

POLICY ON INTELLECTUAL PROPERTY RIGHTS FOR THE INTERNATIONAL MARITIME ORGANIZATION (IMO)

Purpose

1 In furtherance of IMO's mandate, IMO creates, generates and acquires intellectual property (IP). Such IP is included in resources of all kinds, including official IMO documents,¹ studies, reports, website content,² articles, publications, data, databases, photos, video footage, audio content and other multimedia resources (the Works) that are created or published by or under the direction or control of IMO.

2 New information and communication technologies have created unprecedented possibilities to aggregate and combine content from different sources, and interest in reusing IMO IP in commercial information products and services has increased significantly. IMO IP could provide a useful content resource for companies and citizens alike.

3 The purpose of this document is to set out IMO's policy on intellectual property (IP) management of IMO Works providing a legal and operational framework governing the management of intellectual property in IMO Works, including specific licensing terms and conditions of use for IMO IP.

Definitions

4 **Intellectual property:** Intellectual property (IP) refers to creations of the mind, such as inventions; literary and artistic works; designs; and symbols, names, and images. IP is protected in law by, for example, patents, copyright, and trademarks, which enable people to earn recognition or financial benefit from what they invent or create.³

5 **Copyright:** Copyright protects creative, literary and artistic works in digital or any tangible formats, such as books, music, photographs and films, paintings, apps, computer software code and programs, databases, advertisements, maps and technical drawings.⁴

6 **Reuse:** The use of documents by persons or legal entities for commercial or non-commercial purposes other than the initial purpose for which the documents were produced.

7 **Licence:** The granting of permission to reuse documents under specified conditions.

¹ IMO official document is any text submitted to or created by any IMO body or a diplomatic conference convened by IMO, and any text disseminated by the Secretary-General on a document carrying the official IMO logo, including documents embodying treaties, resolutions, decisions and recommendations formally adopted by an IMO body or a diplomatic conference convened by IMO.

² Website content includes any material, whether text, photograph, graphic, map, video, audio or any other format that will be accessible via an IMO website to any user of the website, or any material with which any user can interact on an IMO website. The IMO website is a public website authorized and published by an author entity of the Secretariat for public information and communications purposes, that is published under the Internet domain name "imo.org" or any of its subdomains, or under any other Internet domain name obtained or utilized by the author entity. Public means that the website can be accessed by the general public.

³ Definition from the [World Intellectual Property Organization \(WIPO\)](#).

⁴ Further information on the different kinds of IP, as well as other forms of IP (i.e. industrial designs, geographical indications, and trade secrets) can be found on the WIPO website. Industrial designs and trade secrets are not normally relevant to IMO's own activities. If activities take place giving rise to these types of IP, these will be addressed on a case-by-case basis in accordance with the intellectual property principles set out in this Policy.

8 **Open licence:** A licence where reuse of documents is permitted for all specified uses in a unilateral declaration by the right-holder.

Scope and application

9 This Policy applies to all IMO intellectual property.

Applicable Law; privileges and immunities

10 IMO, established by the Convention on the International Maritime Organization, derives its legal personality and mandate from this treaty. As a specialized agency of the United Nations, it is vested with privileges and immunities pursuant to the 1947 Convention on the Privileges and Immunities of the Specialized Agencies and bilateral agreements with Members.

11 Intellectual property of international organizations is governed by general principles of international law, including WIPO-administered treaties in the field of copyright and related rights.

12 Nothing in or relating to this Policy or the IMO website and online services shall be deemed or interpreted as a waiver of any of the privileges and immunities accorded to IMO as a specialized agency of the United Nations.

Dissemination through ownership of IP rights

13 IMO is committed to managing IP fairly and with integrity, responsibility and accountability. It is also committed to respect the IP rights of third parties, including but not limited to IMO Members, beneficiaries, partners and other stakeholders.

14 The Works created by, or on behalf of IMO, in its role as the global regulator of shipping and in the fulfilment of its mission to promote safe, secure, environmentally sound, efficient and sustainable shipping through cooperation, should be subject to broad and unrestricted dissemination whenever possible. As far as possible, they must be freely and equally accessible to anyone who wishes to use them for non-commercial purposes, provided that IMO is properly identified as the source and copyright owner of these Works.

15 The ownership of IP rights by IMO is an integral part of the delivery of its mandate, enabling IMO to secure the widest possible dissemination of knowledge through the Works it produces.

16 Ownership of IP rights also ensures that IMO, as copyright owner, can prevent the inappropriate use of its Works and that the dissemination of such Works to its Members and stakeholders is consistent with its mandate and policies. As copyright owner, IMO can preserve the authenticity, accuracy, and integrity of IMO Works and protect their successful commercial distribution.

17 For non-commercial use, the dissemination of IMO's Works will be achieved through "open" standards for information access. Selected Works will be available for commercial use subject to specific licensing terms. The terms and conditions for third-party use are set out in paragraphs 18 to 24 below.

General provisions on IMO's intellectual property

18 Consistent with established practice, IMO shall continue to claim and assert copyright of all intellectual property in Works created or published by or under the direction or control of IMO, including all IMO official documents, publications, IMO website content, etc.

19 When Member States, IGOs or NGOs contribute to IMO Works, such contributions do not grant contributors rights to IMO Works and IMO will apply the conditions for reuse as set out in this policy.

Conditions for the reuse of IMO's IP (except for publications)

Reuse for non-commercial purposes

20 IMO's Works, except for IMO publications and any Works not authorized for public dissemination, shall be available for reuse for non-commercial purposes. IMO shall grant permission to users through an open license to copy, reproduce, distribute, translate, and adapt the information, documents and materials contained in such IMO Works for personal, non-commercial purposes, subject to the full attribution to IMO as the source and copyright holder, and provided that any derivative works are subject to the same licensing conditions as the original work. Users shall be obliged not to distort the original meaning or message of the Works and clearly indicate if changes are made to the original content. If a translation of the Works is created, it must include the following disclaimer along with the required citation: "This translation was not created by the International Maritime Organization (IMO) and IMO is not responsible for the content or accuracy of this translation." IMO may charge fees for recovering costs incurred in making IMO Works available for reuse.

Reuse for commercial purposes

21 Reuse of IMO Works for commercial purposes shall be prohibited except where specific licence agreements are available and in place. Licensing agreements should be made on commercial terms and the income shall be deposited in the Trading Fund. The authority to select relevant Works appropriate for commercial licensing and the determination of the commercial terms rests with the Secretary-General.

Conditions for the reuse of IMO publications

22 IMO publications are published by IMO's Publishing Service. They are a source of high-quality, relevant, and timely information for Member States, policymakers, practitioners, scholars and the public at large. All IMO publications are assigned an International Standard Book Number (ISBN/eISBN), an International Standard Serial Number (ISSN/eISSN) for serials or a Digital Object Identifier (DOI) for digital publications. Publications may be published in print or electronic form, including as mobile applications, and in any other format or media as technology evolves.

23 IMO publications are available for reuse against a fee without any right to reproduce, distribute or resell them or to compile or create derivative works therefrom except with IMO's express permission in writing. The use of automated software to retrieve, display, copy, store or otherwise use IMO publications shall be prohibited.

24 No permission shall be required for the use of excerpts from IMO publications containing less than 500 words subject to the full attribution to IMO as the source and copyright holder. Any use exceeding this allowance requires express written permission. Users shall be obliged not to distort the original meaning or message of the excerpt, and clearly indicate if changes are made to the original content. IMO may charge fees for recovering costs incurred in making such excerpts from IMO publications available.

No endorsement, no liability

25 In any use of the Works, there should be no suggestion that IMO sponsors or endorses any specific organization, products or services. IMO assumes no liability or responsibility for any errors or omissions in the Works and further disclaims any liability of any nature for any loss howsoever caused in connection with using the Works.

IMO name, emblem and logo

26 The use and display of the IMO name and official emblem or any IMO related logo is not permitted except with IMO's express permission in writing or for the purpose of providing full attribution to IMO as the source and copyright holder when using IMO IP in line with this Policy.

Protective measures

27 IMO websites shall have a link from their footer to the copyright notice and the terms of use. IMO publications and selected official documents contain a copyright notice and indicate that IMO as the copyright owner reserves all its rights.

28 IMO Member States reproducing IMO official documents, including the text of treaties, in whole or in part for their own official, internal, non-commercial use, shall ensure that any such publication reproduced in electronic format or other media be protected from unauthorized reuse.
