



Review of CGIAR Intellectual Assets Principles

Inception plan

June 2017



Independent
Evaluation
Arrangement

Evaluation Team

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1 Introduction

1.1 Scope and approach

The CGIAR Principles on the Management of Intellectual Assets were adopted in 2012 and reflect a balance of long-standing principles of the creation by the CGIAR of “International Public Goods” and the emerging needs of commercial partnerships to both access the best public and proprietary innovation and to scale the deployment of innovations to resource poor farmer through commercial channels.

The review will cover the IA Principles in a comprehensive manner regarding coverage, adequacy and appropriateness of the policy. The IA Principles fall into three types:

- Principles stating general intent (1-5);
- Principles implying best practice management or compliance (6-7); and
- Principles concerning process (8-12)

Principles 1 (International Public Good), 2 (Partnerships) and 4 (Genetic Resources for Food and Agriculture) form an important context for this review against which other Principles, their implementation and effects will be assessed.

The review will assess:

- 1) the appropriateness of the Principles, and whether over time and in light of emerging technologies, and emerging business models, they will be effective in supporting the CGIAR in achieving its vision of “promoting a world free of poverty, hunger and environmental degradation”
- 2) effectiveness of processes for the implementation, reporting, and governance of the IA Principles.

This review will address all of the CGIAR Principles but will focus primarily on the operational principles 5-10 (5. Sound Management of Intellectual Assets and IP Rights, 6. Maximizing Global Accessibility and Access and Impact, 7. Fees, 8. Capacity and 9. Reporting and Audit Rights). The review will consider principle 3 on farmers’ right focusing on implications of the International Treaty. It will assess the extent to which the Guidelines provide clarity for interpretation of the Principles and support their implementation.

Specifically, the review will assess whether:

- Principles are clear and unambiguous,
- Individual Center policies and practices are consistent with the principles,
- Benefits have been encountered in the implementation of the principles
- Problems have been encountered in the implementation of the principles
- There have been identifiable benefits or problems associated with implementation of the principles
- CGIAR system has satisfied the resources to appropriately implement the principles.

2 Background

2.1 Review Criteria and Questions

The Review will focus on the following criteria:

- Appropriateness
- Effectiveness
- Efficiency and Transparency
- Governance and Management

A Review Matrix (see Annex 1) presents the evaluation questions under these criteria. It present the sources of evidence in terms of documentation and stakeholder groups for survey/interview.

2.2 Methodology

The evaluation will be conducted primarily through desk review drawing evidence from documentation and interviews/questionnaires of main stakeholders. Face-to-face interaction with the Center IP focal points (CLIPnet) is also scheduled. The main sources of evaluative information and data, and tools for collecting the evidence are presented below.

2.3 Document review and factual data

Document and factual review will cover all documentation on the current policy and some historic documents, including:

- IA Principles, Implementation Guidelines, and relevant documentation developed to support implementation (Q&A, factsheets)
- Documents concerning the process and issues prior to approval of the IA Principles
- IA annual reports (both CGIAR IA annual reports, and Fund Council/System Council IP Group's annual reports)
- Internal IA Principles biennial review from 2014
- Center IP policies and other policies related to IP
- Minutes of FC meetings concerning reporting on policy implementation
- CLIPnet meeting summaries

2.4 Stakeholder engagement plan

Review team will collect inputs and feedback from groups of stakeholders, focusing on a line of questions that directly relate to each group's main area of interest and knowledge. The team will use a combination of written questionnaires to a broad set of stakeholders in each group and follow-up interviews with selected stakeholders. The structured interview questions derive from the evaluation questions in the Review Matrix.

The stakeholder groups are listed in the table below and for each the main approach for collecting inputs is

shown.

STAKEHOLDER GROUP	METHOD OF INQUIRY
Center IP focal points and legal staff	Questionnaire and interviews
CLIPnet members (beyond IP focal point)	Interview of selected members
Center staff IP related responsibilities (ex. Partnerships)	Questionnaire to selected staff
Senior Center/CRP management including DDGs	Questionnaire and selected interviews
Center Partners and beneficiary organizations	Questionnaire to selected regional and global partners representing different sectors (private sector, universities, NARS, etc)
All members of the SC intellectual property group (SCIP)	interviews
Donors	Questionnaire to selected donors
Staff at System Management Office concerning research, data management, partnerships, IA and legal issues and Audit	Interviews
External experts knowledgeable about IA/IP	Selected individuals, interviews

The review team will triangulate evidence for addressing the evaluation questions and use its own expertise for interpretation of evidence findings and deriving at conclusions and recommendations.

3 Review Team and Governance

The evaluation will be conducted by a team of two independent external experts. The biodata of the evaluation team is provided in Annex 2. The Team Leader has final responsibility for the evaluation report and all findings and recommendations, subject to adherence to CGIAR Evaluation Standards.

The IEA is responsible for managing the evaluation, which includes planning and contribution to the design of the evaluation. The IEA is also responsible for quality assurance of the evaluation process and outputs, and for the dissemination of the results. During the preparatory phase of the Review the IEA collects background data and information. An Evaluation Manager (Sirkka Immonen), supported by an Evaluation Analyst (Jenin Assaf) will provide support to the team throughout the evaluation.

System Management Office – Legal Team plays a key role in helping provide for the Review team’s informational needs. It provides documentation and data and information on all IA meetings. It will also provide factual feedback on the Draft Report. The System Management Office will coordinate preparation of a Management Response to the Final Report.

Center IP managers also play an important role in the Review. They are the focal persons at Centers to this Review and are given the opportunity to provide feedback on the TOR, Inception Report and Draft Final Report.

3.1 Review Schedule

Phase	Period	Main outputs	Responsibility
Preparatory Phase	Nov – Dec 2016	Terms of Reference Consultation with Centers/SMO	IEA
	Jan 2017	Review team recruited	IEA
Inception Phase	Feb - April	Inception Report	Team and IEA
Inquiry phase	April - June	End of phase: presentation of preliminary findings to Centers/SMB/SMO	Review team
Reporting phase	June-July	Draft review report circulated for comment to Centers/SMO Final Review Report	Review team

Annex 1: Review Matrix

EVALUATION QUESTION		INFORMATION SOURCES	
A. APPROPRIATENESS			
1.	Do the IA Principles represent a concise policy for intellectual assets management across Centers and CGIAR System Organization that is unambiguous in terms of its interpretation?	Primary documents/data	IA Policy and implementation guide Center IA Policies IA Annual Reports CLIPnet Annual meeting summaries
		Interview/ Questionnaires	Center IP Focal Points and CLIPnet members Center leadership
2.	Is the scope of the IA Principles appropriate given the CGIAR mandate, nature of its IA and modality of work in partnerships?	Primary documents/data	IA Policy and implementation guide Center IA Policies and other relevant policies
		Interview / Questionnaires	Center leadership SC IP group (SCIP) Partners Donors
3.	Are the IA Principles flexible enough to take into account technical advances that alter the modes of acquisition of IAs and the total spectrum of assets that the CGIAR deals with? ¹	Primary documents/data	Q&A for IA Policy implementation CLIPnet Annual meeting summaries CGIAR IP registry
		Interview/Questionnaires	Center senior staff Partners External experts
B. EFFECTIVENESS			
4.	Have the IA Principles enhanced good practice in IA management at Center level within the scope of the policy? To this purpose, are the Guidelines useful in clarifying the IA Principles' intent?	Primary documents/data	Q&A for IA Policy implementation CLIPnet Annual meeting summaries SCIP and IA annual reports IA Biennial Review

¹ Examples are genetic material of molecular nature, dematerialization of genetic resources and trends in open data and knowledge management.

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		Interview/Questionnaires	Center senior staff Center IP Focal Points and CLIPnet Partners SMO legal office SCIP
5.	Have the IA Principles stimulated optimal use of exclusivity arrangements as permitted for furthering CGIAR vision? Have there been any effects to accessibility?	Primary documents/data	IA and SCIP reports CGIAR IP registry
		Interview/Questionnaires	Partners (particularly those involved in IP or exclusivity agreements) Center leadership Center IP Focal Points and CLIPnet Beneficiary organizations
6.	To what extent have the IA Principles enhanced or hindered CGIAR's engagement in partnerships for furthering CGIAR vision?	Interview/Questionnaires	Partners with exclusivity agreement Partners (current and past) Center senior staff SMO
7.	Have there been major constraints/obstacles concerning adherence to the policy, such as related to [increased] transactions costs, [insufficient] capacity in CGIAR, or buy-in from donors?	Primary documents/data	IA and SCIP reports CLIPnet Annual meeting summaries
		Interview/Questionnaires	Partners Center leadership Center senior staff Donors
8.	Are the IA Principles protecting or enhancing CGIAR's reputation regarding its mission?	Interview/Questionnaires	Partners Donors
C. EFFICIENCY AND TRANSPARENCY			
9.	Are the IA Principles enhancing efficiency, and are they enhancing transparency in IA related decision-making at Centers?	Primary documents/data	IP registry Center and CGIAR websites
		Interview/Questionnaires	Center leadership Center senior staff Center IP Focal Points and CLIPnet SMO legal office
10.		Primary documents/data	Center IP reports Selected IP cases

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	Are the processes for implementing and reporting efficient and transparent (taking confidentiality requirements of individual cases into account)?	Interview/Questionnaires	Center IP Focal Points SMO legal office SCIP group
11	Has governance of the policy at the System level been efficient, including reporting, reviewing and decision-making?	Primary documents/data	IA and SCIP reports Fund Council/System Council meeting minutes
		Interview/Questionnaires	Center leadership Center IP Focal Points SMO legal office SCIP group
		Interview/Questionnaires	
D. EFFECTIVENESS OF SYSTEM GOVERNANCE			
12	Has the System Organization (previously Consortium Board and Office) fulfilled its role in enhancing effective and consistent management of IAs in accordance with the Principles?	Primary documents/data	ClipNet Annual meeting summary
		Interview/Questionnaires	CGIAR senior staff Center IP Focal Points and CLIPnet SMO legal office SCIP group Donors
13	Have CGIAR funders supported effective implementation of the IA Principles through adequate resourcing of necessary capacity?	Primary documents/data	SMO IP workplan and budget
		Interview/Questionnaires	Center IP Focal Points SMO legal office
14	Has the System Council (previously Fund Council) demonstrated effective engagement in policy oversight?	Primary documents/data	System Council (Fund Council) meeting minutes SCIP TORs Records of FC/SC IP engagement
		Interview/Questionnaires	SCIP Donors

Annex 2 Team Profiles

Team Leader: Alan Bennett

Professor Alan Bennett is a member of the Plant Sciences Department at UC Davis and founding Executive Director of the Public Intellectual Property Resource for Agriculture (PIPRA), a non-profit organization that provides strategy advice and intellectual property rights analysis to support the commercialization of public sector innovations and the humanitarian uses of agricultural technologies. His research and publications range from plant cell wall disassembly to public policy issues for agriculture. From 2004-2008, he served as the Associate Vice Chancellor for Research at UC Davis where he founded and managed InnovationAccess, an organization responsible for technology transfer, business development and support for technology-based economic development.



Bennett is a Fellow of the California Council for Science and Technology (CCST), a science policy advisory council for the State of California, and a Fellow of the American Association for the Advancement of Science (AAAS). He served on the U.S. National Academies' of Science Committee on University Management of Intellectual Property. Bennett earned his B.S. and Ph.D. degrees in Plant Biology at UC Davis and Cornell University, respectively and has published over 150 research papers in leading scientific journals and holds several utility patents related to crop quality traits

Team Member: Carlos Correa

A lawyer and an economist, Professor Carlos Correa obtained his Ph.D. degree from the University of Buenos Aires. His areas of expertise are investment, development and technology transfer, intellectual property, and competition policy law. He is Special Advisor on Trade and Intellectual Property of the South Centre and has been a visiting professor in post-graduate courses of several universities. Prof. Correa was a member of the UK Commission on Intellectual Property, of the Commission on Intellectual Property, Innovation and Public Health established by the World Health Assembly and of the FAO Panel of Eminent Experts on Ethics in Food and Agriculture. He has advised several governments on intellectual property, innovation policy and public health, and served as a consultant to UNCTAD, UNIDO, UNDP, WHO, FAO, IDB, INTAL, World Bank, SELA, ECLA, UNDP, and other regional and international organizations. He is the author of several books and numerous articles. Dr. Carlos Correa has also served as Chair of the Genetic Resources Policy Committee (GRPC) of CGIAR from 2004-2010. For the purposes of this review, the IEA considers that while Correa dealt with issues of intellectual assets and policy when serving the GRPC, this experience is beneficial for the review, and particularly given that the GRPC was closed in 2010, does not pose a conflict of interest.

