



## **Intellectual Property and Community Relations**

### **1. Assistance to Physicians**

Fragrance manufacturers shall cooperate with and give full assistance to physicians in attempting to discover the causative agents of clinical dermatitis or other adverse reactions in individual patients (see also last paragraph of item 3 in this document).

### **2. Claims and Advertising**

Fragrance manufacturers shall have justification for all claims made in connection with a fragrance material.

### **3. Intellectual Property and Formula Disclosure**

Fragrances are complex mixtures of natural and synthetic raw materials. This process of creating fragrances is very time-consuming and requires significant elements of expertise, innovation and creativity. IFRA recognizes the importance, to the fragrance industry and its customers, of the protection of intellectual property, including particularly fragrance formulae. Each fragrance formula is unique: it is both an invention and a work of art and deserves to be protected as the intellectual property of the company which created the fragrance.

#### **Trade Secret Protection**

Under the laws of virtually all countries, fragrance formulae enjoy trade secret protection when maintained in strict confidentiality toward third parties and even within the creating company itself, where only a limited number of employees have access to the complete formulae.

Copyright protection has been recognized to include eligible creations perceived by smell in some countries where fragrance formulae can benefit from such protection.

Trade secrets or copyright protection of fragrance formulae thus preserves the uniqueness of the fragrance – often the principal distinguishing feature of the product in which it is used – for the customer for whom it was created. Misappropriation of trade secrets in, or illegal copying of, fragrances or fragrance formulae would allow violators to unfairly appropriate fragrance exploitations without bearing any of the original creative effort and development costs.

The fragrance industry and all IFRA members are committed to respecting fragrance formulae intellectual property against unlawful misappropriation and shall not infringe third parties' intellectual property rights. They further support legislative, regulatory or other appropriate actions taken to reinforce, expand and protect the intellectual property on fragrance formulae against unlawful third party infringement or misappropriation.

#### **Consumer Product Manufacturer Requests for Fragrance Composition Data**

From time to time customers or other third parties may request information about the composition of fragrance formulae for safety or for procurement security reasons. As examples, these requests may be made because of (a) a wish to evaluate specific aspects of the fragrance composition, or one or more ingredients in the formula, or (b) a need to respond to enquiries of others, including governments, the media, physicians and consumers.

Each fragrance manufacturer must determine individually how to respond to requests for formula information and, if information is provided, what shall be the nature, the scope of that information, and any measure taken to protect the originality and the intellectual property of such formula. As an example, for disclosures involving only information required by the user under applicable legislation (such as Safety Declarations or Material Safety Data Sheets), or



simply an acknowledgement of the presence of specific ingredients, the manufacturer may choose to provide the requested information without asking the user to execute a confidentiality agreement. On the other hand, for disclosures that contain more detailed information about the composition of fragrance formulae (for example, banded formula data/concentration ranges or acknowledgement of the presence of IFRA restricted ingredients, as well as safety-related information about such materials), the manufacturer may take appropriate measures to secure the protection of its fragrances intellectual property, such as to require the recipients to execute a confidentiality agreement.

**Manufacturer Disclosures to Governments and for Medical Reasons**

Disclosures to governmental bodies and for medical reasons sometimes present different issues. Governmental bodies and medical professionals seeking information about fragrances generally focus on their presence and/or levels in consumer products. Although each fragrance manufacturer must make its own decision as to how to respond to such requests, it is IFRA policy that:

The fragrance manufacturer, in cooperation with the consumer product manufacturer, make such disclosures of information as are required under applicable legislation and regulation, or as are appropriate under the circumstances to satisfy government bodies that fragrance ingredients in finished products are safe for the consumer and the environment.

The fragrance manufacturer, in cooperation with the consumer product manufacturer, respond promptly to requests for information from physicians treating patients who are suspected of having suffered adverse reaction to products containing fragrances.

