



Quick guide to Intellectual Property for iGEM teams

iGEM Pasteur 2016



A CUSTOMIZABLE
BIODETECTION SYSTEM

Intellectual property (IP) refers to **creations of the mind**, such as inventions; literary and artistic works; designs; and symbols, names and images used in commerce. It is roughly divided into: **Industrial property** and **Copyright law**.

Industrial property	Copyright
Patents for inventions * Design and Models* Trademarks* Geographical indications	Artistic and literary works (films, music, choreographies...) Advertisements, maps, technical drawings Computer programs*
-Registration required for protection -Limited scope of protectable material	Databases* -No registration needed -No limitation in protectable material
	* Potential iGEM material

Note: Ideas can never be protected under intellectual property law, as it would paralyze creation, research and innovation if you “booked” an idea and never developed it.

The iGEM policy:

Everything in the scope of the iGEM competition falls under the Creative commons (CC) attribution license 4.0, the most permissive license. It allows:

- sharing
- adaptation

For any purpose, even commercially. Only obligation:

- give attribution (appropriate credit to the original creator)
- no additional restrictions (you may not apply legal terms or technological measures that legally restrict others from doing anything the license allows).

The biobricks conceived in the framework of the competition are recorded in the **registry of standard biological parts**. The registry follows the open source spirit of Get & Give (&Share) and are made available for everyone in the community.

Some iGEM teams come up with great projects, and maybe want to take it further after the competition

Problem: *how to set up a business knowing that all the team's creations are under an open source license?*

Even though you can decide to stop distributing your future work under the CC license, you need to keep in mind that this license is irrevocable for the elements that have been published under such license.

The main issue is when your team wants to register a **patent**, because the patentability conditions are the following:

1. **Patentable subject matter** (excludes scientific theories, mathematical methods, business plans, presentations of information...)
2. Be of **practical use**: if it can be made or used in any kind of industry.
3. Show an element of **novelty** with respect to prior art: everything that has been disclosed to the public in any way, including material posted on wikis and presented during the giant jamboree.
4. Show an **inventive step** (discoveries of things that already exist in nature are non-patentable: such as the discovery of a gene).

→ Everything you present at iGEM is not patentable afterwards.

It's the same for **Industrial Designs** → Ornamental or aesthetic aspect of a two or three dimensional useful article: the shape, pattern or color of the article is targeted by the protection.

Registering a **trademark** is possible, but you need to be careful with conflicting rights! You can't register a trademark if it is still available on the wiki under the Creative commons license.

🕒 **Also:** In the framework of the iGEM competition, you might come across protected material, such as genes (other than the ones from the BioBrick registry), or any other material: pictures, videos... Remember to always ask for permission before using copyrighted or patented material!

🕒 **Hint:** You can look for copyright free images on Google images by selecting → *search tools* → *rights of use* and then pick the rights you want.

References:

1. **Patent Cooperation Treaty** Done at Washington on June 19, 1970, amended on September 28, 1979, modified on October 3, 2001.
2. **Hans-Jörg Buck**, 'Synthetic biology and its regulation in the European Union' [2014] 31(6) *New Biotechnology* 528-531
3. **OECD**, *Emerging Policy Issues in Synthetic Biology* (OECD iLibrary 2014)

Sources:

<http://creativecommons.fr/>

<http://wipo.int>

<http://igem.org>

cc icons: Jake Dunham and Nut Chanut from noun project



To help us take our study of intellectual property matters in the framework of the iGEM competition further, we would be really grateful if you could take a minute to fill in our **survey**. **Thank you** in advance! Also, if you have any question related to intellectual property, feel free to contact our team!

Disclaimer:

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