



COMMITTEE ON CONSTITUTIONAL AND LEGAL MATTERS

Hundred and Nineteenth Session

Rome, 9-11 October 2023

FAO Policy on Intellectual Property Rights – Update

I. Background

1. At its 117th Session, the Committee on Constitutional and Legal Matters (CCLM) welcomed document CCLM 117/2 *Update on the FAO Policies on Protection of Data and Intellectual Property Rights*, which contained the draft FAO Policy on Intellectual Property Rights.
2. Subject to the incorporation of its comments to the document, the Committee recommended the promulgation of the Policy with a view to its early implementation and an understanding that “*the changing technology landscape and operational needs of the Organization may require the FAO Policy on Intellectual Property Rights to be reviewed and adjusted, from time to time, upon consultations with the Members, to ensure that it remains fit-for-purpose*”.¹
3. At its 171st Session, the Council endorsed the recommendations of the CCLM on the draft FAO Policy on Intellectual Property Rights² and requested to receive “*an update at its autumn 2023 Session on the implementation of the FAO Policy on Intellectual Property Rights*”.³
4. In line with the Council’s request, the scope of this document is to provide the CCLM Members with an update on the steps taken to implement and operationalize the FAO Policy on Intellectual Property Rights.

II. FAO Policy on Intellectual Property Rights and its implementation

5. The FAO Policy on Intellectual Property Rights (“the Policy”) was promulgated on 31 March 2023, applicable to all relevant FAO operations with immediate effect. This promulgation was officially communicated to staff through an administrative circular. The promulgated Policy is available on the Legal Office website at the following [link](#).⁴
6. The Policy applies to all FAO internal activities involving intellectual property or intellectual property rights, whether owned by the Organization or third parties. It incorporates the overarching

¹ [CL 171/10 paragraph 16](#).

² [CL 171/REP paragraph 35](#).

³ [CL 171/10 paragraph 18](#) and [CL 171/REP paragraph 39](#).

⁴ https://www.fao.org/fileadmin/user_upload/legal/docs/AC2023.07_.pdf.

guiding principles on intellectual property (the “Intellectual Property Principles”) reviewed by the CCLM at its 113th Session in October 2021, as well as international and UN-system practices and standards,⁵ and reflects the Organization’s status and constitutional mandate.⁶ Discussions on the management and licensing of intellectual property that FAO produces and owns, either in its entirety or jointly with other parties, have concurrently continued to evolve in line with the Intellectual Property Principles outlined in the Policy.⁷

A. Institutional coordination

7. Following this promulgation and in line with the roles and responsibilities set out in the Policy, the Office of the Chief Statistician (OCS) began to assume responsibility for intellectual property matters related to FAO statistics, statistical databases, and other data and micro-data related activities conducted under Article I of the FAO Constitution. The Office of Communications (OCC) retains responsibility for intellectual property agreements for publications and other communication materials. Both Offices coordinate in respect of intellectual property queries addressed to them, consulting relevant units/divisions/offices, as may be appropriate.⁸

B. Review of existing practices, procedures and instruments for alignment with the Policy

8. The rules, standards and workflows for managing copyright ownership have been consolidated, including liaising with external partners to ensure that copyright for joint materials is managed in accordance with the guidance outlined in the Policy. The [FAO Logo Policy and Guidelines](#)⁹ have also been updated with a view to providing clear guidance regarding the use of the FAO logo. In particular, OCC provided extensive input regarding intellectual property, copyright and logo use that was incorporated into the FAO Guidelines for Partnerships and Collaboration with the Private Sector, developed to implement the [FAO Strategy for Private Sector Engagement 2021-2025](#).¹⁰

9. The Organization’s standards, processes and tools for managing intellectual property matters related to FAO statistics to ensure their coherence and adequacy with the new Policy have also been reviewed and updated. As a result, the Statistical Standard on the metadata dissemination for FAO statistical databases,¹¹ containing the requirements to be communicated to users of FAO databases, was updated to systematically communicate Statistical Database Terms of Use. Database owners across the Organization were also requested to embed FAO Statistical Database Terms of Use on their respective dissemination platforms and websites. Finally, OCS has collaborated with the Data Protection Unit (DPU) on updating FAO data sharing agreement tools to ensure compliance with the data protection and intellectual property management requirements outlined in the FAO Policies on Data Protection and Intellectual Property Rights.

10. As part of the ongoing activities to share best practices and facilitate awareness of the latest developments in the field of intellectual property rights, FAO co-organized in June 2023, together with the World Intellectual Property Organization (WIPO), the annual meeting of the IGO Interagency Working Group on Open Access, where licensing issues for publishing and data were discussed.

⁵ [CCLM 115/3, paragraph 7](#) and [CCLM 113/4, paragraphs 33-49](#).

⁶ Article I of FAO Constitution mandates the Organization to “*collect, analyse, interpret and disseminate information relating to nutrition, food and agriculture*”, and to “*promote and, where appropriate, (...) recommend national and international action with respect to: [among others] (a) scientific, technological, social and economic research relating to nutrition, food and agriculture*” and “*(...) the spread of public knowledge of nutritional and agricultural science and practice*”.

⁷ [The Policy, Section IV, The Intellectual Property Principle, paragraphs 8-20](#).

⁸ [The Policy, Section IX, Coordination for IP matters, paragraphs 42 and 43](#).

⁹ https://intranet.fao.org/fileadmin/user_upload/occ/FAO-logo-policy-guidelines.pdf.

¹⁰ <https://www.fao.org/3/cb3352en/cb3352en.pdf>.

¹¹ <https://www.fao.org/3/cb9292en/cb9292en.pdf>.

11. One outcome of the consultation, numerous discussions, and benchmarking against best practices implemented by other UN system entities was the decision to apply the Creative Commons Attribution 4.0 International license to FAO publications and statistical data, which will reinforce open access, standardization, and interoperability. The decision on the licensing of FAO statistical data was further endorsed by the FAO Data Coordination Group (DCG), the internal coordination mechanism for statistical data,¹² at its third meeting on 30 June 2023.

12. The Organization will continue to review and update FAO license terms as needed, in light of best practices for access, sharing and dissemination, consistent with the best data licensing practices promoted by initiatives at UN level, and to update its Policy as appropriate.

C. Sensitization and learning

13. In order to improve FAO staff's knowledge of the Policy, the Organization, OCC in particular, has provided a series of e-learning opportunities, including training sessions for managing copyright with external publishers, as well as learning sessions for introducing the updated FAO Logo Policy and Guidelines.

III. Suggested action by the Committee

14. The Committee is invited to take note of this update, and to make such comments and give guidance as it deems appropriate.

¹² The Data Coordination Group was established following the adoption by the FAO Council of the proposal for improved internal coordination of FAO statistical activities and other data activities related to statistics, particularly with regard to its alignment with FAO's corporate policies on data protection and intellectual property rights (see CL 170/18 and CL170/REP). As per its Terms of Reference, the FAO Data Coordination Group (DCG) is established and designated as the highest corporate decision-making body on these matters. The main purpose of the DCG is to endorse and promulgate internal policies, processes and standards for data for statistics and statistics, provide oversight on data- and statistics-related strategic priorities that will benefit the Organization and its stakeholders, and ensure that their implementation is coherent with applicable data policies, principles and UN initiatives, as well as FAO's overall programmatic priorities.