



UNIVERSITY OF WAH

Directorate of ORIC

INTELLECTUAL PROPERTY (IP) POLICY

Introduction

This policy provides guidance for staff (academic and non-academic), researchers, students, and other related persons on the practices of the University of Wah (UW) to Intellectual Property (IP). This document describes the basis of generating this policy, its objectives, coverage, ownership, disclosure, market evaluation, licensing, commercialization, revenue distribution, and dispute resolution.

UW aims to develop an environment in which all the concerned stakeholders can operate and co-operate meaningfully with one another. UW largely depends upon financial support from its earnings, student tuition fee, and allied support from Pakistan Ordinance Factories (POFs). Consistent with this premise, UW seeks to ensure that the IP Policy is administered and protected in the larger public interest.

The IP Policy seeks to provide guidelines that can be consistently applied to facilitate commercialization of research outputs and arrive at possible solutions for potential IP issues, relevant to the conduct of research innovations, technology transfer, and commercialization.

Objectives

The objectives of this policy are to provide a framework for development, management and effectively harness benefits for the University, inventors/authors, researchers/students and the general public. The main objectives of this policy are as under:

- a) To protect the ownership rights of staff, researchers and students for controlling the products of their work by promoting, preserving, encouraging and aiding scientific investigations & research
- b) To ensure that name, insignias and logos of UW are properly used and to receive a fair share of any commercial fruits from the use of its names
- c) To establish standards for determining the rights and obligations of UW and creators of IP
- d) To ensure compliance with applicable laws and regulations and enable UW to secure sponsored research funding at all levels of research
- e) To set a system that fosters and expedites the creation and dissemination of discoveries/innovations for economic benefits of the faculty members, researchers, students and allied staff through commercialization and licensing



UNIVERSITY OF WAH

Directorate of ORIC

- f) To devise a strategy for co-ownership and due share of UW from the commercialization of IP assets developed/created by UW through contracts with donors/sponsors of the research projects
- g) To conduct IP audit/assessment of IP Rights of UW on annual basis and set targets for the management of the University's IP assets

Coverage of IP Policy

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

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.

Research Projects

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

Persons

a) Academic Staff:

Includes all teaching and research staff, and visiting scholars employed by UW on a permanent, temporary, ad-hoc, or contract basis.

b) Undergraduate, Postgraduate and Visiting Students:

Any full-time or part-time undergraduate and postgraduate student regardless of whether he/she receives financial aid from the university or 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 before committing themselves to any undertaking at UW that may involve the development or creation of IP.



UNIVERSITY OF WAH

Directorate of ORIC

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 UW 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 a contract between UW and the contractor.

e) **Non-employees**

A person, who uses UW funds, facilities, or other resources, or participates in university-administered research, industrial personnel, and fellows, regardless of obligations to other companies or institutions.

f) **Person(s) Employed by UW Who Do Not Fit Into any Other Category:**

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

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) Copyrights
- 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) Layout Designs of Integrated Circuits/ Machines/Implements

a) Copyrights

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



UNIVERSITY OF WAH

Directorate of ORIC

rights. They have the exclusive right to use or authorize others to use the work on agreed terms including:

- i. Copyright ownership of works by UW personnel or students shall vest in the creator/inventor, except stated otherwise in the agreement between UW and external party.
- ii. Copyright to software is dealt with as per other IP rights.
- iii. UW 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 a 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 UW will be signed on mutually agreed terms and conditions.
- iv. If the owner of the copyright is other than UW, prior consent is required from the owner before any compilation, distribution, and sale may 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 UW staff, researchers, and students in their time, who are neither connected to university research nor developed with substantial use of university's resources, shall belong to such UW staff, students, and/or researchers as inventors. Patent rights created by UW staff based on University research with substantial use of the University's resources will be joint ownership of UW and creator of the patent right. Royalties for the 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, meet 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 individual to use it against payment.



UNIVERSITY OF WAH

Directorate of ORIC

The period of protection varies, but a trademark can be renewed indefinitely beyond the time limit on payment of additional fees.

UW 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 correspond 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 benefit 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 color, or a combination of pattern and color 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 UW to make aware the concerned stakeholders to register their novel designs 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 a 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



UNIVERSITY OF WAH

Directorate of ORIC

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.

g) New Plant Varieties/Animal and Bird Breeds

A plant variety protection certificate preserves a plant variety owner's exclusive right 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 to contribute to the enhancement of their productivity and thereby, improvement of income and overall development.

h) Layout 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.

The development of ICs for electronic devices by the faculty members, staff, researchers, and students of UW will be promoted by the University like other IP assets under this Policy.

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.

(i) 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 students/employees of University in performance of the research agreement during the Contract Period. All rights and titles to University Intellectual



UNIVERSITY OF WAH

Directorate of ORIC

Property developed under the research agreement belong to University and are subject to the terms and conditions of the Agreement.

(ii) 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.

(iii) 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.

Disclosure of Inventions

The ORIC at UW would:

- a) Administer and monitor the implementation of the IP Policy
- b) Negotiate with UW staff, researchers, and students to the development of independently owned technologies after determination of their commercial potential for purposes of registration, licensing, and/or joint venture agreements.
- c) Manage UW'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.
- d) Administer the funds allocated for registering and activities related to the protection and commercialization of the University IP Rights.
- e) Negotiate and manage contracts for the production, distribution, and marketing of the University's IP assets.
- f) Administer a mechanism for payments derived from any commercialized IP assets.
- g) Negotiate all license agreements for the University IPRs.



UNIVERSITY OF WAH

Directorate of ORIC

IP Disclosure Mechanism

If an inventor has developed any IP, the ownership of which is vested in UW, or pursuant to any obligation to disclose such IP under any agreement, UW 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, UW 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, the IP section in ORIC will inform all members to get feedback.

Market Evaluation and Licensing

Any patentable invention must be analyzed for its industrial relevance and commercial potential. In the context of UW, ORIC would endeavor in collaboration with an inventor, to find economic and technical suitability, the potential of commercialization, the 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 licenses to other manufacturing companies.

In this context, ORIC will identify and endeavor to commercialize potential inventions from UW and make necessary arrangements regarding their licenses and other requirements.

Revenue Distribution

All revenues derived from UW-owned IP will be received and administered by the ORIC. For each specific piece of IP owned by UW, 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.



UNIVERSITY OF WAH

Directorate of ORIC

The distribution of net proceeds that are received from UW-owned Intellectual Properties shall be shared between the creator and the University on mutually agreed terms and conditions.

Intellectual Property Review Committee

In implementing this policy, UW shall appoint a standing Intellectual Property Review Committee whose functions shall include:

- a) Review policy provisions from time to time, as needed, with recommendations for change or amendments to the Office;
- b) Serve as a non-binding decision-making body in the case of any dispute relating to this policy;
- c) Review other issues as requested by the ORIC or other interested parties.

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), UW. 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.

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 Board of Governors (BOG) of UW whose decision shall be final and binding upon all the parties.