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No: 117/17th Acad./42nd Syn/Reg/SBBWUP
Dated: Wednesday, 16th November, 2022

NOTIFICATION

Subject **UNIVERSITY POLICY ON INTELLECTUAL PROPERTY RIGHTS (ORIC-SBBWU/IP-POLICY-01)**

Upon the recommendation of Academic Council made in its 17th meeting held on 22nd September, 2022, the Syndicate in its 42nd meeting held on 18th-19th October, 2022 approved the "*University Policy on Intellectual Property Rights (ORIC-SBBWU/IP-Policy-01)*."


Assistant Registrar Academics

Enclosure: University Policy on Intellectual Property Rights (ORIC-SBBWU/IP-Policy-01).

No: 1358-61 /Acad/SBBWUP

Copy to:

1. Manager University, Linkages (Liaison Manager) SBBWUP
2. Deputy Director ORIC, SBBWUP
3. PS to Vice Chancellor, SBBWUP
4. PA to Registrar, SBBWUP


Assistant Registrar Academics

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**Shaheed Benazir Bhutto Women University,
Peshawar**



ORIC- SBBWU/IP-POLICY-01
UNIVERSITY POLICY ON INTELLECTUAL PROPERTY RIGHTS

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IP POLICY

Universities play a vital role in the socio-economic development of the country through their research, innovations and Technology Transfer. Shaheed Benazir Bhutto Women University (SBBWU), Peshawar herein referred as the "University" being cognizant of this fact is desirous to play effective role in promoting and cultivating research culture in the university and in consonance with this very objective SBBWU intends to develop its intellectual property (IP) policy which will create an environment wherein all stakeholders (faculty, staff & students) will be able to carry out their researches efficiently and effectively with their intellectual property rights being protected. This policy has been prepared by Office of Research, Innovation & Commercialization (ORIC) at SBBWU, Peshawar.

PURPOSE OF IP POLICY:

Intellectual Property (IP) policy focuses on the following:

- Provides an insight about the IP, IP rights and incentives to the relevant stakeholders;
- Provides procedures for identification, evaluation, protection and management of IP;
- Guidelines on sharing of profits from successful commercialization to generate revenue for the University and financial rewards to the inventor.

1. Definitions:

1.1 Intellectual Property: includes a trademark, patent, industrial design, layout-design (Topographies) of integrated circuits, copyright and related rights and all other ancillary Rights;

- 1.2 University:** means Shaheed Benazir Bhutto Women University, Peshawar
- 1.3 University Personnel:** includes all full-time, part-time and contractual employees
- 1.4 Students:** includes all full-time and part-time students (paid or unpaid) of the University, including visiting students.
- 1.5 Employees:** All salaried staff that are not enrolled in any academic programme
- 1.6 University Support:** means and includes any form of funds, facilities or resources, including equipment, consumables and human resources provided by the University either in a direct or indirect way.
- 1.7 Invention(s):** means and includes any discovery, process, composition of matter, article of manufacture, know-how, design, model, technological development, biological material, strain, variety, culture of any organism, or portion, modification, translation, or extension of these items, and any improvements thereof.
- 1.8 Inventor/Author:** means a member of University Personnel or Student who creates, conceives, expresses in tangible form, or reduces to practice, a Work, Invention or Design.
- 1.9 Patent:** A patent is grant of exclusive rights for an invention to make, use and sell the invention for a limited period of 20 years. The patent grant excludes others from making, using, or selling the invention. Patent protection does not start until the actual grant of a patent.
- 1.10 Trademark or a Service mark:** A Trademark is a word, phrase, symbol, and/or design that identifies and distinguishes the source of the goods of one party from those of others. A service mark is a word, phrase, symbol, and / or design that identifies and distinguishes the source of a service rather than goods.

1.11 Trade Name: means the name under which any business is carried on, whether or not it is the name of a corporation, a partnership or an individual.

1.12 Design or Industrial Design: An industrial design is the ornamental or aesthetic aspect of an article. The design may consist of three-dimensional features, such as the shape or surface of an article, or of two dimensional features, such as patterns, lines or colour. Industrial designs are applied to a wide variety of products of industry and handicraft: from technical and medical instruments to watches, jewellery and other luxury items; from house wares and electrical appliances to vehicles and architectural structures; from textile designs to leisure goods. An industrial design is primarily of an aesthetic or visual nature, and does not relate to the technical features of an article.

1.13 Confidential Information: means and includes all information, including data, whether oral or written, in whatever form or medium, including financial, commercial, scientific or technical information disclosed by one party to the other party including, without limitation: (i) trade secrets; (ii) proprietary products or services, related technology, ideas and algorithms; (iii) either party's technical, business or financial information and plans; (iv) any item marked as confidential by the disclosing party; and (v) Intellectual Property Rights; and (vi) any third party information provided to the disclosing party under an obligation of confidence, that is disclosed or made accessible to the recipient of such information. Confidential Information will not include information that the receiving party can show (a) is or becomes generally known or publicly available through no fault of the receiving party; (b) is known by or in the possession of the receiving party prior to its disclosure, as evidenced by business records, and is not subject to restriction; or (c) is lawfully obtained from a third party who has the right to make such disclosure.

1.14 Copyright: Copyright is a legal instrument that provides the creator of a work of art or literature, or a work that conveys information or ideas, the right to control how the work is used. The intent of copyright is to advance the progress of knowledge by giving an author of a work an economic incentive to create new works.

1.15 Computer programme/software: means computer programs, databases, and program objects of any kind (including source code and object code), updates, upgrades, program set-up and customization parameters, tools, and data and the tangible media on which any of the foregoing are recorded, together with all files required for proper operation thereof and all associated tools, utilities, programs, and files.

1.16 Contract: means "any agreement enforceable by law". The essentials of a (valid) contract are: (a) Intention to create a contract; (b) Offer and acceptance; (c) Consideration; (d) Capacity to enter into a contract; (e) Free consent of the parties; (f) Lawful object of the agreement. (g) Legal relationship between parties.

1.17 Tangible Research Property (TRP): means any tangible items produced in the course of research projects supported by University or by external sponsors. Items such as computer software, biological materials, engineering drawings, integrated circuit chips, computer databases, prototype devices, circuit diagrams, equipment are included in TRP.

1.18 Net Income: income remaining after deducting all costs incurred for obtaining, protecting, marketing and licensing the Intellectual Property by the University.

1.19 Government: means any multinational, federal, provincial, state, regional, municipal, local or other government or governmental body and any division, agent, agency, commission, board or authority of any government, governmental body, quasi-governmental or private body

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exercising any statutory, regulatory, expropriation or taxing authority under the authority of any of the foregoing and any domestic, foreign or international judicial, quasi-judicial or administrative court, tribunal, commission, board, panel or arbitrator acting under the authority of any of the foregoing.

1.20 Commercialization: IP Commercialization is the process of bringing the Intellectual Property to the market in order for them to be exploited in return for business profits and growth.

1.21 Researcher: means: i) persons employed by the University (whether fulltime, part-time or on contract and in any capacity whatsoever), including student employees and technical staff ii) students, including graduate and postgraduate students of the University iii) any persons, including visiting scientists who use the University resources and who perform any research task at the University or otherwise participate in any research project administered by the University, including those funded by external sponsors.

1.22 Research Agreement: includes an agreement, including Research Service Agreement, Cooperative Research and Development Agreement, Material Transfer Agreement, Confidentiality Agreement, Consultancy Agreement and any other type of agreement concerning research pursued by Researchers and/or Intellectual Property created at the University. All such agreements shall include, inter alia, provisions with respect to the following, as applicable: Intellectual Property and associated rights already existing at the University prior to entering into the agreement; Treatment of Intellectual Property and associated intellectual property rights arising from research activities set out in the agreement, after entering into it; Confidentiality requirements; Terms of public disclosure; and such other relevant provisions as may be necessary.

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1.23 **Spin-off:** means a company or entity established for the purpose of exploiting Intellectual Property originating from the University.

2. Application of the Policy

This policy shall be binding on all students and University personnel working or doing research at or under the auspices of the University.

3. Ownership of Intellectual Property

3.1 Intellectual Property discovered, created or developed in the following circumstances shall be deemed to have been discovered, created or developed using University Support and thus Intellectual property rights shall vest in and belong to the University.

- (a) Intellectual Property developed by the University employee in the course of his/her participation in a research project completely funded by or through the University;
- (b) Intellectual Property developed by the University employee with the assistance of funds provided by or through the University;
- (c) Intellectual Property developed with the substantial use of University Resources.
- (d) Intellectual Property discovered, created or developed by the University Personnel in fulfillment of his/her contract of employment as a staff member even if discovered, created or developed without use of University Support; or
- (e) Intellectual Property discovered, created or developed by the University employee for the purpose of commercial exploitation if such Intellectual Property falls within the area of expertise of the University employee for which he/shè was hired by the University or is related to his/her duties as a University employee.

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3.2 Intellectual Property discovered, created or developed by a University employee in his/her own time and outside the scope of University Research is not owned by the University. The University shall be the sole arbiter as to whether any Intellectual Property is discovered, created or developed in the course of University Research. In making any such determination, the University will consider whether:

(a) There has been use of University support to justify owning the Intellectual Property discovered, created or developed by the University employee.

(b) The Intellectual Property is in an area outside the University employee's broad field of expertise;

(c) The University employee is able to show evidence that the activities leading to the invention is conducted outside the scope of University Research; and

(d) The University employee is able to show evidence (e.g receipts, invoices, contracts, etc.) that the Intellectual Property was discovered, created or developed solely with his/her own resources and without the use of University Support and resources.

3.3 University shall be the owner of the patentable or any other intellectual property if present in students' theses/ dissertations/projects.

3.4 If research project or any other intellectual work is funded by Third Party following points to be taken into consideration.

(a) If research leading to any Intellectual Property has been funded by or through the University by way of a grant or by a Third Party, whether government or private, or has been conducted in some other form of association with such Third Party, the terms of

grant or the Third Party Contract shall override any of these Policies which are to the contrary.

(b) If the terms of the Third Party Contract or grant state that the University shall own the Intellectual Property created by the research funded by the Third Party or grant, then the University shall apply these Policies to the Intellectual Property owned by the University.

(c) If the issue of ownership of the Intellectual Property was not established in advance as part of the terms of the grant or Third Party Contract, Policy 3.1 shall apply and the University shall negotiate the ownership ratio of such Intellectual Property with the Third Party or funding agency taking into account (but not necessarily compliant with) these Policies. The inventor(s)/ authors (s) must demonstrate technical capability to commercialize the Intellectual Property to ORIC.

4. Commercialization

ORIC, SBBWU is responsible and been designated with the Authority for evaluation, protection and commercialization of Researcher's IP and analyzing all University's policies.

4.1 For implementation of IP Policy, the Inventor/Author must report to ORIC for any IP created during research work with the use of funds or facilitation by the University.

4.2 All negotiations and terms with the industry which will be granted with right to get license to technology or patent must be done by the inventor through ORIC.

4.3 Patent holders will be granted with the equivalence of publications as set by Higher Education Commission (HEC) from time to time.

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5. Net Income Distribution

Net Income received by University through commercialization of Intellectual Property owned by University shall be distributed using following formula:

- (a) Inventor/ Author : 50%
- (b) Department of the Inventor / Author: 15%
- (c) ORIC: 15%
- (d) University: 20%

6. IP Disclosure

For invention disclosure the statement should be submitted to ORIC regarding invention and any other IP already in place to be used as reference to practiced inventions.

7. Dispute Resolution

Any dispute that may arise during the IP commercialization shall be negotiated and settled as per University's policies.

8. Administration

The IP Policy may be amended, as required with the approval of Competent Authority at any time and it should be reviewed on annual basis.

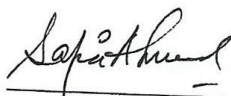
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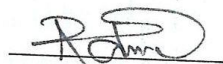
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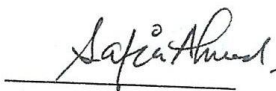
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