

Microbial Resource Research Infrastructure (MIRRI): Policy on Intellectual Property Rights

(MIRRI-ERIC Policies)

January 2016 – Version 1.0



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Executive Summary

Microbial domain biological resource centres (mBRC) provide live cultures, their associate data and expertise to foster and support the development of basic and applied science. Based on a long tradition, individual not-for-profit mBRCs were established to add value to known and yet unknown microbial biodiversity and to exploit unknown sources and knowledge to discover and disclose for the bioeconomy and bioscience. For several decades, collaboration among some mBRCs resulted in the achievement of several common goals of mutual interest. The pan-European Microbial Resource Research Infrastructure (MIRRI) has been established to go beyond these first hesitant collaborating attempts.

Directed by the MIRRI mission and user needs the current independent, often institutional policies and managed processes will be adapted by partner mBRCs to harmonize holdings, services, the training offer, accession policy and share expertise.

Better managed resources provided with legal compliance coupled with improved interaction with stakeholders will lead to further discovery in all areas of the Life Sciences. Therefore, a vision of knowledge transfer has been outlined to offer access to human expertise, to increase knowledge and promote professional development, and to provide a platform for long-term sustainability of microbial biodiversity. The knowledge transfer will be realized through a virtual Collaborative Working Environment inspiring excellence and to drive collaboration across borders and disciplines.

The following pages include the Policy on Intellectual Property Rights of the Microbial Resource Research Infrastructure MIRRI, a prerequisite for public mBRCs to join MIRRI as partners in the envisaged legal entity MIRRI-ERIC as indicated in the Partner Charter.

For more information on MIRRI please visit our website www.mirri.org.

MIRRI Policy on Intellectual Property Rights

Public investments in research are closely dependent from their contribution to innovation and growth. MIRRI fosters the link of research with industry and thus their essential contribution to innovation. The concept of MIRRI with its rich services infrastructure and the implementation of the Collaborative Work Environment (MIRRI CWE) with its clusters and programs supports two measures of this important “alliance”: the first is the direct link of science to companies and second an Intellectual Property Rights (IPR) Policy allowing the commercialization of collaboration results through individually chosen mechanisms in which MIRRI itself has no stake. MIRRI as a public Research Infrastructure (RI) provides an ideal platform to facilitate key research effecting public as well as private R&D and innovation and thus is an instrument supporting public research policy as well as government’s role in encouraging innovation.

The key elements of the MIRRI policy on IPR

The aim of the MIRRI-ERIC IPR policy is, that intellectual property rights shall not become an obstacle to the use of data and knowledge from the MIRRI RI for innovation and research & development. Securing non-restricted access, supporting freedom of use, identifying proprietary and copyrighted materials and withdrawal from property rights claims resulting from collaboration between partners are the pillars of the MIRRI-ERIC IPR policy:

1. MIRRI recognizes and respects the key role of Intellectual Property (IP) assets in driving innovation as well as the importance of fostering a culture of invention through the collaborating between public sector bases science and research with industry.
2. MIRRI is aware of the dynamic nature of communication and information technology and that the value of existing IP comes from the ability of its owner to control its use. MIRRI will respect this and applicable laws in the creation of the Collaborative Work Environment (MIRRI-ERIC CWE) and the MIRRI-ERIC Information System (MIRRI-ERIC IS) at the transfer procedures for data and knowledge.
3. MIRRI users will receive according to the Terms & Conditions a non-restricted access for their scientific, commercial, educational and research-related use of the knowledge, information and data made available by the MIRRI-RI and not explicitly marked as “confidential”.
4. MIRRI-ERIC as well as its partners and users acknowledge copyrighted material and intellectual property rights for the purpose of providing and carrying out services, collaborations and matchmaking.
5. The carrying out of the work program of MIRRI could generate intellectual property. MIRRI-ERIC may claim intellectual property rights within applicable national and international jurisdictions over tools, data, products or any other results developed or generated by MIRRI-ERIC while carrying out the work program. This will ensure making the results openly accessible and preventing others from imposing restrictions on MIRRI.
6. In the context of collaborations within the MIRRI RI, joint intellectual property between MIRRI partners and users might be generated. The general MIRRI policy is that partners have optimal freedom to generate value out of intellectual property. The exploitation of the intellectual property as a result of collaborative work in MIRRI should thus be as flexible as possible and should be negotiated between the partners on a case-by-case basis. In case of joint inventions between industry and academia the academic partners should benefit in the

form of royalties or other benefit-sharing models that properly reflect and reward the contribution of public resources, expertise and work.

7. MIRRI encourages partners and users to define agreements covering the management of intellectual property issues, taking into consideration the specificities of the collaboration and/or project and the relevant participants. These agreements should govern aspects like but not limited to handling and ownership of information, data and/or material, use and dissemination of results, access rights and confidentiality matters.