



INTELLECTUAL PROPERTY (IP) POLICY

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1.0 INTELLECTUAL PROPERTY (IP) POLICY

1.1 PURPOSE

This policy seeks to clarify the position of intellectual property (IP) rights generated and developed by UCSI University staff.

Where the University derives any financial return from the commercial exploitation of IP, it is the duty of the University to offer a 'fair share' of the income to its staff member and to the relevant inventors according to the provisions set out in this policy. This will provide further motivation to the university staff towards research innovations and entrepreneurialships.

1.2 DEFINITIONS

'UCSI University staff' shall mean a staff who is under a contract of employment or service with the University and shall include visiting, adjunct and part-time staff.

All forms of IPs are protected under the laws of Malaysia or other legislations include:

- i. copyrights
- ii. patents
- iii. trademarks
- iv. trade secrets
- v. industrial designs
- vi. utility models
- vii. integrated circuit layout designs
- viii. any other forms of IPs as defined under relevant statutes

1.3 SCOPE

The University has proprietary rights over all IPs developed and generated by the staff members provided that:

- i. It is developed in the course of his/her employment with UCSI University
- ii. It is made possible by the use of the University's research fund, or the facilities, materials and resources administered by the University

The University will not claim ownership of IPs created by enrolled students in pursuit of their studies except where:

- i. The generation of the IP involved substantial use of institutional resources and/or services beyond that which is ordinarily provided to students
- ii. The property forms part of an IP generated by a team of staff and students of which the student is directly or indirectly a member
- iii. The IP was generated as the result of a project under specific funding provided by or obtained from the institution

An application for the registration of IPs can only be made by the University on the recommendation of an Intellectual Property Committee (IPC) under the purview of the Centre of Excellence for Research, Value Innovation and Entrepreneurship (CERVIE).

The University will seek to protect the IP rights of its staff members by offering a fair share in the commercial exploitation of the property as set out in section 1.5 below. If a student is a member of a team responsible for a patentable invention, he/she will be treated in the same position as members of staff in the team as far as patent rights are concerned.

The University reserves the right to request staff and students who are leaving the university upon completion of their tenure to transfer their IP rights to the university authorities subject to fair remuneration.

Subject to specific agreements between the parties on the ownership of the IP rights, the general guidelines pertaining to research collaboration are as follows:

- i. For IPs arising from government or government-related agencies, IP rights is subject to government policies and directives. If the fund is provided without any expressed proprietary claims, the University shall assert ownership rights over the research output.
- ii. For IPs arising from an industrially-sponsored project at the University where funding towards specific objectives of the research is provided by a company, the company as a sponsor together with the author/inventor(s) will be granted a first option to an exclusive royalty-bearing license to any IP rights arising from the research. If the collaborative R&D arrangement involves a research agreement which defines explicitly the products and processes and, where the contributions to the research and the benefits from it are shared between the University and the company, the University will either own the IP rights as in normal circumstances or, it will jointly own the IP rights with the company. In both instances, the company will be offered the right (not necessarily exclusive) of first refusal to exploit the technology through a licensing agreement.

In all the circumstances mentioned above, the CERVIE reserves the right to determine the terms and conditions which will be negotiated with the industry sponsor.

1.4 POLICY IMPLEMENTATION

Any staff that has developed any of the inventions described in section 1.2 above and wishes to have any of such inventions commercially exploited must promptly disclose the full details of such invention or other IPs to the Dean/Director concerned through his/her Head of Research (refer to **Appendix 1**).

The Dean/Director shall refer the matter to the CERVIE who will convene an IP Committee. The IP Committee will make an initial assessment of the invention, and if warranted consult independent experts and negotiate with any commercial parties.

The IP Committee shall comprise of the Director of CERVIE, the Dean/Director and at least THREE (3) senior academic staff knowledgeable in IPs who will be appointed by the Deputy Vice-Chancellor of Research and Postgraduate for the purposes of assessment.

The following factors must be taken into account by the IP Committee in such assessment:

- i. To gain a personal account of the potential of the research finding.
- ii. To determine whether complete 'prior art' search has been conducted
- iii. To determine whether the researcher has established any links with private entities which have interest in the research findings.

The IP Committee will make a decision on whether to recommend the research innovation for IP registration and/or commercialization to CERVIE, who will then facilitate the registration of IPs with the appropriate bodies.

If the IP Committee decides not to recommend the registration of IP rights or not to commercially exploit the IP disclosed by the staff member, the staff member shall be entitled to file for IP rights and/or procure the commercial exploitation of the IP at his/her own expense.

1.5 COMMERCIAL EXPLOITATION OF INTELLECTUAL PROPERTY

Any decision relating to the commercialization of the research output or IPs must be done with the express consent of the CERVIE. Commercialization of research or IPs may take place in the form of:

- i. Licensing (Technology Licensing /Trademark Licensing)
- ii. Assignment (Selling off the IP Ownership)
- iii. Trade Sales (Selling Products)
- iv. Creation of spin-off companies (Taking research to the market for transfer of technology)
- v. Franchising

The University may accept equity as one form of payment for license rights. Equity that represents a fair valuation of the technology may be accepted as a substitute for cash value when licensing technologies owned by UCSI University. The university may act as either a lead investor or be involved as a passive investor.

The equity participation of the researcher(s) could be in the form of value share of the invention and need not necessarily be in monetary form.

All equity shares will be negotiated by the Deputy Vice-Chancellor of Research and Postgraduate. The university may request upfront payment or the payment of royalties or for both when an agreement is reached with a third party. The income resulting from the royalties shall be divided according to the agreed percentage as outlined below:

The net income (after the deduction of costs) shall be appropriated by the University and divided according to the following percentage:

A. 50% to the inventor(s)

B. 50% to the university

The following will be considered as costs and are deductible from the gross income derived from the exploitation of intellectual property rights.

- i. the cost for the registration and the maintenance of patents, industrial designs and trademarks, including legal fees
- ii. the total internal expenses of the research project
- iii. legal fees incurred in any dispute relating to IP rights
- iv. any future costs for the protection of IP rights

Unless there is an agreement to the contrary, where more than one inventor/author is involved, the University shall distribute the net income as mentioned above on an equal basis.

1.6 DISPUTE RESOLUTION, WAIVERS & POLICY AMENDMENTS

If any dispute arises in the interpretation of the provisions of this document, the same shall be referred to the Vice-Chancellor for his/her decision which shall be final and conclusive.

This policy document may be amended by the University from time to time. The University shall undertake to notify staff members as soon as is practicable of the amendments so made. The amendments shall come in force from the date the amendments were approved by the University, notwithstanding that the staff members have not been actually notified.

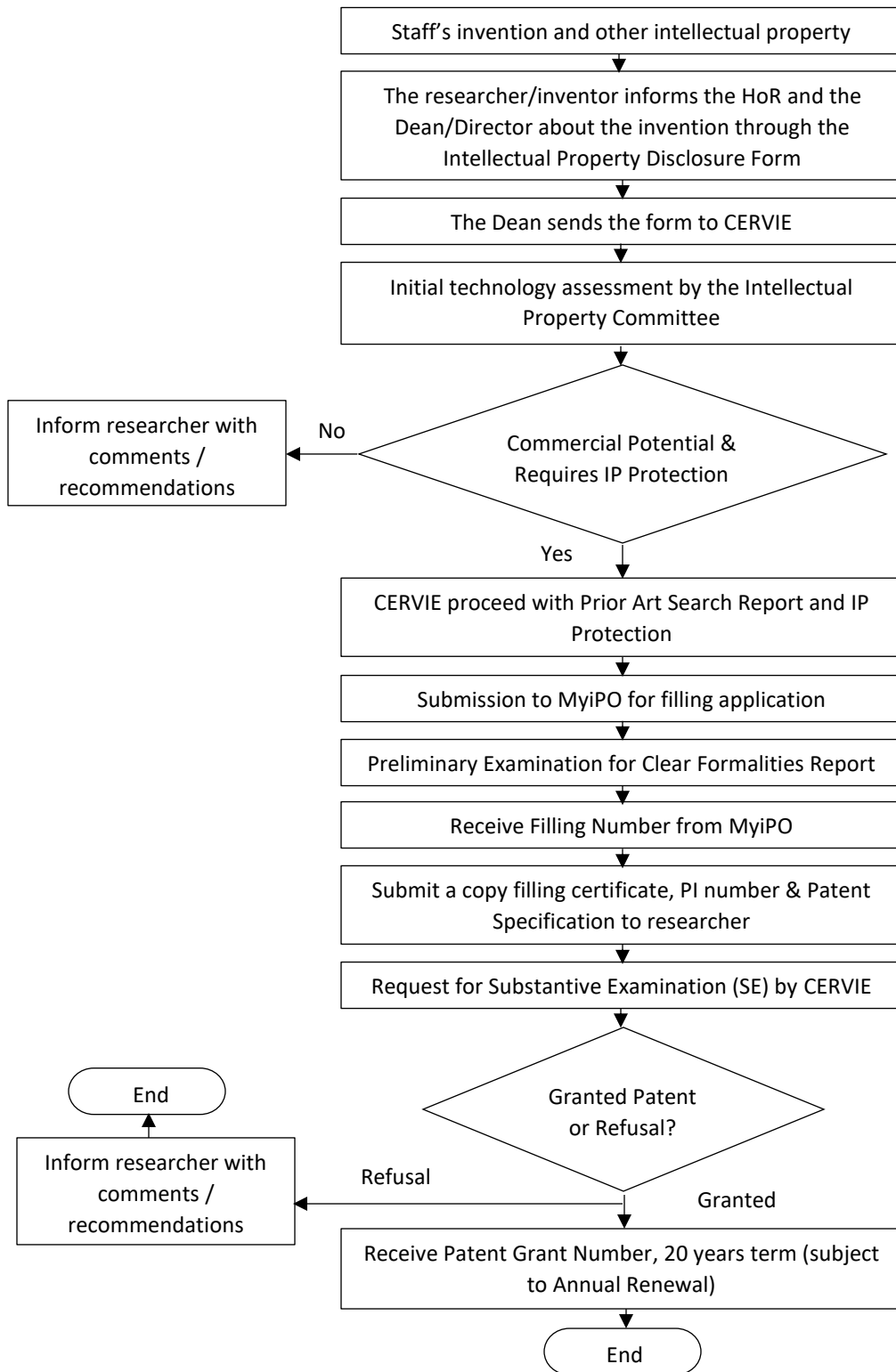
The University shall have the discretion to waive any or all of the provisions of this policy as and when warranted in a particular case. However, a waiver on one occasion and for a particular case shall not constitute a precedent for future cases.

2.0 REFERENCES

- i. Akta Hak Cipta 1987 (Akta 332)
- ii. Akta Paten 1983 (Akta 291)
- iii. Akta Cap Dagangan 1976 (Akta 175)
- iv. Dasar Pengkomersialan Harta Intelekt MOSTI 2009
- v. Dasar Harta Intelekt Negara (2007)
- vi. Dasar Pengkomersialan Harta Intelekt untuk Projek Penyelidikan & Pembangunan yang dibiayai oleh Kerajaan Malaysia (Jun 2009)
- vii. Dasar Inovasi Negara (2010)
- viii. IIUM IPR & Commercialization Policy
- ix. Massey University Formation of Spin-Out Companies Policy
- x. Universiti Teknologi Malaysia (UTM) Commercialization Policy
- xi. University of Nottingham Spin-Out Companies Policy
- xii. Dasar Harta Intelekt dan Pengkomersialan Universiti Pendidikan Sultan Idris (UPSI)

3.0 APPENDICES

APPENDIX 1 - Brief Flow for the Administration of and Protection of Intellectual Property Rights



APPENDIX 2 – Patent Application Form



PATENT APPLICATION FORM



CENTRE OF EXCELLENCE FOR RESEARCH, VALUE INNOVATION AND ENTREPRENEURSHIP

PART A: APPLICANT INFORMATION	
Name (Project Leader)	:
Phone No. (Office)	:
(Mobile)	:
Email	:
Faculty & Address	:

PART B: RESEARCH INFORMATION	
Title of Invention	:
Title of Research Project	:
Research Project Code	:
Source of Fund	:
Grant Amount	:
Research Cluster	:

PART C: OWNERSHIP	
Owner & Co-Owner	Distribution (100%)
i) UCSI University	: 100%
<i>The Intellectual Property Rights owner shall be UCSI University unless the patent is the result of technologies developed with the external collaboration partners, in which this is then approved by the legal office.</i>	

PART D: INVENTORS				
* Inventor/Researcher(s)	Passport / IC No.	Nationality	Contribution percentage (%)	Signature
i)	:			
ii)	:			
iii)	:			
	:			
Total	:			

* Should include the project leader's name.

Please indicate any publication or public disclosure on your invention. [√]
 If none of the below, please indicate **NOT APPLICABLE**

PART E: INVENTION INFORMATION				
Form of publication/disclosure	[√]	Name/title of disclosure	Date publication/disclosure:	References
i) Abstract	:			
ii) Journal	:			
iii) Book chapters/Thesis	:			
iv) Website	:			
v) Poster/Oral presentation	:			
vi) Exhibition	:			
vii) Others	:			

Planned publication/disclosure		Name/title of disclosure	Expected Date publication/disclosure:
<i>Do you plan to publish or make an oral presentation that discloses your invention in any way in the next 12 months?</i>			
Yes	:		
No	:		

Please answer the questions below and provide attachments for additional information or insufficient space.

<p>1. Field of Invention</p>
<p>2. Summary of the Invention</p>

<p>3. Description of Invention Please provide/attach experimental data, flow diagrams, drawings, graphs, photos, manuscripts, sketches and any other materials to illustrate the working condition of your invention in the Appendix.</p>
<p>4. Description of Invention Please provide/attach experimental data, flow diagrams, drawings, graphs, photos, manuscripts, sketches and any other materials to illustrate the working condition of your invention in the Appendix.</p>
<p>5. State the unique aspects/novel features/advantages of your invention, and how it will solve the current problems of the available systems</p>
<p>6. Please indicate the primary uses and applications of your invention and the potential application in other fields</p>

7. Claims of Invention

The claims of invention define the scope of the protection and the main part in the patent specification.

i) “independent claims”

Identify the main feature/element/step that you have invented in your embodiment/ example/ prototype/ result of your invention (independent claims)

ii) “dependent claims”

List down all other features/ elements/ steps to support the main feature/ element/ step in no. 6 (i)(dependent claims)

PART F: COMMERCIALIZATION POTENTIAL

1. List down any main company/industry in the field of this technology

2. List down intended or potential market for this technology (country/region)

PART G: DECLARATION

I do solemnly and sincerely declare that all information given is true.

Signature:

Date:

ENDORSEMENT BY FACULTY HEAD OF RESEARCH

- A. Recommended
- B. Request Revision
- C. Not Recommended

Comments:

Name:

Faculty:

Signature:

Date:

APPROVED BY DEAN OF FACULTY

Approved

Not Approved

Comments:

RECEIVED BY CERVIE

Name:

Signature:

Date:

Please indicate any documents included in your invention. [N]

PART H: INTELLECTUAL PROPERTY APPLICATION EVALUATION (For Office Use)			
Criteria	YES	NO	Comments/Suggestions
<p><i>Specification/document included this item*</i></p> <p>Patent</p> <ul style="list-style-type: none"> • <i>Field of Invention</i> • <i>Summary of the invention</i> • <i>Description of the invention</i> • <i>Brief description of drawing</i> • <i>Drawings</i> 			
<i>Research findings could be protect</i>			
<i>The precise details of IP components</i>			
<i>Has potential for commercialization</i>			
<i>Research finding is original</i>			
<p>EVALUATION DECISION</p> <p> <input type="checkbox"/> A. Supported without amendment <input type="checkbox"/> B. Supported with minor amendment <input type="checkbox"/> C. Not Supported </p> <p>Patent Evaluator Name: Patent Evaluator Signature:</p> <p>Date:</p>			