

Instructions No. (3) for the year 2018

**“Instructions on Intellectual Property Rights at the
National Agricultural Research Center”**

**Issued under Article (C/16) of the National Agricultural Research
Center Bylaw No. (42) of the year 1993 and its amendments**

Article (1):

These instructions (Instructions No. 3 of 2018) are called (Intellectual Property Rights Instructions at the National Agricultural Research Center (NARC)).

Article (2):

The following words wherever appear have the meanings shown below unless context indicates otherwise:

Minister Center Bylaw	Minister of Agriculture. National Agricultural Research Center (NARC)". The National Agricultural Research Center Bylaw No. (42) of the year 1993 and its amendments.
Center's Board	Board of the National Agricultural Research Center.
The Chairman Director General Researcher	The Chairman of the Board. Director General of the Center. Each person is assigned to the National Center and works in the field of agricultural scientific research, and is occupied by all who holds the first university degree as a minimum in the disciplines of agricultural sciences or sciences related to agricultural scientific research.
Project	The research activity funded through the general budget or through outsourcing.
Innovator	Staff member(s) who contribute(s) in producing innovative ideas.
The Unit	The Intellectual Property Right Protection Unit.

Article (3):

The articles of these regulations applies to all intellectual property forms created by any of NARC members including full-time and part-time job employees, day laborers; who have been hired permanently or temporarily, trainees ,volunteers, the consultant experts and any individual or institution that is linked with NARC by a contract or a memorandum of understanding.

Article (4):

The unit is responsible for managing and administrating IPR issues; and the director-general issues the guidelines that determine how the unit operates.

Article (5):

The center endeavors while dealing with IPRs generated from its partially or totally funded scientific research, or/and from its research activities to achieve the following:-

- a- Support and help researchers to benefit from IP legislations.
- b- Facilitate innovative researches to reach the level of applied projects that benefits the society.
- c- Facilitate intellectual property's registration, licensing and legitimate revenues distribution.
- d- Evaluate and designate fair proportional rights for all parties involved in scientific research.
- e- Stimulate the researchers to provide and implement innovative ideas and projects.
- f- Institutionalize procedures and basis of registration, selling and distribution of the IPRs.
- g- Obtain more support for scientific research.

Article (6):

Except where otherwise explicitly provided for in this regulations, and Taking into consideration all related legislations, NARC asserts ownership of all Intellectual Property resulting from any innovation that:-

- a- Is developed or created by NARC Researcher(s) in the course of his/her/their employment; and/ or.
- b- Is carried out having all or part of its costs paid from NARC funds or results in a whole or part from the Significant Use of NARC Resources.

Article (7):

The following cases are excluded from the terms states in Article (6) above:-

- a. The intellectual property that is produced by researcher(s) before being employed NARC.
- b. Co- operative activities that are bound by a contract between NARC and any other party; wherein the terms of such contract states that NARC doesn't assert a full ownership of resulted IPRS.
- c. Scholarly Works; such as textbooks, articles, dissertations/thesis, research publications, journal articles, presentations, and papers.
- d. Teaching and training materials created by NARC researchers not as part of an institutional initiative or specifically commissioned or requested by NARC.

Article (8):

Despite what have been stated in Article (7) of these regulations, NARC However, reserve to itself a non-exclusive, royalty free, perpetual, irrevocable world-wide license to use, reproduce, any IP generated by its researchers or by using its resources or from its partial or total funding for the purpose of developing the skills of its staff or for the training and research purposes.

Article (9):

The ownership of the innovative ideas that meet terms of Article (6) of these regulations is transferred to the center through a deed of assignment signed by the creators of such ideas.

Article (10):

- a. Any researcher who creates an innovative idea that meets the terms of Article (6) must notify and inform the unit about such ideas immediately and in a written form.
- b. Researchers are prohibited to publish any innovative idea that meets the terms of Article (6) before notifying the unit in a written form, and .in case the unit found that such publication affects the chances of protecting and commercializing the reported idea, a report is issued and delivered to the director-general; wherein such publication becomes allowed only by the director-general.

Article (11):

Reporting about any innovative activates in accordance with article (10) of these regulations, must be within a form that includes:

- a. The creator's name.
- b. A copy of any contract between NARC and any other party which binds such activities.
- c. A disclosure of the Innovation technical features.
- d. A copy of any publication that precedes the date of reporting and which includes partial or complete technical features of the innovation.

Article (12):

Unless the innovator is committed with other supporting or participants parties, the ownership of IPRs is waived and released to him/her in the following cases:

- a. If NARC decided not to market or commercialize the invention.
- b. If the unit did not conduct registration procedures of the intellectual property within a period of six months starting from the report date as mentioned in article (10); provided that the innovator submits an application including his desire to own the creation and his/her justifications for such desire, in addition to the director-general approval.

Article (13):

In case the ownership of IPRs was waived and released in accordance to article (12) of these regulations to the researcher, and in case the researches has acquired net revenues from marketing and commercializing the creation, protected by such IPRs, the researcher shall compensate NARC for any previous costs.

Article (14):

- a. After assigning the IPR to NARC, the center shall pay the researcher, his/her heirs or whomever the researcher has waived his financial rights to, 40% of the net revenues generated from marketing and commercializing the creation and received by the center.
- b. In addition to what have been stated in (A) above, NARC allocates 25% of said net revenues for supporting the scientific research and technology transfer activates in the center.

Article (15):

- a. NARC distributes the creator share within three months of receiving the net revenues.
- b. If the innovation is co- created by a group of researchers, net revenues are distributed among them according to agreement between them, provided that the unit is provided by agreement.

Article (16):

Net revenues mean the total income after deducting all the costs paid by NARC for the purposes of creating the innovation and protecting any related intellectual property.

Article (17):

Before the unit approves the publication of any innovation, it shall take into consideration any agreements with involved sectors or any internal or external parties which have contributed in supporting the scientific research that generated the innovation.

Article (18):

National institutions and companies are granted a free license to use the technologies that are fully owned by the center and that is resulting from its scientific research activities.

Article (19):

NARC has the right to offer a license to national companies & institutions to use its owned creations, taking into consideration:

- a. The nature of the licensed technology.
- b. The innovation stage of development and its impact on the scientific research related to it.
- c. To what extent does the innovation benefits the center and the society.
- d. A commitment to develop the invention.

Article (20):

The terms of the innovation licensing agreement is negotiated separately for each case according to the needs and conditions.

Article (21):

NARC can waive publishing right to another supporting party. Provided that such party loses such right after a certain period of time and given that such party does not publish within this period. This period of time shall be agreed upon by both parties.

Article (22):

- a. NARC owns the rights produced from translating any publication if it has been translated according to a mandate and support from NARC.
- b. The translator's receives 30% of the net revenues resulting from the translation rights.

Article (23):

NARC strives to protect research results as intellectual property rights through the technology transfer unit, given that such protection is not considered as a necessary condition for the usage and investment of the resulting innovation.

Article (24):

- a. Disputes that may arise as a result of the implementation or operation of the IP Policy should be immediately brought to the attention of the unit. Disputing parties should seek to resolve the matter informally, with the help and advice of the unit, and in accordance with NARC instructions and regulations.
- b. If the dispute is not resolved through the procedures of (A) above, the issue shall be reported to the director-general to form a committee that strives to resolve such dispute; unit manager of the unit must be a member of such committee. The committee shall try to resolve the dispute by all means available; including mediation, and shall deliver a report of recommendations to the director-general.
- c. In case the dispute was not resolved not resolved through the procedures of (A and B) above, the director-general designate an arbitrator approved by both parties. The dispute then is administrated in accordance with the Jordanian law of arbitration
- d. If any of the disputing parties refers to a court, while the procedures mentioned in (A, B and C) above are still in consideration, then all previous procedures are canceled and suspended. The unit and the committee assigned by NARC director-general shall not be involved any more.

Article (25):

In case there is more than one supporting party of the scientific research, the share of each one is determined due to the contribution level.

Article (26):

Which the terms of these regulations do not apply on shall be decided through NARC director-general.

Article (27):

These regulations revoke any preceding contradicting instructions or decisions.

Article (28):

Implementation of these instructions is the responsibility of the director general and the unit.



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