

Intellectual Property Rights: Legal Framework and Practice of the IAEA

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IAEA

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Overview of the Presentation

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- Legal Framework of the IAEA
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Introduction

- **Intellectual property (IP)** – a creation of the human intellect in the industrial, scientific, literary and artistic fields, over which ownership can be exercised.
- Two main branches of IP rights:
 - **Copyright** – expression of ideas;
 - **Industrial Property** – inventions, trademarks and industrial designs, which are protected by patents and other means.

Legal Framework of the IAEA

- IAEA Statute;
- IAEA Rules and Policies (Administrative Manual); and
- IAEA General Conditions of Contract.

IAEA Statute

- **Article II (Objectives)** - “The Agency shall seek to accelerate and enlarge the contribution of atomic energy to peace, health and prosperity throughout the world”.
- **Article III (Functions)** - The Agency is authorized to “foster the exchange of scientific and technical information on peaceful uses of atomic energy”.
- **Article VIII (Exchange of Information)** – “The Agency shall assemble and make available information”.
- **Article XI (Agency Projects)** – Agency agreements concluded under this Article shall have appropriate provisions regarding any inventions, discoveries, or patents, arising from a project.

IAEA Rules and Policies

- IAEA Publishing Policy;
- IAEA Policy on Attribution of Authorship in Agency Publications;
- IAEA Industrial Property Policy;
- Guidelines Concerning the Use of the Agency Logo;
- IAEA General Conditions of Contract.

Copyright Policy

- **Objective:**

The widest possible dissemination of information in a timely, cost effective and efficient manner (to serve the needs and interests of Member States).

- **Principles:**

- The Agency retains copyright on its work, in particular, on its publications, while giving credit to external contributors;
- The Agency normally retains copyright on the results of Agency work published by external publishers.

Industrial Property Policy

- **Principle:** Use/establishment of prior art as the principle means of protection, in order to ensure that knowledge generated as a result of the Agency's activities is in the public domain and is freely available to Member States.
- **Exception:** use of patents as a viable means of disseminating knowledge resulting from Agency activities.

IAEA Practice

General practice

- IAEA retains intellectual property rights on material produced and inventions developed by its **staff members, interns and experts/consultants**.
- IAEA negotiates to maintain intellectual property rights in all its agreements and contracts with **third parties**, and normally retains intellectual property rights, or is granted a perpetual license.

IAEA Practice (continued)

Exceptions from the general practice:

- (i) IP rights that pre-existed the performance by the Contractor of its obligations under the Contract;
- (ii) IP rights developed or acquired by the Contractor independently of its obligations under the Contract;
- (iii) For software products that are proprietary to the Contractor, terms of license are separately agreed in a Software License Agreement.

IAEA Practice (continued)

Attribution of authorship in publishing:

- Authors of certain types of Agency publications may be granted recognition and credit, however certain Agency publications are issued under corporate authorship only.

Licenses granted to external publishers:

- Normally, non-exclusive or sole;
- In exception cases, exclusive (special permission is required).

Use of the Agency Logo

- New Guidelines Concerning the Use of the Agency Logo recently developed.
- IAEA logo has three elements: **the emblem, the full name and the acronym.**
- It is protected by the Paris Convention for the Protection of Industrial Property.
- IAEA logo is intended **for official use of the IAEA.**
- Permission to use logo is given to third parties only when the IAEA engages in a genuine joint activity.

Challenges

- IAEA work published by external publishers (the issues of copyright and license);
- Intellectual property rights in research and technical contracts;
- Copyright infringements and protection of the Agency's copyright and the Agency's logo.

Thank you for your attention

