;
- (c) Proposed adoption pathways in project applications;
- (d) Project IP exploitation plans;

- (e) Project IP commercialisation plans and agreements; and
- (f) Licencing, disposal and acquisition of IP.

5.2.2 The Board may delegate the authority in 5.2.1 to the Executive Director.

5.3: IP Management Registers

CRDC must maintain the following registers of IP:

- (a) IP Register of significant or commercially valuable IP;
- (b) Project IP registers (schedule 2 in the CRDC Research Deed);

5.4: Project IP Management

- 5.4.1 Research Managers must revise with the researcher the completeness of IP in new research proposals and the proposed adoption pathway.
- 5.4.2 Research Managers must assess the risks associated with IP in new research proposals, in accordance with the IP Assessment guide. The risk assessment should take into consideration the proposed adoption pathway for the IP. Medium to high risk projects must be reported to the IP Committee for review and recommendation to the Board.
- 5.4.3 Management must review IP updates received in project progress reports and report significant changes in IP to the IP Committee.
- 5.4.4 Management must review the final IP report (schedule 2) for projects and report significant IP to the IP Committee.
- 5.4.5 Management must add significant or commercially valuable IP in final IP reports to the IP register.

5.5: Proposed Adoption Pathway for Project IP

- 5.5.1 Project funding applications must be supported with a proposed adoption pathway.
- 5.5.2 The proposed adoption pathway should recommend methods of exploiting project IP that will achieve significant adoption by the Australian cotton industry in a process that is efficient and effective.

5.6: Methods of Exploitation

- 5.6.1 IP may be exploited by:
 - (a) Free dissemination by releasing on the public domain through websites and publications;
 - (b) Dissemination to the Australian cotton industry through the myBMP industry portal;
 - (c) Restricted access to allow further research and development;
 - (d) Commercialisation; or
 - (e) Other pathways agreed by CRDC.
- 5.6.2 Confidential or commercially sensitive IP must not be released into the public domain unless the owners of the IP have given written approval.

5.7: Authority to Commercialise IP

- 5.7.1 The Board, or an authorised delegate, may approve the commercialisation of project IP.

- 5.7.2 A commercialisation plan must be developed and approved prior to commercialisation commencing and may specify terms and conditions of commercialisation, including but not limited to:
- (a) Approving commercialisation partners;
 - (b) Ownership or licencing;
 - (c) Equity rights;
 - (d) Term of the agreement, cancellation or extension terms; and
 - (e) Any other special conditions that may apply.

6 Performance

Responsible Officers

- 6.1 The Executive Director is responsible for the implementation of this plan through operating procedures.
- 6.2 The General Manager Business & Finance is responsible for establishing and managing IP registers.
- 6.3 The General Manager Research Investment is responsible for implementing IP management training.

Implementation and Training Plan

- 6.4 The Board must review and approve this policy and management must report to the IP Committee on its implementation.
- 6.5 Training must be provided to CRDC staff managing project IP as part of the research procurement round.
- 6.6 Training or training materials are available for researchers in conjunction with the research organisations training program.
- 6.7 Training or training materials are available for directors and advisory panel members.
- 6.8 A copy of the plan and associated documents must be provided to:
 - a) Board members & committee members via the board portal;
 - b) CRDC staff via the policy folder;

Performance Review

- 6.9 The effectiveness of this policy can be measured by the level of compliance with the Intellectual Property Policy and this Intellectual Property Management Plan.
- 6.10 The IP management review must assess the level of adoption and accuracy of records.

Amendment History

Date	Board Ref	Amendment details