

Overview of Intellectual Property Management at Scion

Intellectual Property is important to Scion and its customers and collaborators. We therefore take care, in consultation with the parties we are working with, to ensure its development and management maximises its value. Good practice in Intellectual Property management is to assist the forest industry improve its competitiveness and profitability and to Scion achieving its Statement of Core Purpose Outcomes.

Intellectual Property includes patents, copyrights, trademark, trade secrets, material databases, models, software and know-how.

Until determined otherwise all proprietary ideas and research results are treated as potential Intellectual Property.

Scion has several investments from the New Zealand Government and from other parties which involve the development of or enhancement of Intellectual Property.

Scion will ensure that such Intellectual Property is provided appropriate stewardship to help ensure its use achieves the purposes of its owners.

Where Scion is the owner of the Intellectual Property it will be exploited for the benefit of New Zealand.

The ownership of all Intellectual Property developed by employees of the Company is vested in the Company by way of employment contracts and company policies. This provides a chain of title to Intellectual Property rights for both Scion owned IP and for IP that is subsequently transferred to a client or collaborator as a result of the contractual arrangements under which the work was conducted

When research is conducted on a fee for service basis, Intellectual Property in the defined deliverables is usually transferred to the client.

In collaborations, the Intellectual Property arrangements can vary and collaboration agreements are put in place in advance to provide for ownership, exploitation and benefit sharing arising from Intellectual Property.

Scion retains ownership of Intellectual Property in respect of which there is no contractual obligation to transfer with a view to subsequent technology transfer for the benefit of New Zealand.

Scion maintains registers of Intellectual Property that are periodically updated. Scion uses an internal patent attorney and external patent attorneys to manage the prosecution rights for Intellectual Property that can be registered.

Scion has a policy whereby all Intellectual Property is kept confidential, and any Intellectual Property developments are reported to Scion's Intellectual Property Manager. Associated with this is a process that screens proposed publications prior to release to ensure technology transfer by publication does not compromise later technology transfer by commercialisation when commercialisation is the most appropriate route.

Scientists record all work in lab books which are counter signed to ensure priority dates are identified and lab book audits are conducted periodically.

Scion recognises that certain Intellectual Property must be developed and de-risked to a certain extent to improve the likelihood of uptake by industry. Protection strategies are adopted that are appropriate for the Intellectual Property, the stage at which it is at, the degree of novelty and inventiveness, and the likely needs of commercialisation partners. The strategies are reviewed as the Intellectual Property development and commercialisation processes progress.

In undertaking any research activities that could lead to patentable or commercialisable Intellectual Property Scion will:

1. Search for prior art disclosed in the literature and patent databases that may affect research strategy and limit creation of any new Intellectual Property.
2. Identify any freedom-to-operate (FTO) issues from existing third party Intellectual Property (e.g. patents) that may affect ability to conduct research outcomes.
3. File as appropriate new patents, trademarks, plant variety rights, and other such legal instruments to secure Intellectual Property rights.
4. Obtain, as appropriate, expert opinion on Intellectual Property terms of agreement relating to confidentiality, licenses, sales or partnerships for the purpose of protecting, developing and commercialisation of any Intellectual Property.
5. Seek to ensure that any exploitation of Intellectual Property is undertaken to maximise benefit to New Zealand.
6. Ensure that cultural integrity of research is maintained to avoid misappropriation of cultural Intellectual Property under the Treaty of Waitangi.

The above process may be varied when the research relates to non-patentable Intellectual Property such as the development of databases, reports, models, algorithms etc in respect of which there are unlikely to be FTO issues and which may primarily attract copyright protection or which are intended to be primarily used internally as research and decision-making tools. Steps are taken to ensure work of this nature is the original work of Scion employees and that any datasets or algorithms used in the work that are sourced from third parties but are not already in the public domain are used in manner consistent with the third party Intellectual Property rights and access agreements.

Where appropriate for any given area of research Scion will supplement the above general principles with protocols relevant to that area of endeavour.

Scion conducts FTO analyses prior to most internally driven research. Where FTO issues are identified, an evaluation is made of whether those issues can be avoided or managed and this evaluation impacts decisions around the shape and furtherance of the research.

Where Scion is working under contract to a third party and where the Intellectual Property is owned by that other party, Scion maintains the confidentiality of that Intellectual Property. In addition, should Scion discover any breaches or other material concerns relating to the security of or discover anything that would impact on the integrity of that Intellectual Property, Scion will bring these matters to the attention of the owner.

These general principles are guidelines only and do not replace those expressed in any individual contractual arrangement.