



**BUSITEMA
UNIVERSITY**
Pursuing Excellence

**BUSITEMA UNIVERSITY
INTELLECTUAL PROPERTY POLICY**

SEPTEMBER, 2020

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Abbreviations

ARIPO	- African Regional Intellectual Property Organization
IA	-Intellectual Assets
IC	-Incubation Centre
IP	-Intellectual Property
SME	- Small Medium Enterprises
PCT	- Patents Cooperation Treaty
TBIIC	- Technology Business Incubation and Innovation Centre
TRIPS	- Agreement on Trade Related Aspects of Intellectual Property Rights
WIPO	- World Intellectual Property Organization

Definition of Terms

In this Policy unless the context otherwise requires;

“A Patent” means a title granted to protect an invention. It gives the owner exclusive rights to commercially exploit an invention for the life of the patent. This is given for the product or idea that can be manufactured. A patent is granted for any device, substance, method or process which is new, inventive or useful.

“Board of Graduate Studies Research and Innovations” means the legal body that oversees the development and implementation of research, innovations and intellectual assets of the University

“Commercialization” means any form of exploitation of the IP including assignment, licensing or the disposal of any other interests, whether in return for cash or payment in kind or any form of value.

“Copy” means a production of a work in a written, recorded or fixation form or any other material form.

“Copy right” means a set of exclusive rights granted to the author or creator of an original work, including the right to copy, distribute and adapt the work.

“**External body**” means a company, government entity, registered charity or any other entity or individual who is not an employee of the University.

“**Intellectual Asset**” means all intellectual products that are created by staff, students and researchers working at and with Busitema University. Specifically, these are items that staff, students, researchers have-

- i. Put their ideas
- ii. Taken particular decisions in respect of different choices
- iii. Thought of ways to solve particular problems

“**Incubatee**” means an entrepreneur, researcher, innovator located within the premises of Business incubator or a science and technology entrepreneurship park.

“**Incubation Centre**” means a Unit established with a view of commercializing IP originating from the University on its own or with other IP

“**Individual**” means the inventor, author or creator of IP who is an employee of the University or student at the time of invention, authorship or creation

“**Industrial property**” means rights under patents, certificates of utility models, Tech-novation and registration of industrial designs under the Industrial Properties Act.

“**Intellectual Property rights**” means the legal rights given to creators of Intellectual Property. They give the creator the right to exclude others from exploiting the creation for a defined period.

Invention” means a solution to a specific problem in the field of technology. It is a new and useful art whether producing a physical effect or not, process, machine, manufacture or composition of matter which is not obvious, capable of being used or applied in industry.

“**Inventor**” means the person who actually devises the invention, and includes his or her legal representative.

“**Innovation**” means utility models, technovation models, industrial designs and other patentable creations or improvements that may be taken as deserving specified Intellectual Property rights.

“Research results” means the results arising from an individual’s research including details of any IP results.

“Registered design” means the configuration pattern or ornamentation which when applied to a product gives the product a unique appearance.

“Scholarly materials” means textbooks, academic journal articles, conference papers and related presentations, theses and dissertations, novels and poems; but excludes any such materials or part of them which can be defined as teaching material or University materials.

“Student” means any person registered at the University, for undergraduate or post graduate course.

“Teaching materials” means any materials created within the University or created on behalf of the University that is intended to be used or accessed by students for purposes of their course of study.

“Trademark” means a sign or a mark or a combination of both signs and marks capable of being represented graphically and capable of distinguishing goods and services of one undertaking from those of another.

“University” means Busitema University in this document.

“University Invention” means any invention or discovery that falls under Section 3.2.1 of this Policy.

“University Materials” means any type of work produced for administrative purposes, and any item created by an employee of the University whose job description specifically includes the creation of printed or electronic materials.

“University Resources” shall mean funds, capital and employees contracted to work for the University.

“Utility model” means any form of Intangible subject matter such as invention, innovations and technical concepts that are unique to Busitema University.

Preamble

Inventions give rise to Intellectual Property rights. These are legal rights given to creators of Intellectual Property. Usually they give the creator of intellectual property the right to exclude others from exploiting the creation for a defined period. Intellectual property laws provide the incentives that foster innovation, creativity and strive to ensure that the competitive struggle is fought within certain bounds of fairness but above all the recognition of ownership of intellectual property. The protection of Intellectual property rights contribute significantly to technological progress competitiveness of businesses and the economic wellbeing.

An IP Policy has a potential to affect the innovations by staff, researchers and students. Although some innovations have been developed, there is no supporting structure to enable protection moving the intellectual products to commercialization. The development of an IP policy will enable the University tap into opportunities, lobby stakeholders and develop partners who support research with a view of taking advantage of IP issues arising from research activities.

Research is one of the core functions of the University; therefore the IP Policy aimed at encouraging and supporting staff, researchers and students in creating and exploiting Intellectual Property. The expectation is that when the University commercializes IP, it will generate income for the inventor and the University. The University is committed towards managing, supporting developing of its inventions and discoveries through patenting and licensing to industry in particular and generally to the private sector.

Associate Prof. Samson Rwahwire, Ph.D.

Director- Directorate of Graduate Studies, Research and Innovation

Vision:

“A centre of academic and professional excellence in science, technology and innovation.”

Mission:

“To provide high standard training, engage in quality research and outreach for socio-economic transformation and sustainable development.”

Motto:

“Pursuing Excellence.”

Core Values:

- i. Excellence
- ii. Innovativeness
- iii. Professionalism
- iv. Internationalization
- v. Teamwork
- vi. Respect for diversity

1. Rationale of the Policy

The protection of research, research outputs and innovations are important activities for Universities. The purpose of developing the Intellectual Property Policy is to assist researchers, research managers at the University to ensure access to better practices for identification, protection and management of intellectual property. This will in turn lead to maximization of the benefits and returns from public investment on research.

The University is committed towards providing a conducive environment that supports innovation, knowledge creation and technology transfer. The University supports commercialization of products of research and innovation for the benefit of society, the inventor and the institution.

2. Aim of the Busitema University Intellectual Property Policy

The Policy is aimed at stimulating creative thinking among staff and students and to enable ownership and effective and efficient management of IP assets and innovations created at Busitema University. The Policy is also aimed at generating income from research activities for the University, researchers and to promote community outreach service function of the University.

3. Objectives of the Policy

The objectives of the Policy are:

- i. To support and promote innovative ideas that can be transformed into useful products for the public good.
- ii. To guide the management of Intellectual property at the University
- iii. To generate income for the University from research and innovation activities
- iv. To support and promote knowledge transfer mechanisms to students and wider public

4. Policy Statements

4.1 The University will support and promote innovative ideas that can be transformed into useful products for the public good

All University research and innovation activities shall be well documented. In order to achieve this, the University will;

- i. Develop an inventory of all research and innovations activities
- ii. Staff, students and researchers engaged in approved research at the University shall maintain a notebook of their findings containing information as guided by the format recommended by the Research Committee of Senate and approved by the University Council, and submit a copy thereof to the Intellectual Property Unit through their Supervisor or Head of Department
- iii. Researchers shall be required to complete the Intellectual Asset Identification Form approved by the University Council on the recommendation of Senate, and submit a copy thereof to the Intellectual Property Unit through their Supervisors or Head of Department.
- iv. Research Reports including theses or dissertations approved for award of University Degrees, Diplomas or Certificates shall constitute Intellectual Assets and shall be deposited with the University Libraries and National Library upon protection under the relevant law to be transformed into Intellectual Property.
- v. Provide entrepreneurial skills and raise awareness through training of students and staff on Intellectual assets and Intellectual Property rights.
- vi. Call for innovative ideas from staff and students and support selected ones.

4.2 Management of Intellectual property

The University commits towards efficient and effective management of IP to achieve this. The Intellectual property at the University shall:

- i. Establish an Intellectual Property Management Unit headed by an Intellectual Property Manager
- ii. Establish an Intellectual Property Committee as a technical committee of the Board of Graduate Studies Research and Innovations to assist in the implementation of the IP Policy
- iii. The roles of the Vice Chancellor and the intellectual property management Unit shall be defined as follows
The Vice Chancellor shall
 - a) Be responsible for the implementation of this Policy.
 - b) Authorize exceptions to this Policy the he or she determines to be for the best interest of the University.

4.3 The role and responsibilities of property Management unit

The Intellectual Property Management Unit shall:

- i. Create and update central database where the information on intellectual assets are recorded and accessed by interested parties.

- ii. Receive copies of Laboratory notebooks and Asset Identification Forms for purposes of maintaining an inventory thereof
- iii. In consultation with the inventor or author, evaluate the intellectual assets to determine their potential for transfer to the public or private sector
- iv. Draw up an action plan for the relevant steps from final development of the innovation to distribution and sharing of the proceeds.
- v. Assess the costs associated with the final development and distribution
- vi. Build an impact evaluation method in the distribution process
- vii. Create a data base on employment contracts, Student Exchange Agreements, Linkages and Collaborative Agreements, Funding / Donor Agreements, Material Transfer Agreements(MTA's), National and International Laws on the Intellectual Property used or produced by the University and research outputs and products
- viii. Design and periodically review the University's Intellectual Property data Management system.
- ix. Establish a working relationship with supervisors or persons working and having in custody of Intellectual property related information.
 - a) Utilize National, Regional and International Legal instruments in their work
 - b) Initiate commercialization of innovations through to product development partnerships with the private sector
 - c) Train staff and students on Intellectual Property Rights and Assets.
 - d) Analyze reports from researchers on Intellectual Assets and Property to determine ownership
 - e) Advise the University on Management issues related to Intellectual Property.

The IP Unit shall work closely with the Directorate of Graduate Studies Research and Innovations to identify intellectual property issues in research proposals and products of research and innovations including those that may be of interest to the Private Sector.

4.4 Protection of the rights of Innovators and the institution.

The University shall protect the rights of innovators and the institution through:

- (i) Provision of guidelines for ownership, registration, patenting and commercialization (ventures, Incubation centres) and disclosure. (Researchers shall seek the assistance of the Intellectual Property Unit in applying for registration of copy right, patents, designs or trademarks under the relevant laws or when trying to commercialize their innovation(s).
- (ii) Any discovery or invention that satisfies the following circumstances shall belong to the University (hereinafter referred to as University Inventions):

- a) Results from research carried by or under the direction of any employee of the University which is supported by the University funds or funds controlled or administered by the University, or
 - b) Results arising from an employee's duties with the University, or
 - c) Research or innovation that has been developed in whole or in part through the utilization of the University resources or facilities not available to the general public.
- (iii) Any intellectual property created by a University employee having an honorary appointment at any other institution during that appointment shall lie with the employer who pays the salary of that employee.
- (iv) Honorary researchers who are not employed by the University are generally required to transfer any intellectual property they create in the course of their honorary activities to the University subject to the terms and conditions of their honorary contract. Sharing of proceeds from such intellectual property shall follow the University established guidelines.
- (v) University staff, researchers and students whose research and innovation are funded by organizations external to the University are bound by this Policy.
- (vi) University employees, researchers and students (including postdoctoral appointees, graduate and undergraduate students) shall be required to disclose any University Inventions to the University prior to disclosure of such discoveries or inventions to third parties including research sponsors.
- (vii) Notwithstanding provision (vi), above, the disclosure may be required for compliance with legal and or contractual obligations owed to governmental or non-governmental research sponsors.
- (viii) University Inventions shall only be disclosed after the University has taken steps necessary to protect the Inventions through patent or otherwise.
- (ix) Students who create innovations and are not University staff shall own any such intellectual property, except under the following circumstances:
- a) Where the sponsoring body has claim to the intellectual property
 - b) Where research is sponsored by an external body

- c) The intellectual property was developed during their University course of work with substantial utilization of University resources as determined by the Board Graduate Studies Research and Innovations.

- (x) Notwithstanding provision (ix) above, students shall have the option of assigning any intellectual property to the University whereby they shall be granted the same rights as any employee inventor set out in this policy.

4.5 Reward of innovators and sharing of financial proceeds

This Policy provides guidelines for innovators and sharing of financial proceeds as follows:

- i. Any discovery or invention arising from joint collaboration between the University or its employees and other institutions shall proportionately belong to the parties
- ii. The University shall recover all direct expenses incurred for the patenting, protection and licensing of each University invention from the proceeds before distributing the net proceeds remaining among the inventor(s), major administrative unit and the University.
- iii. The University shall review the modalities for sharing proceeds of licensing among the inventor/innovators(s), the inventor's major administrative unit, and the University from time to time

4.6 promotion of knowledge transfer mechanisms

The University shall support and promote knowledge transfer and will ensure adherence to good practices in the users this shall be archived through;

- i. Develop, operationalize and review periodically guidelines on the use of intellectual property.
- ii. The University shall, in appropriate cases, utilize Material Transfer Agreements (MTAs) for purposes of exchanging materials for research or development of innovation.
- iii. Require that a copy of any intellectual assets/intellectual property produced by staff, researchers and students shall be deposited in the University library and the IP unit in the Directorate of Graduate Studies Research and Innovations.

4.7 Generation of income

The IP policy provides the basis for the University to take advantage of any intellectual property arising out of innovative research activities in terms of commercialization. To achieve the commercialization of intellectual property, the University will:

- i. Support the development of small and medium enterprises (SMEs) (Incubation centres) arising from selected innovation.

- ii. Develop, operationalize and review periodically guidelines for commercialization of intellectual property including licensing and joint ventures with private sector. The guidelines shall clearly stipulate the equity interest of the inventor/originator.

5. Legal Frame work

The IP Policy addresses issues related to ownership, protection, commercialization of Intellectual property and innovations created by staff and students of the University, including reward to Intellectual property creators and innovators. The development of the University IP is informed by legislation relevant to Intellectual Property in particular the Constitution of the Republic of Uganda from which all national laws derive validity, Universities and Other Tertiary Institutions Act 2001 (as Amended), Industrial Property Act 2014, Trade Marks Act 2010, Copy right Act and Neighboring Rights Act 2006, Regional and International Instruments on Intellectual Property (WIPO, ARIPO, PCT and TRIPS).

6. Intellectual Property Assets

The following shall be considered Intellectual Assets under the policy;

- i. Institutional Policies
- ii. Employment contracts
- iii. Collaborative Agreements
- iv. Confidentiality Agreements
- v. International Agreements
- vi. Laboratory Notebooks and Notes
- vii. Field or Data notes
- viii. Databases
- ix. Information including that obtained from third parties
- x. Copy right
- xi. Licenses – reagents, software
- xii. Any other tangible item

7. Mandate of the University

The mandate of the University is to provide higher education through teaching, research and outreach. The IP Policy supports the Vision Mission and core values of the University.

8. Implementation

- i. This policy shall be implemented and reviewed periodically by the Board of Graduate Studies Research and Innovations.

- ii. This policy shall be implemented or supplemented in any way consistent with its terms and those of other relevant University policies
- iii. In the event circumstances require any exception to the terms of this Policy, such exceptions shall require the consent of the Vice Chancellor. The Vice Chancellor shall, when practical, seek the advice of the University Council prior to approving any exceptions to the terms of this Policy.
- iv. If an existing written agreement is renewed, revised, or amended after the date on which this Policy is adopted by the University Council, reasonable attempts shall be made to conform such agreement to the requirements of this Policy as of the date on which it is renewed, revised, or amended.
- v. After adoption of this policy, the University Senate shall be responsible for drawing out periodically implementation guidelines or procedures.

9. Notification

The Directorate of Graduate Studies, Research and Innovation shall inform all persons concerned of the terms of this Policy any amendments thereto following its approval by the University Council.

10. Review

The IP Policy shall be reviewed by the University Council as or when deemed necessary.



Find us @ Jinja - Malaba Road
P.O.Box 236, Tororo, Tel:+256 4544 488
Email:vc@adm.busitema.ac.ug / sao@adm.busitema.ac.ug
Website:www.busitema.ac.ug
Follow us     Busitema University