

Intellectual Property Management Plan

Principle

The guiding principle in managing GRDC-funded R&D investments is to deliver outputs that contribute to GRDC's purpose of creating enduring profitability for Australian grain growers. The outputs of a range of GRDC-funded projects should be protected by registered intellectual property (IP) rights to maximise the delivery of value to growers.

Purpose

The purpose of this document is to provide guidance to GRDC staff, Australian grain growers, parties seeking project investment from GRDC, and commercial collaborators, regarding GRDC's approach to the creation and management of IP to maximise benefits for Australian grain growers.

What is Intellectual Property?

Intellectual property is a broad term used to describe creation and outputs of intellectual activity. GRDC's most common course of action to maximise benefits to growers is to make the IP associated with R&D results publicly available. However, for some GRDC-funded investments, the realisation of the desired outcome requires the delivery of outputs via a commercial mechanism. For these investments formal IP protection is usually required. The most common examples of commercial intellectual property arising from GRDC-funded projects include plant breeder's rights, copyright, trademarks, and patents. In rare cases, IP may be protected as a trade secret.

Consideration of Intellectual Property in GRDC's Investment Processes

GRDC has three distinct phases in its investment cycle where IP is managed:

1. During investment design and establishment phases existing IP required for an investment, and freedom to use this IP, are carefully assessed.
2. Throughout the investment, active management monitors and evaluates progress, along with identification and management of any IP generated. Researchers are required to document any IP that has been developed within an investment, and to provide annual updates of IP registers to GRDC.
3. Following conclusion of the investment, final updates of the IP generated are captured on the IP register.

Where IP has been or is expected to be generated, GRDC works with its research partners to identify the best method for delivering outcomes to industry and securing IP protection if appropriate. This is achieved through the provision of specific IP management clauses in the investment contract and, where required, the use of license agreements that enable commercialisation of the IP.

GRDC's approach to managing IP

Identifying IP

GRDC-funded RD&E can often use or further develop IP that is owned by research partners (background IP) or IP that is owned by a third party (third-party IP). IP rights and freedom to operate need be clearly established at the outset of the RD&E investment so that the outputs can deliver value to growers.

Individual project plans contain details of background or third-party IP required for the conduct of the project, as well as IP expected to be created from the research (foreground IP) and strategies for its utilisation. The identification and reporting of relevant IP is a contractual requirement for all collaborators undertaking research with GRDC.

Recording IP

GRDC maintains a written IP register for each investment. The register is designed to contain details on background or third-party IP being brought into a particular investment, along with any consents required, as well as any foreground IP that is generated within the investment. This register facilitates monitoring of critical dates and actions required to register and maintain IP access and protection and is updated at least annually. Details from the IP registers are maintained by GRDC in an IP database, Inteum.

Protecting IP

Decisions to seek formal IP protection through registration of a patent, design, trade mark, or plant breeder's rights are guided by an analysis of delivering maximum potential benefit to Australian grain growers and the potential commercial benefits of protecting the IP. These principles are determined by the GRDC board and explained in more detail in the "GRDC Commercial Principles" guidelines. If the foreground IP is co-owned, these decisions are made jointly with the co-owners and normally includes the appointment of one of the owners to manage the commercialisation of IP where appropriate. Key issues that are addressed during the decision-making process include the following:

- What is the intended purpose and value of the IP?
- Is protection of the IP in the interest of Australian grain growers?
- What types of IP protection are relevant (patent, copyright, trade secret etc.)?
- What is the cost of IP protection?
- Who will own the IP, and who will be the beneficiaries?
- Who is responsible for managing and maintaining the IP?
- How will the IP be commercialised, and who is responsible for this?
- What is market size for the commercial product(s) that incorporates the IP?
- What other IP may be required to take the project IP to market?

Whenever new intellectual property is created, there will be unique circumstances that need to be taken into consideration in the decision-making process in addition to consideration of these generic issues.

Support for the use and commercialisation of IP

GRDC supports IP management and commercialisation through the following internal resources and expertise:

- GRDC's investment managers work with individual research partners to identify and report possible IP opportunities arising from investments.
- GRDC Business Development and Legal teams provide expertise and resourcing for IP commercial appraisal, registration and maintenance.

GRDC may participate in various commercialisation approaches, including in-licensing and out-licensing of IP, participation in co-development investments with industry partners, or the formation of commercial entities such as non-incorporated or incorporated joint ventures.

Regardless of the potential commercial value of IP generated in GRDC-funded investments, its commercial exploitation must be in the best interested of Australian grain growers and aligned with GRDC's purpose.