

UNIVERSITY OF ENGINEERING & TECHNOLOGY, PESHAWAR Item No.43/Syndicate 93rd

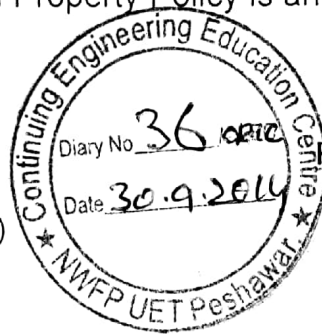
NOTIFICATION

No. 63 /93rd /M/Synd/Acad (Reg)

Dated 18 /9/2014

The Syndicate in its 93rd meeting held on 14.07.2014, approved the Intellectual Property Policy (IP) for the University of Engineering and Technology, Peshawar and its Satellite Campuses.


A copy of the approved Intellectual Property Policy is annexed.



No. 695-99 / 93rd /M/Synd/Acad (Reg)

Copy to:

- ✓ 1- The Director, Office of Research Innovation & Commercialization (ORIC), Hayatabad, Peshawar.
- 2- The Treasurer, UET, Peshawar.
- 3- The Deputy Registrar (Estt), UET, Peshawar.
- 4- The Resident Deputy Director (Audit), UET, Peshawar.
- 5- Master File.

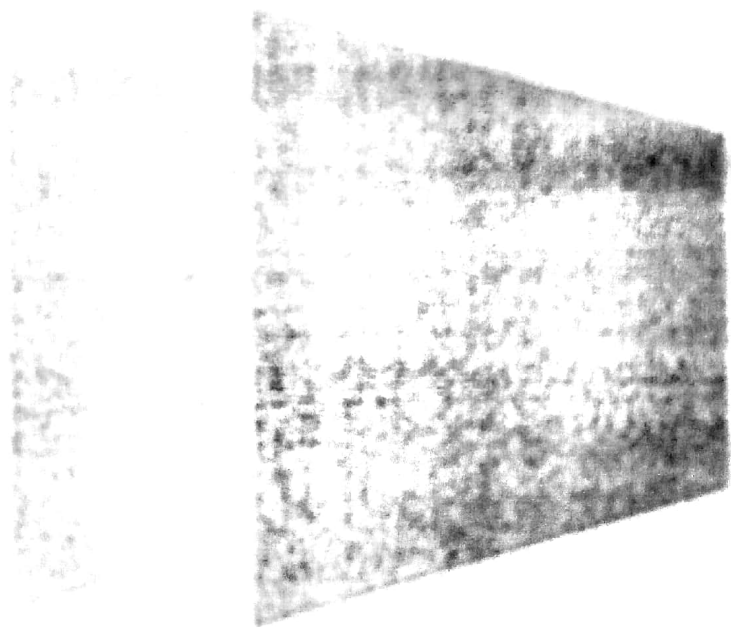

Registrar,
University of Engineering
& Technology, Peshawar

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Intellectual Property Policy

University of Engineering & Technology,
Peshawar

Office of Research Innovation & Commercialization (ORIC)



2013

INTELLECTUAL PROPERTY POLICY

The University of Engineering & Technology, Peshawar (the University) hereby adopts the following Intellectual Property (IP) Policy for the University, to include its main campus in Peshawar and satellite campuses at Mardan, Abbottabad, Bannu, Kohat and Jalozai, hereinafter collectively referred to as the 'University'.

1.01. Intent

This Intellectual Property Policy provides a mechanism for bringing University Intellectual Property into the public domain, to promote utilization of such property for the public benefit at large. The objective of this policy is to safeguard the interests and mission of the University by establishing a mechanism for the development and protection of intellectual property, while at the same time encouraging creative thinking amongst the researchers of the University and protecting the interests of the public, the University, and individual faculty and staff members.

1.02. Definitions:

Intellectual Property:

The term "intellectual property" refers to inventions, discoveries, patents, patent applications, scientific or technological developments, innovations, improvements, tangible research, scholarly work, publication and/or software, copyrights, trade secrets, trade and service marks, and their respective technical knowledge.

Employee:

Person holding any form of employment or appointment, through the University, and/or at the University, with or without compensation.

Student:

Person enrolled in any program of the University.

Publication:

As related to inventions and patents, a publication is an enabling public disclosure, verbal or printed, of an invention. Printed publications include abstracts, and, in certain circumstances, grant proposals. A public disclosure is a non-privileged communication to one or more individuals from outside the University community. It is important to emphasize that the issuance of a publication may jeopardize the ability to secure foreign patent protection within a stipulated amount of time, which may be up to 30 months in case of a PCT (Patent Cooperation Treaty) patent application.

Enabling Disclosure:

An enabling disclosure is the one, which will teach a person, skilled in the relevant art, how to practice the invention, and/or disclosure, in the way as applied by the disclosure/application/publication.

2. Policy Application

2.01. The policy applies to all individuals associated with the University with specifications as stated below:

A. This policy applies to the faculty, student, staff or persons holding any form of employment or appointment at the University, with or without compensation and any person who has student status, or any person or entity using or employing University facilities or resources, including libraries. This includes, without limitation, faculty, professional and non-professional staff, fellows and postdoctoral fellows, undergraduate and graduate students, visiting professors, and/or any other person/entity involved with the University programs and research.

B. The provisions of this policy are a part of and are incorporated by reference in any contractual and/or permanent relationship of the University with any member of the faculty, staff, or student body or with any individual or entity using or employing University facilities or resources and shall be conditions of employment for all persons employed by the University, conditions of appointment for any person holding any appointment with the University, conditions of enrolment and attendance at the

University by all students, and conditions of use of the University facilities or resources, including libraries.

2.02. Responsible University administrators are encouraged to take appropriate measures to inform all individuals associated with the University, of this Intellectual Property Policy and its provisions.

3. University Property Rights and Ownership:

The subject matter of the IP is related to the individual's employment, appointment or association with the University and/or the use of the University resources, facilities, equipment, materials, supplies, or services in creating or developing the intellectual property shall constitute prima facie evidence of the University's proprietary interest therein.

3.01. University will own Patent rights and copyright of any and all technology, material, tangible research, scholarly work, publication and/or software conceived, created, developed, or generated by University faculty, staff, students, visiting Researchers and others involved with the University programs in case of any one of the following proprietary interests:-

- a. The Intellectual Property generated with the significant use of funds or facilities or resources belonging to the University.
- b. The Intellectual Property developed by a person or group of persons as whole or in-part, if they are the faculty, student or staff of the University at any time during the course of developing the invention and/or IP.
- c. The Intellectual Property produced as an outcome of sponsored research agreement with the University.

3.02. In case Intellectual Property is conceived, created, or developed or results from research supported by a grant or contract with the Government of Pakistan or agency thereof, other governmental entity or agency thereof, with a non-profit or for profit

entity, association, business, or individual, or by private gift or grant to the University shall be deemed the property of the University, unless applicable laws or governmental regulations specifically provided.

3.03. Any individual or non-profit or for profit entity, association, or business or government or governmental agency not associated with the University, who wishes the University to further develop and refine its intellectual property, shall enter into a written agreement with the University for that purpose. Such agreement must be approved and agreed by the Vice Chancellor and appropriate departmental administrators to ensure that performance of the University duties are not compromised and that adequate consideration is received by the University for the use of its resources, facilities, equipment, and/or materials. Any such agreement shall be subject to the provisions of this policy and other applicable University policies and/or Government law, and as agreed mutually by the parties.

4. Procedure:

4.01. Whenever an Intellectual Property is created, generated or developed by the University faculty, student, staff or by any other individual utilizing University resources, they must notify the University authorities in writing, a reasonably complete and detailed disclosure of such intellectual property on an approved invention disclosure form, within an appropriate time, not exceeding 1 year (one year) of knowledge about invention and before intellectual property covered by this policy is disclosed, either to the public or for commercial purposes, in an official or non-official fathering of professionals, skilled in the art, seminar, conference and/or public exhibition, or before publishing the same. The University invention disclosure form can be collected from ORIC office. As a general rule they must not publish or disclose an invention, before the University has confirmed to them, receipt of invention disclosure form, in writing. The disclosure form must be filled and submitted to the University's ORIC Office, through the concerned department head.

4.02. University Intellectual Property Supervisory/Screening Committee (hereinafter UIPSC), appointed by the VC, shall act as an authority of first resort to decide whether

the University has a proprietary interest in the disclosed intellectual property under sections 3.01, 3.02, 3.03 of this policy.

4.03. If UIPSC determines, that the University has no proprietary interest in the disclosed intellectual property under section 3.1 of this policy, the inventor(s)/creator(s) shall so be notified and any further action pertaining to the invention shall be the sole responsibility of the inventor(s)/creator(s). The University shall not have any further rights, obligations, or duties in respect thereto; provided, however, that the University, its facilities, resources, or name shall not be used by the inventor(s)/creator(s) in protecting and/or exploitation of said intellectual property and, provided however, the University may elect to impose certain conditions, including, but not limited to, reimbursement of costs or resources expended by the University, retention of income rights, and/or a royalty-free, non-exclusive right to make or use said intellectual property for its research and educational purposes. All disclosures shall be referred to UIPSC for a determination of proprietary interests therein under the provisions of this policy.

4.04. If UIPSC determines, that the University has a proprietary interest in the intellectual property under sections 3.01, 3.02 or 3.03 of this policy, ORIC shall so notify the inventor(s)/creator(s).

4.05. On determination that the intellectual property is University Intellectual Property, ORIC, on behalf of the University, shall perform the following:

- a. Make inquiry into whether the individuals listed on the disclosure are the Inventors under the guidelines of patent or other applicable intellectual property. If there is a question or concern regarding the accuracy of the listed inventors and/or if patent protection is sought on this intellectual property, University approved patent counsel will be asked to advice on the determination of true inventor ship of the invention.
- b. Promptly review, investigate, and evaluate the feasibility of pursuing patenting and/or other exploitation of said University Intellectual Property and the local and international marketability of the same on behalf of the University. In conducting this review, investigation, and evaluation, ORIC should use such

available and appropriate resources as necessary to make a reasonably informed decision as to the feasibility and marketability of University Intellectual Property, including input from and discussion with the inventor(s)/creator(s), as well as, UIPSC, other University personnel or resources, and/or approved patent counsel, businesses, associations, individuals, or other governmental agencies having knowledge and expertise in these areas.

4.06. ORIC in consultation with the UIPSC shall decide how, when, and where University Intellectual Property is to be protected and/or exploited. Means of protection and/or exploitation include, but are not limited to, patenting or other intellectual property protection, contracting with or the securing of additional funds or resources from independent corporations, associations, businesses, individuals, or governmental entities or agencies for additional research and development, marketing, or patenting of said intellectual property, the granting of licenses, maintenance as a trade secret or know-how, if appropriate, and/or full release and publication of said intellectual property to the public.

4.07. If ORIC with approval of UIPC recommends the Vice Chancellor, that the University do not assert and/or exploit its interest in University Intellectual Property, the inventor(s)/creator(s) shall be so notified and all rights, title, and interest of the University therein may, be released and/or assigned to the inventor(s)/creator(s). As a general rule, the University faculty, students or staff are not authorized to assign ownership of invention, scholarly work / teaching material to third parties, except to the University. Exception to this rule will be evaluated on a case by case basis and permission in writing may be granted by the Vice Chancellor.

4.08. If a decision is made to patent the University Intellectual Property, the inventor(s)/creator(s) shall be notified to assign the ownership rights of the invention to the University. Following the assignment of ownership rights to the University, ORIC shall work with the inventor(s)/creator(s) to file the patent, within 1 year of conception or development of University Intellectual Property. For patents to be filed outside Pakistan, Section 26, of Patent ordinance 2000 (copy attached at the end), will be followed. The University will bear all patent filing and maintenance cost. ORIC shall

keep inventor(s)/creator(s) regularly informed of its activities relating to the protecting/patenting, marketing, and/or other exploitation of said intellectual property.

4.09. Any disputes, except disputes concerning the negotiations and/or the terms of licenses, including but not limited to royalty rates or other financial terms, relating to University Intellectual Property, involving the inventor(s)/creator(s) and ORIC which cannot be resolved through informal discussions and counsel with the appropriate department head(s), research director(s), may be submitted to the UIPSC for mediation to a three (3) person panel selected from knowledgeable members of the University as follows: one person selected by the inventor(s)/creator(s); one person selected by ORIC; and one member selected by the first two selectees. The mediation process will be conducted in a fair manner, if the dispute is not resolved by mediation, then the Vice Chancellor of the University may resolve the dispute and the Vice Chancellor's resolution thereof will be final.

5. Distribution of Benefits:

5.01 Any revenue received from licensing or other marketing and commercial arrangements concerning University Intellectual Property that has been patented, shall be paid directly to the University and shall, be distributed according to the following guidelines and the term of revenue sharing will last for the life of the patent:

A. All direct costs including taxes, incurred by the University in obtaining, maintaining, and protecting the patent or other protection for the property, licensing, and /or marketing of the property shall first be recaptured from any revenue received by the University.

B. After recovery of the above costs, the remainder of the revenue income shall be distributed as follows:

50% to the inventor(s) including co-inventors (this may be divided equally among the inventors)

40% to the University

10% to the Department or Research Centre/Lab of the inventor(s)

5.02. In the case of multiple inventors, the income due the inventors under section 5.01(B) of this policy will be shared according to whatever mutually-agreed upon arrangement for the distribution percentage has been established in writing and approved by the Vice Chancellor. The distribution arrangement will be established and submitted to ORIC at the time of disclosure or in any event before licensing and is subject to the provisions of section 4.03. of this policy.

5.03. The University's share of income under section 5.01(B) of this policy shall be allocated by the University to support ORIC as a source of funds to be used specifically to defray the costs of patent and copyright-related activities, legal fees, and other charges and/or necessary resources and/or activities associated with obtaining protection for and commercialization of the University's intellectual property.

5.04. The Department's(s') share of income under section 5.01(B) shall be administered by the Chairperson/s of Department/s and shall first be utilized to support the research program(s) of the inventor(s).

6. Implementation:

6.01. The University shall prepare and disseminate such recommended procedures, guidelines, standardized agreements, and/or forms as may be considered appropriate for the implementation of the provisions of this policy.

6.02. The Policy is a guideline for technology transfer and is subject to amendment, in case, any issues arise during implementation that become a hurdle in protecting the interests of The University.

- This policy is an adaptation of Intellectual Property Policy of Oklahoma State University, U.S and NUST Pakistan.

**Proposed University Intellectual Property Supervisory/Screening Committee
UIPSC**

The University Intellectual Property Screening Committee shall be composed of:

1. Vice Chancellor or appointed nominee (Chair, UIPSC)
2. Dean of Engineering or appointed nominee (Member, UIPSC)
3. Registrar or appointed nominee (Member, UIPSC)
4. Director ORIC (Member, UIPSC)
5. Manager ORIC (Secretary, UIPSC)
6. Technology Expert (Co-opted Member)
7. Legal Counsel (Co-opted Member)

Roles and Responsibilities:

- The University Intellectual Property Screening Committee will review each disclosure and any documentation, the Committee deems necessary for its determination of proprietary rights pursuant to this policy.
- All decisions regarding Intellectual Property rights, its protection and commercialization will be made by UIPSC.