

# GAIN INTELLECTUAL PROPERTY AND GLOBAL ACCESS POLICY STATEMENT

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The Global Alliance for Improved Nutrition (GAIN) is an alliance driven by the vision of a world without malnutrition. GAIN is a Swiss non-profit foundation headquartered in Geneva, Switzerland with a special international status granted by the Swiss Federal Council.

GAIN's purpose is to advance nutrition outcomes by improving the consumption of nutritious and safe food for all people, especially those most vulnerable to malnutrition.

GAIN supports the appropriate protection and use of intellectual property where this will maximise GAIN's global health goals in furtherance to its mission. GAIN programmes and activities generate knowledge, data and research results which GAIN recognises are important resources in the development of sustainable public health solutions. Appropriate management of intellectual property therefore plays an important role in being able to make the most effective use of GAIN's work.

By adopting this Policy Statement GAIN adheres to a pragmatic approach of intellectual property management with the aim of serving its charitable purpose and the public good.

## 1. OVERRIDING COMMITMENT TO GLOBAL ACCESS

GAIN believes that knowledge, data, results and innovations resulting from its programmes should be shared and communicated effectively to serve the global health community objectives. Through this Policy Statement, GAIN affirms its commitment to the principle of global access as the driving force in intellectual property management.

GAIN will seek to emphasise and achieve the following outcomes in any situation involving the identification or management of intellectual property:

- prompt dissemination of knowledge generated through GAIN projects to the scientific community or the public; and
- facilitating access to products generated through research, product development, technologies or innovations to the people most in need in developing countries.

## 2. MANAGEMENT OF INTELLECTUAL PROPERTY

2.1 GAIN will always follow the approach that will ensure global health objectives are met while at the same time protecting key intellectual property rights.

2.2 GAIN adheres to the following strategies in the following situations:

- a. If GAIN creates and owns intellectual property rights, it will protect it if required to pursue its objectives by:
  - clarifying its ownership in appropriate contracts;
  - in the area of copyright, allowing free use of the material for non-commercial

purposes and by appropriate copyright notice and citation; and/or

- registering its trademarks or a patent. GAIN's core activities are not in research and development and therefore patenting will be unlikely and will only be considered if benefits of patenting outweigh the costs of registration.

GAIN's intellectual property protection shall be undertaken to maximise the use of the material, by broad dissemination or by negotiating licences with third parties to allow use or exploitation in the spirit of global access.

- b. If GAIN acquires intellectual property created by a third party, it will seek to obtain ownership as this will allow the greatest opportunities for public dissemination and access. Because ownership is not always possible, GAIN may in the alternative seek to negotiate joint ownership or a licence to access or use the intellectual property rights. GAIN standard contracts aim to obtain ownership over third party's rights but alternative legal provisions exist for licensing or joint ownership.
- c. If GAIN uses intellectual property created by a third party:
  - Consent of the third party should always be obtained.
  - Appropriate rights need to be secured in order to enable either access to material, free usage, dissemination, access or other kind of exploitation serving GAIN's charitable interests. If GAIN can obtain a transfer of ownership to it, this will be the preferred option, however an appropriate licence of rights may also serve the same purpose.

2.3 GAIN ensures that its standard contracts include appropriate intellectual property provisions. Its primary approach is to secure ownership of rights in order to maximise the use of material in accordance with its global access principle. When ownership cannot be obtained, GAIN contracts provide for joint ownership provisions or licensing of third party's rights to allow GAIN to either freely access data or other information, disseminate results or facilitate access to newly developed products. If possible, licences should be royalty-free, transferrable, for worldwide use, and for an unlimited period of time.

### **3. DISSEMINATION**

- 3.1 As a charitable foundation devoted to the generation of public goods in the nutrition and global health sectors, GAIN is committed to ensuring the broad dissemination of knowledge and project outputs to the scientific community or the broader public, subject always to clearance of proprietary rights and respect of confidential information.
- 3.2 GAIN will identify those materials generated out of GAIN projects or activities which, as a general rule, shall always be disseminated and placed in the public domain, although there may be exceptions to this rule.
- 3.3 Other material that may be suitable for dissemination will be assessed on a case by case basis by GAIN.
- 3.4 GAIN undertakes to put into place appropriate staff training and internal mechanisms to ensure dissemination of agreed material via appropriate means.
- 3.5 In order to avoid disseminated material to be misconstrued or taken out of context, GAIN will disseminate material in a controlled manner and subject to internal senior management consent.

- 3.6 GAIN will not limit dissemination of its work to formal or traditional dissemination channels such as peer-reviewed publications. GAIN will also consider other media including digital media which can provide access to broader and additional options for dissemination, but GAIN will ultimately be guided by what dissemination channel is most appropriate in light of the material to be disseminated and its target audience.
- 3.7 GAIN recognises that the responsibility to disseminate will not always need to rest with GAIN. GAIN's contracting party may be in an equally or more effective position to undertake appropriate dissemination of project output. GAIN will pursue this avenue if it considers this to be the most effective and efficient manner for disseminating project output.

#### **4. ACCESS**

GAIN accepts that the creation or development of new technologies, innovations or patents is not a part of its core business. GAIN however recognises that opportunities to be involved in projects where new health-related products, technologies and innovations are created or developed remain open to it. Pursuit of such opportunities and the benefits generated out of such opportunities will be assessed on a project by project basis. GAIN will give particular consideration to the costs involved in any patenting process. In such instances, GAIN will approach any resulting product access issues in a manner similar to the principles described above for the dissemination of GAIN's work.

#### **5. PRIVATE SECTOR COLLABORATION AND CONFIDENTIAL INFORMATION**

- 5.1 It is accepted that GAIN's unique role as a facilitator of public-private partnerships will require GAIN to take particular care when dealing with the material of commercial and private companies which includes confidential or commercially sensitive information.
- 5.2 GAIN will seek to ensure that knowledge and activity outputs developed together with private sector partners are made available to the public. GAIN however recognises that its global access requirements may potentially conflict with private sector needs to protect its intellectual property and confidential information. In that respect, GAIN will work closely with its partners to manage any potential conflicting interests and to agree upon an appropriate level of disclosure.

#### **6. RESPONSIBILITIES**

- 6.1 Responsibility for the identification and management of intellectual property and global access issues in the day to day affairs of GAIN will rest with the respective project managers of each GAIN project.
- 6.2 GAIN staff will be expected to take a more proactive approach in the identification of material suitable for dissemination and ensuring that material that has been approved for dissemination is disseminated.

#### **7. IMPLEMENTATION**

The implementation of this Policy Statement is supported by GAIN's internal policies and will therefore be read by GAIN staff together with GAIN's internal guidelines on intellectual property and global access.

## **8. A LIVING STATEMENT**

This Policy Statement is a living document and must remain adaptable to respond to GAIN's experiences and to continuing developments in the field of intellectual property. GAIN will therefore continue to keep this Policy Statement under review.