



NATIONAL AGRICUTURAL RESEARCH ORGANISATION
INTELLECTUAL PROPERTY POLICY



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Foreword

Agricultural research and technological development are central to enhancing productivity, food security, economic growth, and improving livelihoods. The government of Uganda through the National Agricultural Research Organization (NARO) is committed to improving the efficiency and effectiveness of the National Agricultural Research System (NARS).

Over the years NARO has contributed to agricultural productivity and development as well as food and nutrition security in the country through generation of various agricultural technologies and products.

In the current knowledge based economy, intellectual property drives economic growth and fosters partnership between research and industry for generation and commercialization of innovations. NARO, therefore, recognises the growing importance of Intellectual Property (IP) in agricultural research activities and institutionalising it.

I am pleased to present this NARO Intellectual Property Policy. The policy aims to promote effective management of intellectual property and provide a robust institutional framework that harnesses creativity and ensures research sustainability.

I appeal to you to read and internalize this policy for effective application and its implications in research procedures and activities in NARO and the partners.

Finally, on behalf of NARO, I congratulate the Director General, the taskforce team and all NARO staff and stakeholders for contributing to the development of this policy.

A handwritten signature in black ink, which appears to read 'Joseph Obua', is positioned above the printed name.

Prof. Joseph Obua
Chairperson,
NARO Governing Council

Acknowledgment

NARO wishes to thank the taskforce that developed the IP policy and guidelines. We are deeply grateful to Dr. Julius Mukalazi (Chairperson) and Dr. Dickson Baguma (Co-Chairperson) for their leadership and ably guiding the taskforce in preparation of the IP policy. The excellent complete set of IP framework is indeed the outcome of the distinguished taskforce membership team's efforts. Full list of taskforce in Annex i.

We thank Dr. Imelda N. Kashaija, Deputy Director General-Agricultural Technology Promotion for her guidance and supervision all through the process. We gratefully acknowledge the contribution of Dr. Yona Baguma, Deputy Director General-Research Coordination; Dr. Justus Rutaisire, Director Corporate Services; Directors of Research and other top management and senior officers of NARO who made valuable contributions to the development of the IP policy.

We also acknowledge the contribution of all stakeholders and staff members, who attended various meetings of the taskforce for enriching the policy with their comments and suggestions.

Our special thanks to Mr. Gilbert Agaba, Manager IP at Uganda Registration Services Bureau (URSB), Prof. Phinehas Tukamuhabwa, Professor of breeding, Makerere University and Ms. Eliza Nahayo, Science Officer, Uganda National Council for Science and Technology (UNCST) for sharing their experience on the subject and offering independent opinions during the drafting processes. We also appreciate Mr. Joseph Mbihayeimaana, Senior Intellectual Property Officer for providing administrative and technical insights and steering the taskforce secretariat.



List of acronyms

ARIPO	African Regional Intellectual Property Organisation
CBD	Convention for Biological Diversity
COMESA	Common Market for East and Southern Africa
DG	Director General
GC	Governing Council
IP	Intellectual Property
IPM	Intellectual Property Management
IPMC	Intellectual Property Management Committee
IPR	Intellectual Property Right
ITPGRFA	International Treaty for Fenetic Resources for Food and Agriculture
NARO	National Agricultural Research Organisation
NARS	National Agricultural Research System
NDA	Non-Disclosure Agreement
NDP	National Development Plan
PARI	Public Agricultural Research Institute
PI	Principal Investigator
WIPO	World Intellectual Property Organisation
WTO	World Trade Organisation

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Definitions

Agreements: Shall refer to a contractual arrangement entered into by NARO and/or any other party(ies) establishing a relationship including but not limited to employment contracts, research contracts; IP contracts and any other documents engaging any other relevant party.

Benefit Sharing: The sharing of monetary and non-monetary benefits accrued from development and commercialization of technologies among NARO, its scientists/innovators and collaborators as guided by this policy.

Collaborative Research: Research that is conducted by NARO in collaboration with any individual(s), local and international institutions.

Commercialization: Any form of exploitation for value of IP, including assignment, licensing, internal exploitation within NARO or via a spin-off and start-up enterprise.

Creator: Refers to a person who invents, authors or otherwise creates IP.

Disclosure: Refers to the oral or written communication or description of information relating to intellectual property to a person, or people, that are external to NARO, or disclosure in the technology disclosure form submitted to the IP Office for assessment and protection.

Infringement: Infringement as used in this policy shall occur or deemed to have occurred when someone willingly or unwillingly uses NARO's IP or know-how without permission.

Intellectual Assets: Any form of IP, know-how, inputs and processes used to generate any tangible research property, whether protected by any form of IP or not.

Intellectual Contribution: This refers to the mental input in the conception or creation of an IP.

Intellectual Property (IP): For purposes of this policy IP refers to tangible or intangible property arising from creative endeavours whether registered or unregistered.

Intellectual Property Management Committee (IPMC): The committee constituted by the Director General as the decision making body for IP management and technology transfer in NARO.

Intellectual Property Management: Refers to management of NARO Intellectual assets and portfolio including but not limited to IP enabled technologies generated in or by NARO. IP management cycle involves generation, identification, protection, commercialisation and enforcement of IP.

Intellectual Property Office: The Office responsible for Intellectual Property Management in NARO.

Intellectual Property Right (IPR): Refers to ownership and associated rights relating to IP whether registered or unregistered such as patent, copyright, plant breeders right, trade secrets and know-how, trademarks and service marks, utility model, geographical indications, industrial designs among others.

Lead researcher: Refers to any person (s) leading in the creation of a technology. It may be the idea bearer, principle investigator, inventor or a research team member.

NARO Resources: Includes, without limitation; financial, human, material, infrastructural, time and information.

NARO Staff: Refers to any person (s) including mainstream, contract and project staff with contractual obligation of executing some undertakings for and on-behalf of NARO.

NARO: Refers to a body corporate established under the Act under the National Agricultural Research Act, 2005.

Net Income: Refers to all license fees, royalties and any other monies received by NARO, arising from the commercialization of IP less all the expenses incurred in connection with the protection and commercialization of the IP at NARO.



Parties: Refer to persons or entities that have established a relationship with NARO under an agreement.

Researcher: Any persons, including persons employed by NARO, visiting scientists, students who use NARO resources and who perform any research task at NARO.

Technology: Refers to outputs of research both tangible and intangible, including without limitation inventions, discoveries, designs, specifications, developments, methods, modifications, improvements, processes, know-how, show-how, techniques, databases, software, protocols, formulae, trade secrets, management practices and other works of authorship/inventorship.

Visiting Researcher: Refers to a person(s) who is not an employee of NARO but engages in research activities at NARO.

1.0 Preamble

The National Agricultural Research Organisation (NARO) is mandated to coordinate, oversee and guide agricultural research in Uganda. Over the years, NARO has generated technologies with Intellectual Property (IP) and commercial potential guided by relevant policies and her mission of generating and disseminating appropriate, safe and cost effective technologies. Most of these technologies have neither been protected nor commercialised optimally. This has led to misappropriation by unauthorised parties thereby hindering NARO from effectively meeting her public interest objectives.

NARO has developed this IP policy to encourage generation, protection and commercialisation of IP created by staff and other relevant parties in and with NARO. This is to foster practical application and economic use of the results of technologies generated for the public benefit. The policy provides a framework for commercialisation of research results as an efficient means of promoting dissemination and use of NARO's IP.

In this policy, protection and commercialisation of NARO's IP provides incentives for continued or increased investment in research and improved researchers' welfare. This will stimulate generation of new and improved technologies and innovations that positively impact on the public.

This policy seeks to provide an environment that will stimulate creativity and innovativeness needed in IP creation for mutual benefit. Specifically, this policy sets out the principles and rules that will govern effective IP management, and provides guidelines on the sharing of the economic benefits arising from the commercialisation of IP generated using NARO resources.

The guiding principles of this policy are:

- i. Government's drive to creating a knowledge-based economy;
- ii. Socioeconomic transformation;
- iii. Creativity and innovativeness;
- iv. Strong and transparent institutional IP regime.



These guiding principles are directed by the existing IP legal and policy frameworks both national, regional and international and are inline with the National Development Plan (NDP), National Vision 2040 aimed at transforming Uganda from a subsistence society to a modern and prosperous economy as well as African Union vision, 2063 and the Sustainable Development Goals. It also recognises the international treaties and protocols that Uganda is signatory and has obligations such as WIPO, WTO, CBD, ITPGRFA, African Union, ARIPO and COMESA treaties.

This policy shall be interpreted as per the NARO IP guidelines.

2.0 Purpose of the policy

The purpose of this policy is to provide a framework that guides effective management of IP and stimulates creativity in NARO.

2.1 Objectives

The specific objectives of this IP policy are to:

- i. Provide an environment that stimulates creativity and sustains the generation of knowledge, innovations and technologies;
- ii. Promote identification and protection of IP;
- iii. Promote commercialisation of IP for research continuity and sustainability;
- iv. Provide incentives to NARO staff or other creators and a framework for ownership and sharing of benefits arising from generation and commercialisation of IP.

3.0 Scope of the Policy

- 3.1 The policy shall apply to NARO and other parties that have established relationship with NARO.
- 3.2 The policy focuses on all IP owned by NARO and intellectual assets under her custody.
- 3.3 The policy covers intellectual property administration, ownership, identification and disclosure, protection, commercialization, benefits sharing, conflict of interest and commitment and confidentiality.

4.0 Intellectual Property Administration and Management

Policy statement : NARO shall establish a structure for effective administration and management of IP.

4.1 Intellectual Property Management Committee

- 4.1.1 There shall be an Intellectual Property Management Committee (hereafter referred to as IPMC).
- 4.1.2 The IPMC shall be appointed by the Director General.
- 4.1.3 The IPMC shall comprise Seven (7) members, at least two thirds (2/3) of whom shall be PARI representatives including one PARI Director and shall take gender into consideration.
- 4.1.4 IPMC quorum shall be two thirds of the committee.
- 4.1.5 Representatives to the IPMC shall be drawn from broad areas of research and development.
- 4.1.6 The IPMC shall co-opt expertise as and when deemed necessary.
- 4.1.7 The Chairperson of the IPMC shall be appointed by the Director General.
- 4.1.8 The IPMC shall be professional, ethical and objective in executing its duties.



- 4.1.9 A member of the IPMC shall serve a term of 3 years renewable once.
- 4.1.10 The IPMC shall be responsible to the Director General.
- 4.1.11 The IPMC shall meet at least once in three months.
- 4.1.12 The Officer responsible for IP shall be ex-officio and serve as the Secretary to the IPMC.

4.2 Function of the IPMC

The main function of IPMC shall be to guide effective and efficient implementation of the policy.

- 4.2.1 The IPMC shall be responsible for:
 - i. Deciding and recommending the IP Rights to be protected in various territories as submitted by the IP Office;
 - ii. Deciding and recommending product branding;
 - iii. Considering commercialization plans/business proposals, strategies and recommend establishment of spin-off companies;
 - iv. Evaluating, negotiating and recommending IP agreements and award of IP contracts in accordance with the objectives of this Policy;
 - v. Presiding over IP conflict resolution and arbitration arising from IP management;
 - vi. Making recommendations to NARO Management on recognition of IP creators;
 - vii. Making recommendations to NARO management on award of non-monetary benefits;
 - viii. Recommending action(s) against breach of any rules and provisions of this policy to NARO Management.

4.3 Office responsible for Intellectual Property

The office responsible for Intellectual Property Management in NARO shall be the Intellectual Property Office (herein referred to as IP Office).

- 4.3.1. The responsibilities of the IP Office shall include;
- i. Identifying, assessing, protecting and commercialising NARO IP.
 - ii. Maintaining records and portfolio of NARO's IP.
 - iii. Liaising with NARO technology users in all sectors.
 - iv. Administering the distribution of royalties arising from commercialisation of IP.
 - v. Facilitating licensing of proprietary research products and services and explore licensing of NARO's IP to the industry and private players.
 - vi. Supporting product development and entrepreneurship.
 - vii. Promoting general awareness, understanding and importance of IP and IP management.
 - viii. Identifying any existing IP rights of a third party, before entering into any research relationship.
 - ix. Determining the market value and monitoring performance of NARO's IP on the market.

4.4 IP Coordination at Public Agricultural Research Institutes (PARIs)

- 4.4.1 The Director of Research at the Institute shall identify an IP Coordinator at a PARI.
- 4.4.2 The IP Coordinator shall be a person at a level of programme leader or senior scientist.
- 4.4.2 The IP Coordinator in consultation with PARI Science Committee shall facilitate the identification and disclosure of IP at PARIs.
- 4.4.3 The IP Coordinator shall coordinate IP activities at PARIs and report to the IP Office through the Director of Research.



5.0 Ownership of Intellectual Property

Policy statement: All Intellectual Property generated at or by or with NARO shall vest in NARO except as otherwise provided under this policy.

5.1 IP generated by staff of NARO

- 5.1.1 NARO shall own any IP created by its staff in their normal course of assigned duties.
- 5.1.2 NARO shall own any IP created by its staff using NARO resources.
- 5.1.3 NARO shall not claim ownership of IP owned by staff before joining NARO. Such IP shall be declared to the IP Office within 3 (three) months of joining NARO.

5.2 Staff pursuing research activities at other institutions

All IPs generated by staff pursuing research activities at other institutions as a visiting researcher or student in the normal course of employment shall be owned by NARO.

5.3 Collaborative Research

- 5.3.1 NARO shall own all IP arising from collaborative research unless otherwise stated in the collaborative agreements on mutually agreed terms.
- 5.3.2 Such collaborative and other related agreements shall be reviewed by the IP and legal personnel representing NARO to aid decision making.

5.4 IP generated by non-NARO staff

All IP generated using NARO resources by non NARO staff including but not limited to volunteers, students, visiting researchers shall be owned by NARO.

In the event that research is conducted based on the existing traditional knowledge or genetic resources, researchers shall ensure that the custodians of the knowledge or genetic resource are acknowledged and well guided by the existing frameworks on access and benefits sharing.

5.5 Signing and approval of contract agreement

- 5.5.1 Signing and approval of contract agreements shall be by the Director General.
- 5.5.2 A full copy of the proposed agreements and other legal statements concerning NARO's IP Rights shall be submitted to the IP Office for advice and recommendation before signing.

6.0 Identification and disclosure of IP

Policy statement: All technologies with IP potential generated by or with NARO shall be identified and appropriately disclosed.

- 6.1 Researchers shall be obliged to promptly and fully disclose technologies with IP potential to the IP Office as soon as they are conceived.
- 6.2 In the event there is need for a researcher to disclose a proposal, concept or a conceived technology before IP protection, the researcher shall ensure that there is a Non-Disclosure Agreement (NDA).
- 6.3 Researchers shall be required to maintain research records which shall be made available to the IP Office on request.

7.0 Protection of IP

Policy statement: NARO shall protect technologies with IP potential.

- 7.1 Researchers shall closely work with the IP Office in protecting and commercially exploiting the IP.
- 7.2 Where NARO cannot or decides not to protect the IP, the IP Office shall notify the creator within 7 days after the IPMC has pronounced itself on the protection position.
- 7.3 Expenses incurred in relation to protection and commercialization of IP shall be borne by NARO unless stated otherwise in the engagement agreements.



8.0 Commercialization of IP

Policy statement: NARO shall ensure the commercialisation of generated IP.

- 8.1 NARO shall commercialise generated IP.
- 8.2 In the event that the IP is not commercialised within 3 years after grant of an Intellectual Property Right (IPR), the creator may apply to own the IP.
- 8.3 NARO may permit a researcher to proceed to exploit an IP.

9.0 Benefits Sharing

Policy statement: NARO shall ensure equitable sharing of benefits arising from IP.

9.1 Monetary Benefits

- 9.1.1 NARO shall provide incentives to researcher(s) by appropriately allotting revenue arising from the commercialization of IP.
- 9.1.2 The monetary benefits shall be shared based on net income from the commercialisation of IP.
- 9.1.3 Of the net income arising from IP, NARO shall take 60% and the Research team or creators shall take 40%.
- 9.1.4 The research team's share of 40% shall be apportioned among the team as stipulated in the guidelines.
- 9.1.5 In case of exploitation of trademarks and other indicators associated with NARO technology and innovations, the creator(s), taking into consideration the proportion of their contribution to the exploitation, may benefit from the revenue as set forth in a separate Benefits Sharing Agreement.

9.1.6 The IPMC shall decide on such issues in 9.1.5 above on a case-by-case basis.

9.2 Joint ventures

A separate agreement between NARO and the creator(s) or any other party shall be signed regarding the share of equity in a joint venture.

9.3 Non-Monetary benefits

9.3.1 NARO shall acknowledge and recognize any individual(s) and other party(ies) that contribute to the creation of IP.

9.3.2 These shall include but not limited to;

- i. Annual awards
- ii. Recognition by mention.
- iii. Award of medals and certificates.
- iv. Recommendation for career and capacity development opportunities.
- v. Monument and wall of fame to recognize creators.

10.0 Conflict of Interest and Commitment

Policy statement: NARO staff or party(ies) involved in IP processes shall make full disclosure of potential areas of conflict of interest and commitment.

NARO shall support party(ies) involved to recognise conflict of interest and where possible their resolution.

11.0 Confidentiality

NARO shall protect the confidentiality of IP and information including through appropriate confidentiality agreements.



12.0 Publication of research results and information management

Publication of research results shall not be in violation of ongoing IP protection processes or any agreement(s) entered into by NARO with other parties.

13.0 Breach of the provisions of this Policy

Breach of the provisions of this policy shall be dealt with under the disciplinary procedures of NARO and in accordance with the relevant provisions of the laws of the Republic of Uganda.

14.0 Disputes and appeals

- 14.1 Disputes shall be dealt with by the IPMC.
- 14.2 The decision of the IPMC may be appealed in writing to the Director General for review.
- 14.3 The Director General may appoint an independent team of experts to advise or mediate on the concerns raised as guided by the arbitration and mediation laws of the Republic of Uganda.

15.0 Monitoring and evaluation of policy

- 15.1 The provisions of this policy shall be reviewed as and when need arises.
- 15.2 All amendments to this IP policy shall be made available as soon as they are approved and such amendment shall be fully valid and effective from the date of approval.

16.0 Entry into force of the policy

This policy came into force on the 18th day of December, 2017 after approval by NARO Governing Council.



Annex i: NARO IP Policy Taskforce

1. Dr. Julius Mukalazi, National Coordinator, CGS (Chairperson)
2. Dr. Sylvester Dickson Baguma, Director, BuZARDI (Co-Chairperson)
3. Dr. Geoffrey Arinaitwe, Principal Research Officer, NARL (Member)
4. Dr. John Wasswa Mulumba, Senior Principal Research Officer, NARL (Member)
5. Dr. Alexander Bombom, Senior Research Officer, NaLIRRI (Member)
6. Dr. Ephraim Nuwamanya, Senior Research Officer, NaCRRI (Member)
7. Dr. Samson Gwali, Senior Research Officer, NaFORRI, Member
8. Prof. Phinehas Tukamuhabwa, Makerere University (Member)
9. Mr. Gilbert Agaba, Manager, Intellectual Property, URSB (Member)
10. Ms. Eliza Nayaho, Science Officer, UNCST (Member)
11. Mr. Timothy Kakembo, Senior Corporate Services Officer, DCS (Member)
12. Ms. Jane Kugonza, Senior Outreach Officer, DATP (Member)
13. Ms. Joyce Adupa, Principal Documentation Officer, (Member)
14. Mr. Joseph Mbihayemaana, Senior IP Officer, DATP (Member Secretary)

Co-opted

1. Mr. Eria Bwana-Simba (Supporting Taskforce secretariat)

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