



## INTELLECTUAL PROPERTY AND TECHNOLOGY TRANSFER POLICY FOR PUBLIC AGRICULTURAL RESEARCH ORGANISATIONS



3 –4 May 2016, Radisson Blu, Addis Ababa, Ethiopia

### Workshop Report

UNCTAD organised a workshop on Intellectual Property (IP) and Technology Transfer Policy for Public Agricultural Research Organisations in Ethiopia, held from 3-4 May 2016, in Addis Ababa, Ethiopia. The workshop was organised in collaboration with the South Centre and the

Ethiopian Institute of Agricultural Research (EIAR). A total of 25 participants, consisting of research directors (both from the federal and regional research centres), IP and technology transfer experts from research centres and the Ethiopian Intellectual Property Office (EIPO), a biodiversity conservation expert from the Ethiopian Institute of Biodiversity Conservation (IBC) and a representative of the Ministry of Agriculture attended the workshop. The objectives of the workshop were to improve the understanding of participants and facilitate the exchange of views on IP and technology transfer policies; assess the priority needs of research centres; and support EIAR in the development of a national IP and technology transfer policy and guidelines for public agricultural research organisations.

## **Introduction**

The workshop was opened by Dr. Fantahun Mengistu, Director General of EIAR, Mr. Christoph Spennemann, Officer in Charge of the IP Unit of UNCTAD, Mr. Steffen Schulz, Project Manager, International Trade and Development, Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH, Ethiopia, and Mr. Nirmalya Syam, Programme Office, Development, Innovation and IP Programme of South Centre. Mr. Spennemann appreciated the invitation from EIAR for collaboration on supporting public agricultural research centres on IP and technology transfer. Financial support for UNCTAD's contribution was provided by the German Federal Ministry for Economic Cooperation and Development (BMZ). UNCTAD will support EIAR in the process that EIAR has already started in developing guidelines for researchers and research centres in a manner that ensures technology transfer and dissemination. Mr. Syam also appreciated the invitation by EIAR and introduced the work of the South Centre. He also expressed appreciation for the collaboration between South Centre and UNCTAD.

## **Workshop Discussion**

During the workshop staff of EIAR, EIPO, South Centre and UNCTAD made presentations on:

- Introduction to the concepts, legal and practical aspects of intellectual property (IP) rights, including outline of Ethiopian IP laws and the link with development, innovation, technology transfer and public policy objectives;
- Objectives, scope and relevance of IP and technology transfer policies for public research organisations;
- The Convention on Biological Diversity and its Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization, the International Treaty on Plant Genetic Resources for Food and Agriculture, and the International Union for the Protection of New Varieties of Plants;
- Technology transfer contracts, material transfer agreements, and arrangements for open and collaborative research.

Participants debated the various aspects of IP rights and technology transfer. The key issues raised by the participants include:

- The role of IP rights to provide incentive for researchers;
- Ownership of IP rights arising from publicly funded research projects, joint research projects funded by or conducted in collaboration with external partners, including PhD students, research fellows and the share of individual researchers employed by the research organisations;
- Concerns on access and dissemination of technology, in particular (1) how a publicly funded research centre can claim IP rights and request tax payers to pay for access to the research results, (2) if IP rights create additional barriers for the dissemination of technology (since research centres are already experiencing difficulty to disseminate their technology);
- A legal mechanism to provide incentives for animal breeders;
- The lack of implementation capacity in many institutions, including the implementation of Plant Breeders' Right Proclamation (PBR), 2006 and the Seed Proclamation, 2000, that are yet to be implemented by the Ministry of Agriculture. The Ministry of Agriculture has begun revising the PBR Proclamation.
- The legal mechanism to manage the sharing of genetic resources internationally;
- Some practical aspects of farmers' rights, commercialisation of IP rights and management of IP rights.

In addition to the debate based on the presentations, participants were engaged in:

- An open plenary debate on the draft EIAR Guideline for Intellectual Property Management and Technology Transfer,
- A group dialogue to assess the scope of current research and technology generated by the research centres, means of dissemination, modalities for international collaboration and technology transfer practices and challenges in protecting, accessing and utilising technology and technological information and views on the role of IP rights;
- A group discussion to assess priority needs of research organisations in IP and in international transactions on R&D and technology transfer and what should be the policy objectives of IP and technology transfer guidelines and any other related issues.

During the debate on the draft EIAR Guideline, participants supported the idea proposed by UNCTAD to first develop a national IP and technology transfer policy for public agricultural

research centres prior to finalizing and adopting the Guidelines. The IP and technology transfer policy should be based on the national framework that consist of the Ethiopian Constitution, Agriculture-Led Industrialization policy, Rural Development Policy and Strategies (2003), the growth and transformation plan (GTP I and II), Ethiopia's Agricultural Sector Policy and Investment Framework, National Seed Industry policy and other relevant policies in agriculture, food, biodiversity and technology transfer. Participants also pointed out that the draft EAIR guidelines were being formulated in the absence of a high-level policy framework and that the seeds law and PBR law has not been implemented. A national policy should set out objectives and guiding principles on IP and technology transfer. Guidelines on IP and technology transfer can subsequently be developed based on the national policy.

The group dialogue brought out the breadth of the current areas of research of the federal and regional research centres in Ethiopia that includes research and development on:

- Improved plant varieties for food targeting various objectives, such as pest resistance, improving productivity, and adaptation to soil and climatic conditions;
- Horticulture, forestry, coffee and other cash crops;
- Livestock;
- Agriculture mechanisation, and input; and
- Soil and ecosystem management.

The technologies developed in the research centres also vary. They include improved plant varieties, devices and machinery, methods and protocols for research, conservation, adaption of agricultural inputs, microorganisms and farming techniques. The research centres also engage in research collaboration and exchange of technologies with international partners.

In this context, the Institute of Biodiversity pointed out that compliance with access and benefit-sharing rules is a major issue. Participants in the group discussion on 'the needs of research organizations on IP and technology transfer' criticized the fact that in R&D agreements with international partners, the interests of the funder are reflected while the IP interest of EAIR is ignored. There has been no experience in obtaining IP rights over the research outputs or of licensing technologies. Research institutes under EAIR have had no experience of accessing patent information or conducting patent search. Participants proposed that the policy objectives regarding IP and technology transfer should be to create incentives for the researcher, ensure policy coherence and coordination, encourage commercialization and dissemination of technologies, promote competition, transfer of know-how and adaptation of technologies to local needs and situations.

At the end of the workshop, participants were given the opportunity to evaluate the workshop. A total of 21 completed evaluation forms were received. Participants felt they are now sufficiently

(67%) or well prepared (33%) and have better ideas (21%) or generally good idea (79%) about the topics covered. They felt their participation in the workshop is (76%) or "very much" (24%) useful for their work. Except for three participants, the workshop has met the expectation of the majority. Similar high rating was observed with respect to UNCTAD's overall organisation of the event (as 'good' by 38% of the participants or 'excellent' by the rest of the participants). Yet, four participants provided additional feedback requesting for additional capacity building or discussion among the diverse group of researchers on IP and technology transfer.

Participants were divided on the duration of the workshop. Approximately 30% percent of the participants think the duration was either only "fairly good" or "can be improved." In fact, two participants provided additional remark stating that the duration of the workshop was very short. The methodology of the workshop also attracted additional feedback, including requesting for practical examples from other countries and research organisations, in particular from the African region and suggesting for improvement of the group discussion in order to allow all participants reflect their views to the extent possible. One participant found the workshop approach as new for experience sharing, while accommodating experts from different discipline.

One or two participants rated the workshop methodology; the facilitators' general expertise, the cooperation and communication with the workshop facilitators; and the exchange of information and experience at group level as only 'fairly good', while the rest provided a higher rating. The overall assessment of the workshop was "excellent" for 33% of the participants, "good" for 57% and only "fairly good" for 5% of the participants, with one participants failing to provide any rating.

## **Conclusion and Follow Up**

Based on the results of the workshop discussion, UNCTAD, EIAR and South Centre agreed on a work programme consisting of:

1. Developing elements of "Objectives" and "Guiding Principles" for IP and Technology Transfer Policy for Public Research Centers in Ethiopia and submitting the draft for consideration by the workshop participants.
2. Considering the absence of PBRs in Ethiopia, identifying priority areas for Guidelines and to provide feedback on the current draft Guidelines;
3. Organizing a follow up workshop that can be designed both as a validation and capacity building event, and responding to the feedback from the participants of the current workshop.

# Annex I: Workshop Programme I

## 3 - 4 May 2016– Addis Ababa | Ethiopia

### **INTELLECTUAL PROPERTY AND TECHNOLOGY TRANSFER POLICY FOR PUBLIC AGRICULTURAL RESEARCH ORGANISATIONS**

The United Nations Conference on Trade and Development (UNCTAD) and South Centre, in collaboration with the Ethiopian Institute of Agricultural Research (EIAR) and the German International Cooperation (GIZ), are organizing a day-and-a-half workshop on intellectual property and technology transfer policy for public agricultural research organisations in Ethiopia. The workshop will take place on 3 –4 May 2016 in Addis Ababa, Ethiopia. The objective of the workshop is to exchange views and support EIAR in the development of intellectual property and technology transfer guidelines for public agricultural research organisations. Financing for this workshop is provided by the German Federal Ministry for Economic Cooperation and Development (BMZ). Up to 25 participants from federal and regional agricultural research organisation, academia and related institutions are expected to attend the workshop.

#### **Venue**

- The workshop will be held at Radisson Blu, Addis Ababa.
- Lunch and coffee will be offered to all participants at the workshop location.

For more information, please contact Fisseha Zegeye, Director, Research Partnership, Communication and IPR Directorate, EIAR, [fishz2707@gmail.com](mailto:fishz2707@gmail.com) or Ermias Biadgleng, Legal Affairs Officer, UNCTAD, at [ermias.biadgleng@unctad.org](mailto:ermias.biadgleng@unctad.org).



## Intellectual Property and Technology Transfer Policy for Public Agricultural Research Organisations

WORKSHOP PROGRAMME		
Tuesday, 3 May   2016		
TIME		FACILITATORS
08h30 – 08h45	Registration	EIAR & UNCTAD
08h45 – 09h15	Welcoming address and Introduction	Dr. Fentahun Mengistu, Director General, EIAR, Christoph Spennemann, Chief, UNCTAD, Nirmalya Syam, Programme Officer, South Centre.
09h15 – 09:45	Introductory Session: Intellectual property (IP) rights and technology transfer	UNCTAD
09h45 – 10h00	<b>Tea Break</b>	
10h00 – 10h30	Objectives of IP and Technology Transfer policy for public agricultural research organisations	EIPO/EIAR
10h30 – 11h00	Q&A	
11h00 – 13h00	Group based dialogue (preferably four groups): <ul style="list-style-type: none"> <li>On current R&amp;D activities, modalities for international collaboration and technology transfer practices;</li> <li>Challenges in protecting, accessing and utilising technology and technological information</li> <li>Views on the role of IP and Technology Transfer.</li> </ul>	EIAR, UNCTAD and South Centre
<b>13h00 – 14h30</b>	<b>Lunch</b>	
14h30 – 15h15	Plant agricultural resources and biodiversity <ul style="list-style-type: none"> <li>FAO Treaty and CBD.</li> <li>Outline of Research and IP related transactions</li> </ul>	Nirmalya Syam
15h15 – 15h45	Q&A	
15:45 – 16:00	<b>Tea Break</b>	
16:00 - 16:45	IP and Technology Transfer policy in public research organisations: scope and relevance	EIAR/UNCTAD Dr. Kebebew Asefa and Nirmalya Syam
16h45 – 17h45	Open discussion	
<b>18h00 – 20h00</b>	<b>Reception</b>	
Wednesday, 4 May 2016		
09h00 – 09h45	Plenary Discussion: Responsibility of Researchers	EIAR and UNCTAD

	and Research Organisations <ul style="list-style-type: none"> <li>• Externally funded Research</li> <li>• Documentation and filing of IP application</li> </ul>	
09:45 – 11:15	Group Discussion: preferably three groups: <ul style="list-style-type: none"> <li>• What are the needs of research organisations in IP and technology transfer?</li> <li>• What should be the policy objectives of IP and Technology Transfer guidelines?</li> <li>• What are the needs and priorities in international transactions on R&amp;D and technology transfer?</li> <li>• Any other IP and technology related concerns/issues</li> </ul>	With floating coffee
11h15 – 12h00	Presentation of results of group discussion	Group rapporteurs
12:00 – 12:30	Closing remarks and the way forward Evaluation of the Workshop	EIAR, UNCTAD South Centre, GIZ
<b>End of Workshop</b>		



## Annex II: Guideline for Facilitators of Group Dialogue

### **Workshop on IP and Technology Transfer Policy for Public Agricultural Research Organisations in Ethiopia**

#### Designing the Groups:

- ✓ To the extent possible participants should be grouped according to the fields of technology: seeds for food, cash groups, forestry, animal breeding, soil, agricultural inputs, agricultural equipment;
- ✓ At least four groups, each with 5-7 participants. UNCTAD will facilitate two groups, EAIR, at least one and South Centre one group.

#### Discussion methodology:

- ✓ The main purpose of the exercise and the workshop is fact finding. The group dialogues are alternatives to one-to-one interview. Facilitators should encourage all group participants to share their views to the extent possible.
- ✓ The group dialogue will be held from 11:10- 13:00, on 3 May 2016.
- ✓ There is a separate group discussion to take place on 4 May 2016 morning. While the Group Dialogue is for the facilitators to learn about the research organizations' needs, understanding and views, the Group Discussions facilitate debate among participants to identify priority needs in IP and technology transfer.

Discussion Questions: Each facilitator should try in as much as possible to request the following information:

1. What research is being conducted,
2. What are the main outputs of the researches in terms of technology and know-how (seeds, microorganisms, agro-chemicals, scientific publications, machinery etc)
3. What is the practice of documentation, recognition and dissemination (at Centre, regional, central and international level) of:
  - a) any invention/improvements in a manner sufficiently clear for other researchers to duplicate the invention
  - b) any new research tool, technique and method developed during the research
  - c) best methods to utilize the invention
  - d) Source and origin of genetic resources utilized in research;
  - e) Deposit/samples/ of the results of the research for further use;
  - f) Publication in peer reviewed scientific publications
4. When and in what circumstances researchers, research organizations are exposed to intellectual property issues, plus
  - a) What intellectual property have been most encountered (patents, plant varieties, traditional knowledge, trademark etc)
  - b) What has been the practice so far in registering IP rights
  - c) If they had experience where technology they developed is claimed by others;
  - d) Any experience on licensing both as a provider and recipient

Annex III: list of participants.

1.	W/ro Selamwait Shiferwa	EIAR
2.	Dr Fentahun Mengistu	DG EIAR
3.	Dr Asnak Fikre	Director Crop Research, EIAR
4.	Dr Getnet Assefa	Director, Livestock Research Directorate , EIAR
5.	Gebreyes Gurum Debele	EIAR
6.	Dr Dawit Alemu	Director, Agricultural Economics, Extension and gender Research Directorate
7.	Mr Fisseha Zegeye	EIAR
8.	Mr Bisrat Getnet	Director, Agricultural Mechanization Research Directorate
9.	Mr Mekonnen Hailu	Director, Planning, Monitoring and Evaluation Directorate
10.	Mr Abebe Kirub	Director, Scientific publication and communication Directorate
11.	Hana Yeshitila Taddese	EIAR
12.	Zulfa Abdo Hussein	EIPO
13.	Mr Nahom Mesfin	EIAR
14.	Fikremariam Ghion Melaku	Biodiversity Conservation Institute
15.	Fekadu Haile Abosy	EIPO
16.	Dr. Mohammed Yesfu MOHAMMED	Director, Melkasa Agricultural Research Centre,
17.	Dr. Solomon Chanyalew KASSA	Director, D/Zeit, Agricultural Research Centre
18.	Dr. Temesgen Desalegn BEKALU	Director, Holeetta Agricultural Research Centre
19.	Dr. Aschalew Lakew HAILE	Director, Sebeta Fishery and Aquatic Life Research Centre
20.	Dr. Ashenafi Ayano FOLLE	Director, Jimma Agricultural Research Centre
21.	Dr. Kibebew Assefa ABEBE	Director, D/Zeit, Agricultural Reseacch Centre

22.	Dr. Zenebe Tadesse SEIFU	Director, Sebeta Agricultural Research Centre
23.	Dr. Friew Kelemu DAGNE	Director, Melkassa Agricultural Research Centre
24.	Dr. Melaku Alemu HAILE	Ministry of Justice
25.	Dr. Tilaye Teklewold DENEKE	Deputy Director General, Amhara Agricultural Research Institute
26.	Mr. Alemayehu Mulugeta ADMASU	Head, PR ARARI

Annex III: Results of Workshop Evaluation

## WORKSHOP EVALUATION FORM

<b>1. After the workshop, how well did you feel prepared concerning the topics/the content of the workshop?</b>	
Very well prepared	✓✓✓✓✓✓✓✓
Sufficiently prepared	✓✓✓✓✓✓✓✓✓✓✓✓✓✓✓✓
Insufficiently prepared	
<b>2. Do you think you have a clear idea about the topics of the workshop?</b>	
Yes, very much so	✓✓✓✓✓✓✓✓
Yes, generally	✓✓✓✓✓✓✓✓✓✓✓✓✓✓✓✓✓✓
Not so much	
Not at all	
<b>3. Did the workshop in general meet your expectations?</b>	
Yes, very much so	
Yes, generally	✓✓✓✓✓✓✓✓✓✓✓✓✓✓✓✓✓✓✓✓
Not so much	✓✓✓
Not at all	
<b>4. Do you think having participated in this workshop will be useful for your work?</b>	
Yes	✓✓✓✓✓✓✓✓✓✓✓✓✓✓✓✓✓✓✓✓
Mostly yes	✓✓✓✓✓✓
Cannot say	
No	
<b>5. How do you assess...</b>	
<b>a) ... the workshop's methodology and efficiency?</b>	
Excellent	✓✓✓✓✓✓✓✓
Good	✓✓✓✓✓✓✓✓✓✓✓✓✓✓✓ (?)
Fairly Good	✓✓

Could be improved-please explain.	Content and checklist of IP rights guideline could be provided; There should have been a detail discussion on topics because the theme of the workshop was very fundamental for the public research organisations; Some of the presentations were not well structured and a bit lengthy.
<b>b) ... the quality of workshop discussions and presentations?</b>	
Excellent	✓✓✓✓✓
Good	✓✓✓✓✓✓✓✓✓✓✓✓✓✓✓✓✓✓
Fairly Good	
Could be improved-please explain.	Some examples of institutions with IP rights guidelines should have been presented, particularly from other African countries; Actually the workshop thematic area is a bit vast and there should be an intensive discussion and exchange of views
<b>c) ... the workshop's overall duration?</b>	
Excellent	✓✓✓✓✓✓
Good	✓✓✓✓✓✓✓✓✓✓
Fairly Good	✓✓
Could be improved	✓✓✓✓
<b>d) ... the workshop facilitators' general expertise in their field?</b>	
Excellent	✓✓✓✓✓✓✓✓✓✓✓✓✓✓
Good	✓✓✓✓✓✓✓✓✓
Fairly Good	✓
Could be improved	
<b>e) ... the cooperation and communication with the workshop facilitators?</b>	
Excellent	✓✓✓✓✓✓✓✓✓✓✓✓✓✓✓✓
Good	✓✓✓✓✓
Fairly Good	✓
Could be improved-please explain.	✓ I have come from Melkassa, yet I was considered as based in Addis Ababa. Let people know with email prior to workshop.
<b>f) ... the group's professional experience and skill levels?</b>	
Excellent	✓✓✓✓✓✓
Good	✓✓✓✓✓✓✓✓✓✓✓✓✓✓✓
Fairly Good	✓✓
Could be improved	
<b>g) ... the exchange of information and experience at group level?</b>	
Excellent	✓✓✓
Good	✓✓✓✓✓✓✓✓✓✓✓✓✓✓✓✓✓✓
Fairly Good	✓
Could be improved-please explain.	✓ The group discussions should have been designed in a

	way that gathers reflection and views of every member of the group on the issues at hand.
<b>h) ... the working atmosphere within the group?</b>	
Excellent	✓✓✓✓✓✓✓✓✓✓✓✓
Good	✓✓✓✓✓✓✓✓✓✓✓✓
Fairly Good	
Could be improved-please explain.	
<b>i) UNCTAD's overall organisation of the event?</b>	
Excellent	✓✓✓✓✓✓✓✓✓✓✓✓✓✓
Good	✓✓✓✓✓✓✓✓✓✓✓✓
Fairly Good	
Could be improved-please explain.	
<b>6. What is your overall assessment of the workshop?</b>	
Excellent	✓✓✓✓✓✓✓✓✓✓
Good	✓✓✓✓✓✓✓✓✓✓✓✓✓✓ (?)
Fairly Good	✓
Could be improved	
<b>7. Do you have any remarks/ suggestions?</b>	
<ul style="list-style-type: none"> <li>• It is a very good workshop. I really appreciate the experts that presented the IP and related document. Please continue on this. We expect further cooperation to strengthen our knowledge of the issues and build common understanding among all researchers in EIAR and in the NARC, at large, and also all other relevant stakeholders concerned with IP in agricultural research and technology transfer. Further capacity building is necessary. (4)</li> <li>• It is a new approach of experience sharing (accommodate different experts from different discipline).</li> <li>• PPTs of resource persons should be sent by email to all participants for future references and build on the knowledge gained.</li> <li>• For internalisation of IP issues, I think researchers have to participate in cascaded discussion programme. It would have been more effective if the discussions were in local language.</li> <li>• I really appreciate EIAR for this workshop and their endeavour to have the guideline on IP and technology transfer. I would like to recommend you to work with EIPO so that you can easily meet your needs.</li> <li>• Some experience from elsewhere could be presented to give a more concrete picture.</li> <li>• The duration of the workshop is very short so that for your future workshop, please consider the topic area and its coverage (2).</li> <li>• The topic is very important. But we were at different levels of understanding, as we came from diverse fields.</li> <li>• I am very much interested with the way of presentation from UNCTAD and better if the other partners also prepare likewise for the future.</li> </ul>	