Genomics England's Revised Intellectual Property Policy

Note of Principal Changes

This note outlines the main changes that are proposed to Genomics England's Intellectual Property Policy.

The revised IP Policy has been re-structured and clarified to make it easier to use. It now consists of an introductory section, which sets out some background information (including the aims of the 100KGP and the Department of Health's 12 Intellectual Property Principles for the 100KGP) and Genomics England's general approach to intellectual property applicable in all scenarios. This is followed by three Annexes which are applicable in the main scenarios that we can envisage:-

- Annex 1 sets out Genomics England's IP policy for research that is carried out entirely within the Genomics England Clinical Interpretation Partnership (GeCIP) where there is no material commercial involvement;
- Annex 2 sets out Genomics England's IP policy for research that is carried out partly within and partly outside the GeCIP where there is no material commercial involvement; and
- Annex 3 sets out Genomics England's IP policy for research where there is material commercial involvement.

The Annexes have been prepared so that they can be read as stand-alone, self-contained documents. This is so that a potential commercial collaborators only need to read Annex 3 and do not need to plough through the introduction, Annex 1 or 2. Equally, a potential GeCIP participant only needs to read Annex 1 if all their work will be carried out within the GeCIP.

It seems that within the Gene Consortium there was a misapprehension that Genomics England had a very strict and inflexible approach to IP. This is very surprising as the existing IP Policy does not even deal with IP in commercial collaborations. The main change in the revised IP Policy is the addition of Annex 3 which sets out Genomics England's approach to intellectual property arising out of commercial collaborations. In short, Annex 3 emphasises how flexible Genomics England will be on ownership of intellectual property, gives guidance on Genomics England's approach and sets out a few preferences but notes that even these preferences are not mandatory. For example, Annex 3 states that if Genomics England is carrying out whole genome sequencing as part of a project, and those sequences will become part of the dataset managed by Genomics England then Genomics England preference would be to own the rights in such sequences. Annex 3 also states that Genomics England wishes to ensure that the patenting of inventions arising out of any projects which make use of the Genomics England resources is appropriate and socially responsible but this preference will be applied flexibly depending on the nature and circumstances of the research arrangements.

The revised IP policy also clarifies Genomics England's approach in cases where the IP requirements of the standard terms of medical research funders are inconsistent with Genomics England's IP policy.

Finally, the section of the original IP Policy that dealt with the process that GeCIP Members need to follow when they are making an application to carry out GeCIP research has been removed. This process is now set out in a separate document entitled "Making a GeCIP Research Application".

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