

UAF INTELLECTUAL PROPERTY (IP) POLICY



Intellectual Property (IP) Policy

University of Agriculture, Faisalabad

This policy provides guidance for staff (academic and general), students, researchers and other related persons on the practices of the University of Agriculture, Faisalabad (UAF) with respect to Intellectual Property (IP). This document describes basis of generating this policy, objectives, coverage, ownership, disclosure, market evaluation, licensing, commercialization and revenue distribution.

1. Basis of IP Policy

In the past, economic development was seen in terms of the struggle for controlling land and natural resources as well as market and raw materials. The trend has changed now and the focus is turning towards preserving exclusive rights on new ideas, innovations and inventions. This is creating and stimulating a need for documenting Intellectual Property Rights. Universities in the developed countries are becoming more informed on Intellectual Property Rights, whereas universities in developing countries and their staff have been losing this opportunity of remarkable identity and a sustainable source of income. Experience from universities in developed countries have shown that significant income can be generated through commercialization of innovations and research findings from universities and R&D institutions. The commercialization of innovations, research findings and effective utilization of the benefits have been recognized as a reputable way of academic development and promoting linkages between universities and industry.

There are several stakeholders in the process of commercialization of innovations and research findings. Each of these stakeholders has its interests and expectations, which in most cases may be in conflict with each other. The UAF aims to develop an environment in which all the concerned stakeholders can operate and co-operate meaningfully with each other. Further, the University largely depends upon financial support primarily from the government and from local and international organizations for its research activities. Consistent with this premise, the UAF seeks to ensure that any resultant IP is administered and protected in the public interest. The IP Policy seeks to provide guidelines that can be consistently applied to facilitate the commercialization of research outputs and to arrive at possible solutions to potential IP issues relevant to the conduct of research innovations, technology transfer and commercialization.

2. Objectives

The objective of this policy is to provide a framework within which the IP of the University of Agriculture, Faisalabad is developed, managed, and effectively harnessed for the benefits of the University, inventors/authors, researchers/students and the general public. The main objectives of this policy are narrated as under:

- i. To protect the ownership rights of staff, students and researchers for controlling the products of their work by promoting, preserving, encouraging and aiding scientific investigations and research.
- ii. To ensure that name, insignias and logos of UAF are properly used, and to receive a fair share of any commercial fruits from the use of its names.
- iii. To establish standards for determining the rights and obligations of the UAF and creators of IP.
- iv. To ensure compliance with applicable laws and regulations and enable the UAF to secure sponsored research funding at all levels of research.
- v. To set a system that fosters and expedites the creation and dissemination of discoveries/innovations for economic benefits to the faculty members, students, researchers and allied staff through commercialization and licensing.
- vi. To devise a strategy for co-ownership and due share of UAF from commercialization of IP assets developed/created by the UAF through contracts with donors/sponsors of the research projects.
- vii. To conduct IP audit/assessment of IP Rights of UAF on annual basis and set targets for management of University's IP assets.

3. Coverage of IP Policy

This section of the policy document describes the coverage/scope of the persons involved and areas covered under proposed policy.

i) Course Materials

Course materials mean all materials produced in a course or use of Patents in teaching in any form (including digital print, video and visual material) and all intellectual property rights in such materials and will include lectures, lecture notes and material, syllabi, study guides, assessment material, images, multimedia presentations, web content and course software.

ii) Research Projects

All the research activities will also be covered under IP policy of UAF. In this regard, however, this policy will not affect those research projects which are under process (already have a signed agreement).

iii) Persons

a) Academic staff: Includes all teaching and research staff, and visiting scholars employed by UAF on permanent, temporary, adhoc or contract basis.

b) Undergraduate, postgraduate and visiting students: Any full-time or part time undergraduate and post graduate student regardless of whether he/she receives financial aid from the University or from external sources. It is the responsibility of students who are also employees of outside organizations to resolve any conflict between this policy and provisions of agreements with their employers prior to committing themselves to any undertaking at the UAF that may involve the development or creation of IP.

c) Post-doctoral researchers: Although post-doctoral associates may be hired as staff, they are considered to be in the same category as post-doctoral fellows/trainees because their work is considered to be part of their training.

d) Independent contractors or consultants: Persons hired by the UAF on a limited time basis, for a limited purpose as specified in a contract. The rights and obligations of the parties shall be determined by contract between the UAF and the contractor.

e) Non-employees who use UAF funds, facilities or other resources, or participate in University-administered research, industrial personnel and fellows, regardless of obligations to other companies or institutions.

f) Any person employed by the UAF who does not fit into any other category:

This category covers those employed persons of the UAF who do not fit into above mentioned categories.

iv) IP Assets and Rights

This IP Policy shall cover all types of intellectual property rights under relevant IP Laws of the country, such as:

- a. Copy rights
- b. Patents
- c. Trademarks/Trade Names and Service Marks
- d. Geographic Indications (GIs)
- e. Industrial Designs
- f. Trade secrets

- g. New plant varieties/ Animal and Bird Breeds
- h. Lay-out Designs of Integrated Circuits/ Machines/Implements

a) Copy rights

Copyright is a legal term describing rights given to creators for their literary and artistic works. Literary works include novels, poems, plays, reference works, newspapers, computer programs, databases, films, musical compositions and choreography, artistic works such as paintings, drawings, photographs and sculpture, architectural works, advertisements, maps and technical drawings. The creators of original works protected by copyright, and their heirs, have certain basic rights. They have the exclusive right to use or authorize others to use the work on agreed terms.

- (i) Copyright ownership of works by UAF personnel or students shall vest in the creator/inventor, except stated otherwise in the agreement between UAF and external party.
- (ii) Copyright with respect to software is dealt with as per other IP rights.
- (iii) The UAF shall also have the right to use, publish and reproduce such works in whatever form, electronic or otherwise, for its teaching, research and academic purposes after seeking permission from the owner on non-commercial basis. However, if this publication of work is for commercial gains, an agreement for payment of royalties between the owner of Copyright and UAF will be signed on mutually agreed terms and conditions.
- (iv) If the owner of the copyright is other than the UAF, prior consent is required from the owner before any compilation, distribution and sale can be made.

b) Patents

A patent is an exclusive right of ownership granted for an invention, which is a product or a process that provides a new way of doing something, or offers a new technical solution to a problem. The protection is granted for a limited period, usually 20 years (as stipulated in the TRIPS agreement).

All IP developed by UAF staff, students and researchers in their own personal time, who are neither connected to university research nor developed with substantial use of university's resources, shall belong to such UAF staff, students and/or researchers as inventors. Patent rights created by UAF staff based on university research with substantial use of University's resources will be joint ownership of UAF and creator of patent right. Royalties for research team will be determined by separate agreement(s) on mutually agreed terms and conditions in case of commercialization of these patent rights.

c) Trademarks/ Trade Names/ Service Marks

A trademark is a distinctive sign that identifies certain goods or services as those produced or provided by a specific person or enterprise. The system helps consumers identify and purchase a product or service because its nature and quality, indicated by its unique trademark, meets their needs. A trademark affords protection to the owner of the mark by ensuring his/her exclusive right to use it to identify goods or services, or to authorize another to use it against payment. The period of protection varies, but a trademark can be renewed indefinitely beyond the time limit on payment of additional fees.

The UAF shall be the sole owner of the university logos and register these with the Intellectual Property Organization of Pakistan. Any use of the university logos shall require prior license or permission from the university.

d) Geographical Indications (GIs)

Geographical Indication is a name or sign used on certain products which corresponds to a specific geographical location or origin (e.g. a town, region or country). The use of a GI may act as a certification that the product possesses certain qualities, or enjoys a certain reputation, due to its geographical origin.

The proposed policy will focus on effective protection and registration of Geographical Indication for the benefits of different stakeholders.

e) Industrial Designs

An industrial design right is an intellectual property right that protects the visual design of objects that are not purely utilitarian. An industrial design consists of the creation of a shape, configuration or composition of pattern or colour, or combination of pattern and colour in three dimensional forms containing aesthetic value. An industrial design can be a two- or three-dimensional pattern used to produce a product, industrial commodity or handicraft.

Registering valuable designs contributes to obtaining a fair return on investment made in creating and marketing the relevant product, thereby improving profit. This policy will focus on efforts by the UAF to make aware the concerned stakeholders to register their novel designs in order to get a more competitive edge.

f) Trade Secrets

Trade secrets consist of confidential data, information or compilations used in research, business, commerce or industry. Universities and R&D institutions, government agencies, business entities and individuals may own and use trade secrets. The information may include confidential scientific and technical data and business, commercial or financial information not publicly known that is useful to an enterprise and confers competitive advantage on one

having a right to use it. The secrecy of the information must be maintained to conserve its trade secret status. The law of trade secrets covers knowledge or information, whether or not patentable or copyrightable, typically of an engineering or business nature, giving one a competitive advantage, which is intended by its holder to be maintained in secret and is not generally accessible or known. The UAF, being an agricultural university will strive for documenting its strengths as trade secrets.

g) New Plant Varieties/ Animal and Bird Breeds

A plant variety protection certificate preserves a plant variety owner's exclusive rights to sell, reproduce, import, and export the plant variety and its seed. In addition, this certificate can also prevent others from claiming Plant Variety Rights. The duration of a Plant variety protection certificate is 20 years (25 years for a tree or vine).

This policy will enable the plant, animal and poultry breeders to be aware of the process of registering new plant varieties and animal and bird breeds in order to contribute to the enhancement of agricultural, livestock, horticultural and forestry productivity and, therefore, improvement of income and overall development.

h) Lay-out Designs of Integrated Circuits/ Machines/Implements

'Lay-out-design' means a three dimensional disposition, howsoever expressed, of the elements, at least one of which is an active element and of some or all of the interconnection of an integrated circuit (IC) or such a three dimensional disposition prepared for an integrated circuit(IC) intended for manufacture. An 'integrated circuit' (IC) means a product, in its final form or an intermediate form, in which the elements, at least one of which is an active element, and some or all of the interconnections are integrally formed in or on a piece of material which is intended to perform an electronic function.

Integrated Circuits (ICs) are developed by electronic engineers and technical staff involved in the invention of electronic devices. It is a very sophisticated field of technology which has revolutionized our lives today. The development of ICs for electronic devices by the staff, students, researchers and faculty members of UAF will be promoted by the University like other IP assets under this Policy.

4. Ownership of Intellectual Property Rights

There are three primary situations for the ownership of intellectual property rights: (a) the university owns the intellectual property; (b) the sponsor owns the intellectual property; and (c) the university and sponsor jointly own the intellectual property.

a) The university owns the intellectual property—University Intellectual Property means individually and collectively all inventions, improvements, or discoveries and

all works of authorship, excluding articles, dissertations, theses, and books, which are generated solely by one or more student/ employees of University in performance of the research agreement during the Contract Period. All rights and titles to University Intellectual Property developed under the research agreement belong to University and are subject to the terms and conditions of this Agreement

- b) The sponsor owns the intellectual property**—University shall assign to Sponsor, upon request, all rights, titles, and interests in University Intellectual Property. No sooner than three months following termination of this Agreement, or any extension thereof, the University shall have the right to request that Sponsor make a final decision regarding such assignment.
- c) The university and sponsor jointly own the intellectual property**— Joint Intellectual Property means individually and collectively all inventions, improvements, or discoveries and all works of authorship, excluding articles, dissertations, theses, and books, which are generated by one or more employees of University and one or more employees of Sponsor in performance of the research under the Agreement. All rights and title to Joint Intellectual Property belong jointly to University and Sponsor and are subject to the terms and conditions of this Agreement.

5. Disclosure of Inventions

Presently, University of Agriculture, Faisalabad has Office of Research, Innovation and Commercialization (ORIC) as one of its constituent subunit. The primary goal of ORIC is to provide support facilities for research and innovations and their commercialization. There is a need to revise the role of this office. It should also administer/supervise the implementation of the IP Policy and commercialization of University IP assets. This new task will have the following objectives:

1. Administer and monitor the implementation of the IP Policy
2. Negotiate with UAF staff, students and researchers with respect to the development of independently owned technologies after determination of their commercial potential for purposes of registration, licensing or joint venture agreements.
3. Manage the UAF's IPR portfolio including the drafting and filing of applications with the Intellectual Property Organization of Pakistan as well as the maintenance of granted and registered IPRs.
4. Administer the funds allocated for registering and activities related to the protection and commercialization of the University IP Rights.

5. Negotiate and manage contracts for the production, distribution and marketing of the University's IP assets.
6. Administer a mechanism for payments derived from any commercialized IP assets.
7. Negotiate all license agreements for the University IPRs.

IP Disclosure Mechanism

If an inventor has developed any IP, the ownership of which is vested in the UAF, or pursuant to any obligation to disclose such IP under any agreement, the UAF may have with an external party, the Inventor(s) must promptly disclose the full details of the IP to the ORIC by submitting a Technology Disclosure Form within one month. The ORIC will evaluate the commercial potential and patentability of the IP. The ORIC may consult with other university personnel or independent experts who are competent in the field to assist in the evaluation if deems appropriate or necessary. In all cases where IP is disclosed by a member of staff for possible commercialization, the UAF is obliged to ascertain its commercial potential. Intellectual property disclosures are normally considered confidential by the institution, but for the sake of ascertaining its commercial potential, IP section in ORIC will inform all members to get feedback.

6. Market Evaluation and Licensing

It is essential that any patentable invention be analysed for its industrial relevance and commercial potential. In the context of UAF, ORIC should endeavour in collaboration with inventor, to find economic and technical suitability, potential of commercialization, investment required and sustainability. It is quite common that inventions are produced in universities but their potential users may be located elsewhere. So it becomes useful to commercialize such research efforts to share the benefits with stakeholders. IPR owners often do this by granting licences to other manufacturing companies. In this context, ORIC will identify and endeavour to commercialize potential inventions from UAF and make necessary arrangements regarding their licenses and other requirements.

7. Revenue Distribution

All revenues derived from UAF owned IP will be received and administered by the ORIC. For each specific piece of IP owned by the UAF, costs incurred in the process of perfecting, transferring, and protecting university rights to the property paid by the university will first be deducted from the gross income available before distribution. An accurate accounting of all such costs shall be made available to the author/creator upon request. The distribution of net proceeds that is received from UAF owned Intellectual Properties shall be shared between the creator and the university on mutually agreed terms and conditions.

8. Intellectual Property Review Committee

In implementing this policy, the UAF shall appoint a standing Intellectual Property Review Committee whose functions shall include (1) reviewing policy provisions from time to time, as needed, with recommendations for change or amendments to the Office; (2) serving as a non-binding decision-making body in the case of any dispute relating to this policy; (3) reviewing other issues as requested by the ORIC or other interested parties.

9. Dispute Resolution

All disputes relating to IP shall be resolved amicably in the spirit of supporting research activities and protecting the interest of the public. In this backdrop, disputed issues regarding intellectual property shall be handled by a committee formed by the Vice Chancellor (VC), UAF. The Director ORIC shall chair the committee and other members shall include; a senior member of the IP Review committee, the dean/director of faculties/ institutes where the dispute is originating, the author/inventor, and a neutral member who is knowledgeable in IP legal issues appointed by the VC from any department/faculty/institute at the University. In order to deal with non-settlement of disputes, an Appellant Body (AB) will be formed in ORIC. This body will deal with the situation where a party is not satisfied with the decision of the Committee, she/he may appeal to the AB and if he/she is still not satisfied she/he has a further right of appeal to the Syndicate of UAF whose decision shall be final and binding upon all the parties.
