



**COUNCIL FOR SCIENTIFIC AND INDUSTRIAL  
RESEARCH - GHANA**

# **INTELLECTUAL PROPERTY POLICY**

CSIR - INTELLECTUAL PROPERTY POLICY

Copyright © CSIR-Ghana  
1st March, 2021

Author: Kweku Ofori-Tenkorang, Esq  
Email: kwasolawyer@yahoo.co.uk

All rights reserved. No portion of this book may be reproduced in any form without permission from the publisher

Published by CSIR-Ghana  
For any information please contact CSIR-Head Office  
Tel: 0302-777651/2

**ISBN: 978 – 9988 – 3 – 4381 – 1**

Printed in Ghana by CSIR-INSTI (0303 780708/9)

## Acknowledgements

The development of an Intellectual Property Policy for the Council for Scientific and Industrial Research (CSIR) has spanned several phases. These eventually led to the establishment of an Intellectual Property Office (CSIR IP Office) in 2012 under the West Africa Agricultural Productivity Programme (WAAPP) and the inauguration of institutional IP sub-committees in 2014. The IP policy was first drafted by Lawyer K. Ofori Tenkorang (CSIR IP Office) in 2014. Subsequent revisions to the draft IP policy were made by Dr. Rita Abban (CSIR IP Office), with inputs from the institutes and management. More recently, it involved a review and update of the Draft IP Policy with technical assistance from the World Intellectual Property Organization (WIPO).

The contributions of all participants in the development of the CSIR IP Policy are acknowledged. Special mention goes to the WAAPP for its financial support; and to WIPO and the Senior Counsellor of the WIPO Regional Bureau for Africa, Mrs. Loretta Asiedu, for their technical support and guidance and Prof. Tom Ogada, International IP Consultant, for finalization of the IP policy.

Immense gratitude is expressed to officials of the CSIR for their commitment to and support of the project, and in particular, the former Director-General, Prof. Victor Agyeman; Prof. Rose Emma Mamaa Entsua-Mensah; and the immediate past Deputy Director-General, Prof. Paul Bosu.

For their technical guidance, appreciation is extended to Prof Paul Kuruk for reviewing the Draft IP Policy, Mr. Emmanuel Sackey, IP Development Executive at ARIPO, Mrs. Grace Issahaque, Chief State Attorney of the Registrar-General's Department; Mr. Samuel Anum, coordinator of the Swiss-Ghana IP Development Project of the Ministry of Trade and Industry; Prof. Paa Nii Johnson, former director of the CSIR Food Research Institute.

Prof. Paul P. Bosu

**Director-General, CSIR**

# Contents

1.	PREAMBLE .....	1
2.	PURPOSE OF IP POLICY.....	2
3.	OBJECTIVES .....	2
4.	DEFINITIONS .....	2
5.	COVERAGE .....	8
6.	INSTITUTIONAL FRAMEWORK .....	9
7.	ADMINISTRATION .....	12
8.	NOTIFICATION AND COMPLIANCE .....	13
9.	OWNERSHIP OF INTELLECTUAL PROPERTY .....	14
10.	OBLIGATIONS AND RESPONSIBILITIES .....	26
11.	TANGIBLE RESEARCH PROPERTY .....	20
12.	COMMERCIALISATION OF INTELLECTUAL PROPERTY .....	22
13.	REVENUE DISTRIBUTION .....	23
14.	EQUITY PARTICIPATION .....	25
15.	WAIVER OF CSIR RIGHTS .....	30
16.	CONFLICT OF INTEREST .....	30
17.	RELATIONSHIP TO CONDITIONS OF SERVICE.....	31
18.	GOVERNING LAWS.....	32
19.	DISPUTE RESOLUTION .....	32
20.	DISCIPLINARY ACTION .....	32
21.	AMENDMENT.....	33
22.	EFFECTIVE DATE .....	33

# **THE COUNCIL FOR SCIENTIFIC AND INDUSTRIAL RESEARCH**

## **INTELLECTUAL PROPERTY POLICY**

### **1. PREAMBLE**

The Council for Scientific and Industrial Research (CSIR) was established by National Liberation Council Decree 293 of October 10, 1968 and re-established in its present form by CSIR Act 521 of November 26, 1996 to promote, encourage and regulate research and the application of science and technology in development. The mission of the CSIR is to become the force for accelerated social and economic development for Ghana through examining, exploring and creating science and technology catalysts for public and private wealth creation. The CSIR is mandated to perform the following functions among others:

- a. To pursue the implementation or government policies on scientific research and development;
- b. To advise the Minister on scientific and technological advances likely to be of importance to national development;
- c. To encourage in the national interest scientific and industrial research of importance for development of agriculture, health, medicine, environment, technology and other service sectors and to this end to encourage close linkages with the productive sectors of the country;
- d. To co-ordinate all aspects of scientific research in the country and to ensure that the Council, the research institutes of the Council and other organizations engaged in research in Ghana, co-ordinate and operate in their research efforts;
- e. To encourage and promote the commercialization of research results;

- f. To undertake or collaborate in the collation, publication and dissemination of the result of research and other useful technical information.

## 2. PURPOSE OF IP POLICY

To realize its mandate, the CSIR has developed this Intellectual Property (IP) Policy to regulate and encourage creativity as well as to protect and disseminate the results of the CSIR's research activities in diverse fields of Intellectual Property for the benefit of the public. It is hoped that the creation and development of Intellectual Property at the CSIR would encourage new business ventures through licensing, technology transfer and commercialization.

## 3. OBJECTIVES

The objectives of the Policy are as follows:

- (a) To protect the rights of the CSIR, its innovators, inventors, research sponsors and the public;
- (b) To optimize the environment and incentives for research and for the creation of new IP;
- (c) To promote creativity and innovation; and
- (d) To make available the IP assets created by the CSIR's employees and to commercialize them to the public.

## 4. DEFINITIONS

In this Policy, unless the context otherwise requires, the following terms, without limitation, shall have the meanings assigned to them.

**Assignment** means an agreement by the holder of intellectual property rights for the transfer of title and interest in intellectual property to another party.

**Author** means any individual who creates a work that is protectable under the Copyright Act.

**Background IP** means IP that was generated before the commencement of research and development collaboration.

**Commercialization** means the process by which any Intellectual Property assets may be adapted or used for any purpose that may provide any benefit to society or commercial use on reasonable terms. It includes assignment, licensing and establishment of spin-offs to offer the Intellectual Property as a product or service.

**Confidential Information** means any IP, information or data of a confidential nature, including all oral and visual information or data, and all information or data recorded in writing or in any other medium or by any other method, and all IP, information and data which CSIR is under obligation, whether contractual or otherwise, not to divulge.

**Copyright** means an original work of authorship which has been fixed in any tangible medium of expression from which it can be perceived, reproduced or otherwise communicated, either directly or with the aid of a machine or device, such as books, articles, journals, software, computer programs, musical works, dramatic works, videos, multimedia products, sound recordings, paintings, pictorial, sculpture or graphical works.

**Creator/Inventor** means any person, who creates, conceives, reduces to practice, authors or otherwise makes a substantive intellectual contribution to the creation of IP and who meets the definition of “inventor” as implied in Ghana’s Patent Act of 2003 or the definition of “author” as generally applied in Copyright Law.

**CSIR** means the Council for Scientific and Industrial Research and includes all the Institutes and wholly owned companies of the CSIR.

**CSIR Resources** means funds, supplies, equipment, physical facilities, personnel, and/or other services or property of the CSIR. The resources include all tangible resources made available by CSIR to inventors, including office, laboratory and studio space and equipment; computer hardware, software and support; secretarial services;

research, teaching and laboratory assistants; supplies and utilities; funding for research and teaching activities, travel and other funding or reimbursements.

**CSIR Staff** means all those employed by CSIR to undertake R&D activities including - researchers, scientists, employees, and technologists, employed by CSIR permanently or temporarily.

**CSIR Student** means a bona fide student of the CSIR Graduate School, CSIR staff on study leave and sponsored by CSIR who are studying in tertiary institutions both in Ghana or elsewhere.

**Equity** means shares of stock or securities including, but not limited to, stock options, warrants or any other rights to purchase stock or securities. For the purpose of this Policy, equity means shares owned by the CSIR and its Inventors in joint venture companies or other entities arising from commercialization of CSIR IP rights.

**Geographical Indications** means indications which identify a good as originating in the territory of a country, or a region or locality in that territory, where a given quality, reputation or other characteristic of a good is essentially attributable to its geographical origin.

**Gross Revenues** means all income received by the CSIR arising from commercialization of IP rights

**Independent Contractors or Consultants** means persons hired by CSIR on a limited basis, and for a limited purpose as specified in a contract.

**Industrial Design:** Industrial design refers to the right granted to protect the original, ornamental and non-functional features of a product that result from design activity. The right concerns merely the appearance (the ‘design’) of a product, not the product itself. An industrial design has a term of protection of five years. It can be renewed for two consecutive periods of five years.



**Innovation** is an idea that has been transformed into practical reality. This means doing something new that improves a product, process or service. Many innovations can be protected through intellectual property rights.

**Innovator** means a person who transforms ideas into practical reality in the form of products, process or service.

**Intellectual Property (IP)** means all outputs of creative endeavor in any field for which proprietary rights may be obtained or enforced pursuant to any law, including the laws of Ghana, and includes, but is not limited to: Inventions (whether patentable or not), all forms of copyrighted works, designs (whether registered or unregistered), patents, new plant varieties, traditional knowledge, trademarks, know-how, trade secrets, domain names, information, data, discoveries, mathematical formulae, specifications, diagrams, expertise, techniques, research results, computer software, programming code, algorithms, compositions of matter and devices, techniques, processes, procedures, systems, formulations, databases and compilations of information, laboratory notebooks, business and research methods, the name of the CSIR, badge and other marks associated with the CSIR, Tangible Research Property, and such other property as may be specified by the CSIR in writing.

**Invention** means the creation of new, useful, and non-obvious ideas and/or their reduction to practice that result in, but are not limited to, new products, devices, processes, and/or methods of producing new and/or useful industrial operations and materials, any article useful in trade or any composition of matter that is industrially useful or that has commercial potential. In order for an invention to be patentable, it must be novel, non-obvious and industrially applicable. All inventions are innovations.

**Invention Disclosure** means the written submission to the Authorized Office such as Intellectual Property Office (IPO) on the standard or prescribed invention or innovation disclosure forms available from IPO, of a written description of any Invention that an Innovator claims he or she has made.