

# Patent Policy of the International Development Research Centre

All research projects supported by the International Development Research Centre (IDRC) that may give rise to patentable technology are subject to IDRC's patent policy.

Our patent policy seeks to achieve two goals. First, it ensures that institutions, under whose auspices inventions are made, will potentially receive some financial reward from those inventions. Second, it ensures that all those in developing countries who want to use such inventions can have access to them on reasonable terms.

In addition, a basic aim of the policy is to prevent a third party from falsely claiming ownership to the technology or from unjustly enriching itself from the labour of others.

To put the policy into effect, grant recipients are asked to sign a patent agreement at the same time as they accept the Memorandum of Grant Conditions, which governs the project.

The patent agreement sets out in detail the legal rights of all parties involved in the research. Generally, Third World recipients own patent rights in their own country. IDRC retains only the right to use the technology in that country as part of research projects it might subsequently fund there, and to exploit the technology in that country should the recipient choose not to do so. In other countries, IDRC may apply in its own name for patent coverage if it is necessary to ensure adequate legal protection for the technology. Such applications are made in full consultation with the recipients.

Regardless of who holds the patent rights, grant recipients are free to make the technology available to whomever they choose, on a non-exclusive basis. This may be done under whatever terms the grant recipient sees fit to impose.

Revenues generated from the sale of the technology are divided equitably between the parties, having regard to the amount of revenue likely to be generated.

Recipients of IDRC grants are encouraged to publish their findings. Full scientific credit for the work belongs to those who conducted the research. Only one restriction is placed on this right in projects where patentable technology is developed; publication is withheld for a period of time sufficient to permit patent applications to be filed. Strict confidentiality about the information must be maintained up to the point of the patent application. No disclosures to the public, either written or oral, should take place.

In the case of cooperative projects where Canadian institutions are involved, the rights of developing-country recipients are unaffected. The rights of Canadian recipients parallel those of Third World recipients, except that they own the patent rights in Canada. Any revenue generated is divided according to the same principles as govern non-cooperative projects.

The general rules governing ownership of technology will apply in most cases. However, IDRC is prepared to discuss alternate arrangements in special circumstances to ensure fairness to all. Questions or comments about IDRC's patent policy should be directed to:

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P.O. Box 8500, Ottawa, Ontario, Canada K1G 3H9*

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## The Patent Law System

The patent law system, as it exists in most countries, is designed to serve two basic purposes. First, it gives to inventors the exclusive right to use their inventions for a limited period. That period varies from country to country. Second, it requires inventors to disclose their inventions to the public, so that the public can be fully informed about the state of the art in a given field and so that it may freely use the inventions after the patents have expired. All inventions are disclosed by patent offices when patents are granted.

Inventions are patentable. Inventions, in most legal systems, are defined as a product or a process, that is, a material thing or a way of treating material to produce a given result. Inventions must also be useful, new, and not obvious to a person skilled in the art or science for which they pertain.

