

(as published on SFTI website)

INTELLECTUAL PROPERTY POLICIES AND PRINCIPLES
SCIENCE FOR TECHNOLOGICAL INNOVATION
NATIONAL SCIENCE CHALLENGE

1. This document sets out the policies and principles that all Parties agree to comply with in their participation in the Challenge. The more specific provisions around ownership and management of Intellectual Property are set out in the IP Management Plan.
2. The purpose of the Challenge is to create benefits for New Zealand including through the creation and exploitation of Project IP.
3. The Parties must use their best endeavours to maximise the benefits to New Zealand, including benefits to Māori, of the Challenge and each Project through their management of any Project IP including Mātauranga Māori IP, Mātauranga Māori and Taonga Species.
4. The Parties must, in accordance with these policies and principles and the IP Management Plan:
 - (i) ensure that researchers continually consider whether Project IP is being created or developed;
 - (ii) determine the ownership of Project IP, and require employees, contractors, grant holders and any other personnel to acknowledge the relevant ownership and rights associated with Project IP;
 - (iii) when determining ownership of Project IP, give explicit consideration to the contribution of Mātauranga Māori and Taonga Species;
 - (iv) ensure that researchers are advised of the potential value of Project IP and of the options available to them to protect and add value to those rights;
 - (v) ensure that researchers are advised of any actual or potential confidentiality issues relating to Project IP;
 - (vi) make clear to, and binding on, all personnel involved in a Project, the separate and mutual obligations of the personnel and the Parties in relation to Project IP management and protection;
 - (vii) implement formal management procedures relating to time recording, record keeping, confidentiality and ethics for each researcher; and
 - (viii) have a process to identify protectable and potentially valuable Project IP and associated commercial activities and to prevent the infringement of existing protected Intellectual Property and associated commercial activities.
5. When the Project involves any Mātauranga Māori or Taonga Species, the Parties (or the Managing Party) will:
 - (i) require employees, contractors, grant holders and any other personnel to acknowledge the relevant ownership and rights associated with Mātauranga Māori Project IP;
 - (ii) unless agreed otherwise, keep the Mātauranga Māori, Taonga Species and the Mātauranga Māori Project IP out of the public domain;
 - (iii) consider whether protection options other than the statutory Intellectual Property options would better protect the Mātauranga Māori Project IP;

- (iv) consider what steps can be taken to stop misuse and misappropriation of Mātauranga Māori, Taonga Species and the Mātauranga Māori Project IP; and
 - (v) work with Māori to enable Māori to exploit or commercialise any Mātauranga Māori, Taonga Species or Mātauranga Māori Project IP.
6. The publication of results and data from Projects is encouraged, subject to the confidentiality requirements of the Parties (including any requirements necessary to protect students' work) or any Industry Parties and subject to protection of any potentially commercialisable Project IP or Mātauranga Māori Project IP where appropriate. For the avoidance of doubt, it is expected that consideration of Project IP or Mātauranga Māori Project IP protection will be undertaken before any scientific publication of results of research funded by the Challenge. Publications should acknowledge any funding contribution from the Challenge and the Ministry and be reported to the Director as requested to enable timely reporting to the Ministry.
7. The Parties should, wherever possible:
- (i) provide assistance to researchers in fulfilling Project IP and Mātauranga Māori Project IP obligations and responsibilities;
 - (ii) encourage participation by researchers in any subsequent commercialisation process of any Project IP or Mātauranga Māori Project IP; and
 - (iii) develop policies that incentivise staff and other stakeholders to generate benefits for New Zealand from the work.
8. If the Parties are unable to agree on any matter relating to any Project IP or Mātauranga Māori Project IP, these policies and principles or the IP Management Plan, the Parties will refer the matter to the applicable dispute resolution process.
9. The "IP Management Plan" is the intellectual property management plan set out in the 3rd Challenge Programme Agreement between the Challenge Contractor and the Ministry. Capitalised terms used in these policies and principles have the meaning given to them in the IP Management Plan.