

Policy Main Title	Intellectual Property Management	Effective and Applied Date	
Policy Subject	Research Support	Last Review date	
Policy Number/version number	IPM	Next Review date	
Policy Owner / Responsible (Persons/Department/Area)	VC for Research and Graduate Studies	Approved By	
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### **Overview**

This policy details all the procedures regulating the work of The Technology Transfer Office (TTO) at the University of Sharjah (UOS). The TTO was established in the academic year 2017-2018 for the purpose of managing all Intellectual property assets derived from the high-quality research activities and outcomes at UOS. The TTO helps the University research to move beyond the lab and towards the marketplace.

### **Scope**

This policy applies to: (1) all UOS faculty and visiting professors (to be referred to hereinafter as researchers) who are conducting research at the University of Sharjah; (2) administrative staff who are involved in research activities; and (3) all graduate and undergraduate students, regardless of funding or employment status. This policy should be read and applied in conjunction with the University's policies on responsible research conduct.

### **Purpose**

The purpose of this policy is to facilitate the commercial development of intellectual property arising at UOS and to encourage inventors, among faculty and students, to take part in such development while acknowledging that the discovery and dissemination of knowledge is a core value of the university's strategic plan for innovation and development. This policy is also meant to promote good practice in defining the ownership of and protecting the intellectual property rights of UOS faculty and students, establish general guidelines for UOS faculty, students and administrative staff as well as sponsors and funding organizations on intellectual property management, ensure fair allocation of benefit between inventors and UOS, ensure the widest and earliest dissemination of innovative and creative work, and ensure that all inventions and discoveries are properly disclosed and utilized for the greatest possible benefit of the community.

### **Policy**

The University of Sharjah supports technology transfer as an essential component of its mission to disseminate knowledge, promote creativity and innovation in research and scholarship, respond to community need, and contribute to the knowledge-based economy of Sharjah and UAE. This policy helps achieve this mission by providing the framework that governs the ownership, disposition, use and commercial development of inventions, discoveries and creative endeavors made at or under the auspices of the University of Sharjah. It also provides the framework for protecting the intellectual property rights of its faculty, staff and students and utilizes them commercially by licensing them to parties outside the university.

The implementation of this policy under the administration of the Office of the Vice Chancellor for Research and Graduate Studies and the Technology Transfer Office will enable proper procedures to be applied in compliance with University's principal mission and executive bylaws.

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The following Procedures shall be used to implement the main principles and objectives of the above policy.

### **Definitions**

1. **Inventor**: or Inventors means the individual or group of individuals who individually or jointly with others invented, authored, or were otherwise responsible for the creation of the Intellectual Property.
2. **Intellectual Property**: means any invention, discovery, improvement, copyrightable work, integrated circuit mask work, trademark, trade secret, and licensable know-how and related rights.
3. **Gross Income**: means the total monetary payments the University receives as a result of transferring rights in the Intellectual Property to a third party.
4. **Net Income**: means monetary payments received as a result of transferring rights in the Intellectual Property to a third party, after the University's expenditures (including legal fees) directly attributable to protecting, developing, maintaining, and transferring that Intellectual Property, have been deducted from the Gross Income.
5. **Research, Scholarly and Creative Activity Work Product**: means a copyrightable work product that is an artistic creation or that constitutes. These work products include books, theses and dissertations of UOS employees, articles, poems, musical works, dramatic works, graphic and sculptural works.
6. **Employee**: means a person employed or otherwise compensated by the University, including faculty members, staff, and students. In general, students are not employed by the University, but those being compensated for their research activities are treated as employees for the purposes of this guideline.
7. **Specially Commissioned Work**: means a work specially ordered or commissioned in a written agreement signed by the University and the Inventor.

### **Abbreviations:**

1. UOS: University of Sharjah
2. VCRGS: Vice Chancellor for Research and Graduate Studies
3. TTO: Technology Transfer Office
4. PI: Principal Investigator C. IP Ownership Rights
5. Intellectual Property: IP

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Unless otherwise stated in this policy, UOS shall own all Intellectual Property Rights of inventions or creative works carried out by faculty, staff and students at or under the auspices of UOS making substantial use of its resources.

## Procedures

### A. IP Ownership Rights

Unless otherwise stated in this policy, UOS shall own all Intellectual Property Rights of inventions or creative works carried out by faculty, staff and students at or under the auspices of UOS making substantial use of its resources.

#### 1- Intellectual Property Created by Faculty and Staff

a- Except as stated in paragraphs e and f of this section, UOS shall own all Intellectual Property invented, created or designed by faculty or staff members (post-docs, assistants, trainees, or students who are hired as employees) for the purpose of research, teaching and administration during their Employment at the university.

b- Intellectual Property developed by faculty or staff as result of significant support from the UOS, including funds, facilities, resources and space is assigned to the university and considered university-owned.

c- A faculty or staff member shall be required to sign any documents or formalities required to facilitate the protection of the invention and the filing of patent applications and the related procedures, including assigning his/her intellectual property rights to UOS

d- By signing these documents, the inventor agrees to assign the intellectual property s/he has developed to UOS to be managed by the Technology Transfer Office.

e- UOS does not claim ownership of copyright in any written work written by faculty for the purpose of scholarly research, such as: journal articles, conference proceedings and scientific books.

f- UOS does not claim ownership of copyright material in artistic, musical, or imaginative works created or composed by faculty, except where such a work is considered as a potentially valuable IP asset - upon recommendation by the TTO - or has been specially made on request by the university.

#### 2- Intellectual Property Created by Students

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a- Students who create intellectual property as a result of their participation in study programs at UOS, such as PhD dissertations, research reports or graduation projects shall retain ownership rights to that property unless:

- i- It makes considerable use of UOS property, personnel or facilities.
- ii- It is supported by a direct allocation of funds through the University (grant, contract, fellowship, scholarship, etc.)
- iii- It is commissioned by the University.
- iv- It is subjected to contractual obligations such as a sponsored research agreement.

b- If any of the above conditions are met, students shall be treated in the same way as any UOS employee. Students must disclose to the Technology Transfer Office any intellectual property they have developed in which UOS may have ownership rights.

c- A faculty member who supervises students should have them sign an Assignment of Ownership Agreement Form and a non-disclosure form.

d- Any student engaging in research or development of intellectual property under the supervision a faculty in connection with any program or activity subject to this Intellectual Property Policy shall claim no ownership rights, unless s/he has significantly contributed to the IP creation, and will be eligible to share the income and/or equity distribution determined by the Technology Transfer Office proportionally to his/her contribution as per the signed IP disclosure form.

e- If a student independently creates and owns intellectual property that s/he believes to have a commercialization potential, the student may ask the TTO support to involve the university in the commercial exploitation of that property and shall assign the IP rights to UOS. In this case all the other procedures of IP policies - including revenue distribution - shall be applied.

## **B. Responsibilities**

### 1- University Responsibilities

The TTO of the Office of the Vice Chancellor for Research and Graduate Studies (VCRGS), on behalf of the University, shall have the responsibility to:

- a- Define the procedures for the exploitation of Intellectual Property created by UOS Inventors
- b- Provide oversight of Intellectual Property management and technology transfer

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c- Provide legal advice and services to assist in the commercialization of university-owned intellectual property

d- Reward inventors through reasonable sharing of royalties from inventions assigned to the university

e- Provide the necessary financial resources for the protection and commercialization of intellectual property

f- License and market the Intellectual Property

g- Take measures to protect the University's Intellectual Property.

## 2- Responsibilities of UOS Inventors

Employees (Faculty or Staff) and students, have the responsibility to:

a- Adhere to the principles embodied in the above guidelines

b- Create, retain, and use Intellectual Property according to applicable UAE and international laws, and University Policies

c- Disclose promptly in writing any and all Intellectual Property (whether or not patentable) pursuant to these guidelines and regardless of the funding source of the research leading to such Intellectual Property

d- To assign title to such Intellectual Property to the University

e- Provide all necessary documents requested by the university in a timely manner

f- Sign, when so requested by the TTO, any documents or formalities required to proceed with filing the application (e.g. declaration of invention, deed of assignment ...etc.)

g- Cooperate with the TTO in securing and protecting the University's Intellectual Property, including cooperation with the university's agents (i.e. patent attorneys, IP Lawyers) in obtaining and maintaining patent, copyright, or other suitable protection for such Intellectual Property and in legal actions taken in response to infringement

h- Cooperate with TTO to commercialize their inventions in a way that is compliant with the university bylaws, including those governing conflicts of interest

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i- Delay publication as stipulated in the terms of sponsoring contracts or grants and consider delaying public disclosure to ensure proper patent protection

j- Refrain from taking any actions that is inconsistent with the university's ownership of the intellectual property

k- Refrain from using the university's name, logo or other university identifier in any commercial context involving university-owned intellectual property without prior written permission from the university

### **C. Disclosure of Intellectual Property**

#### 1- The Obligation to Disclose

a- Individuals subject to this Intellectual Property Policy are required to promptly disclose to the TTO all Intellectual Property in which the University has an ownership interest under the provisions of the Intellectual Property Policy, or for which disclosure is required by contract or law

b- Prompt disclosure is necessary for Intellectual Property conceived and/or made with external funding so that the University may meet its legal obligations under such funding agreements

c- Any publication or verbal disclosure that describes patentable Intellectual Property prior to filing for patent protection may entirely disqualify patenting. In recognition of this complexity, individuals covered by Intellectual Property Policy are encouraged to disclose as soon as possible after the conception of the Intellectual Property or to seek guidance from a technology licensing professional at TTO as required

d- An invention disclosure provides information about the inventor(s), the nature of the invention and the circumstances that have led to the invention. The inventor must also submit manuscripts, sketches, drawings and other relevant data or materials as part of the disclosure

e- Disclosure shall be made on a Disclosure Form available from TTO (appended to this policy) and shall include a full as well as complete description of the discovery and the list of Inventors, distributed according to the percentage of their contributions

f- Failure on the part of the inventor to complete the Disclosure Form as required shall not in any manner harm or weaken the ownership rights and obligations of either the University or the inventor as described in this Policy

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## **2- Disclosure Evaluation**

a- Upon receipt of a completed disclosure form, the TTO will conduct a review of the disclosure to determine the rights and obligations of all parties concerned and the commercial significance of the discovery. The TTO will evaluate patentability issues through consultation of specialized patent attorney(s)

b- The head of the TTO may also appoint, at his/her discretion, evaluation committees with expertise in the concerned field of research to help in the process of patentability evaluation

c- As per this policy, the TTO is required to consult with the Inventor(s) or any other relevant parties to better understand the disclosure's scientific and commercial merit and then devise strategies for protection, development and commercialization

d- It is the obligation of the Inventor(s) to make available to TTO and university patent's agents any additional information as needed in all stages of this process

e- The decision to seek patent protection is made by the TTO based on the disclosure data submitted by the inventor(s) after objective evaluation of the originality of the invention and its commercial potential

f- In making the decision about whether or not to file patent applications, the TTO shall take the following factors into consideration:

- i. The extent to which the university has ownership
- ii. Whether or not the inventor(s) has/have made full disclosure of the intellectual property to the TTO
- iii. Whether or not there are conflicts of interest
- iv. Whether or not the university has the right to file the application if the inventor(s) is/are using an external grant

g- During the evaluation process, the inventor of the intellectual property as well as the staff and students who have knowledge of the invention must take all reasonable steps to protect the intellectual property by avoiding public disclosure

h- The TTO will inform the Inventor(s) of the outcome of its review regarding rights and obligations as soon as practical, but no later than 90 calendar days from receipt of a complete disclosure of Intellectual Property

## **D. Patent Protection**

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1- In administering the patent protection, the TTO shall act to bring to the public all inventions in which UOS has ownership rights. In so doing, the TTO shall use any appropriate means for the development, promotion and licensing of intellectual property, consistent with the guidelines of this policy

2- UOS, through its TTO, is free to enter into any agreement with any external party that may help the university to develop inventions, obtain patents or promote the manufacturing of inventions, provided that such agreements are in line with its intellectual property policy

3- By securing intellectual property protection for UOS, the university has the right to exclude all outside parties from making, using or selling the invented products in the jurisdictions the UOS has sought protection in

4- The TTO is not committed to seek patent protection for inventions it deems having no sufficient commercial potential

5- Any publication or non-confidential disclosure that describes the invention, even in minimal detail, before filing the patent application shall disqualify patenting as indicated in (C. 1)

#### **E. Copyright protection**

1- Copyright protection for books, computer software, artworks and other copyrightable materials is also covered by this policy which aims at:

a- recognizing and protecting authorship of creative works

b- licensing, using and commercializing university-owned works

c- allowing the university to reproduce individually-owned copyright materials for educational purposes after obtaining author/creator's written consent

2- Copyrighted materials remain the property of their creators (i.e. individually-owned) unless they are:

a- developed as part of a university project, program or activity that is funded by the university

b- developed as part of a university-commissioned project or program



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3- UOS may, after obtaining a written consent from the author/creator of individually-owned materials, to use, reproduce or commercialize such materials after mutual agreement on royalty distribution.

4- In order to acknowledge authorship and protect the originality of the work, UOS, through its TTO, requires the author/creator to fill in and submit a IP Disclosure Form (available on the TTO website) to the TTO prior to publication of the work

5- Once the copyright disclosure form is submitted and approved by the VCRGS and the TTO, the creative work is added to the university-owned copyrighted materials

6- UOS is entitled to a royalty-free non-commercial use of any copyrightable materials that have been developed by staff or students (other than books and materials published outside the university) if the development of such materials used university facilities, supplies, equipment, or any other services.

#### **F. Tangible Research Property**

1- University-Owned Tangible Research Property (hereafter TRP) for which a patent application has not been yet filed shall typically remain under the protection of the principal investigator and the research team

2- If a faculty member or a student wants to transfer TRP to another institution for research purposes, s/he must fill and submit a Materials Transfer Agreement Form (MTA) that is obtainable from the TTO

3- A faculty member or a student who wants to transfer TRP to external party for commercial purposes, such a transfer must obtain the approval of VCRGS through a written agreement between UOS and the external party

4- Faculty or students who have developed a TRP and wish to take copies or samples upon leaving the university must also obtain the approval of VCRGS before displacing these types of materials from the university premises. TRP that are under the IP evaluation process, however, remain confidential within the university premises.

#### **G. Commercialization**

1- Commercialization is one of UOS priorities in developing and distributing its owned intellectual property. It also facilitates technology transfer for the benefit of the local and international community.

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2- UOS's commercialization policy is intended to benefit the university, the inventor and the public. The TTO's decisions to commercialize intellectual property on behalf of UOS shall be conducted in accordance with the guidelines of this policy

3- As per these guidelines, the TTO shall choose the most convenient method to transfer UOS Intellectual Property consistent with its mission and for the benefit of the public

4- The TTO shall have authority to deal with agreements that concern the transfer of university-owned patent rights, computer software and other copyrightable materials as well as tangible research materials.

5- To ensure successful commercialization, the TTO, Colleges, Departments and the Inventor(s) shall work in consultation with one another

6- The TTO shall, in consultation with inventor(s), have the authority to make decisions concerning the method of commercializing a UOS Intellectual Property, and to consult external parties, including legal advisors and patenting agencies to help in commercialization

7- The authority to sign licenses or agreements regarding the transfer of university-owned intellectual property shall remain with the VCRGS and the TTO. Inventor(s) of university-owned intellectual property have no right to negotiate any licensing agreements with any external party under any circumstances

8- The university may also set further guidelines addressing potential conflicts of interest in licensing in addition to the existing conflict of interest policies.

#### **H. Distribution of Licensing Revenues**

1- Unless otherwise stated in this policy, the University shall share revenues derived from the commercialization of its owned intellectual property with all involved Inventors among its employees and students.

2- All royalty payments derived from university-owned intellectual property shall be administered by the TTO and the VCRGS

3- After recovery IP protection expenses, the net royalty revenue shall be distributed as follows: 50% to the inventor(s), and 50% to the University. The university share, in turn, is distributed as follows:

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a- 40% to the VCRGS to support TTO and research activities at the University;

b- 5% to the Inventor(s)' College(s), if applicable; and 5% (or 10% if "c" is not applicable) to the Inventor(s)' Department(s) or equivalent unit(s)

4- The VCRGS may assign portions of the university's share of the net royalty income to any other relevant unit

5- When inventor(s) of Intellectual Property cannot be clearly or fairly identified, royalties will be shared between the university and the relevant academic department or research institute

6- In all cases, the reimbursement of the expenses, net royalty income for the intellectual property and the final distribution of shares shall be determined by the VCRGS based on recommendation by the TTO

7- For the commercialization of intellectual property owned by more than one inventor, the net royalty income shall be shared equally by all inventors, unless they agree otherwise as specified in the IP Disclosure Form

### **I. Dispute Resolution**

1- If a dispute occurs as a result of the application of this policy or any of its related procedures, the VCRGS shall assign a moderator (arbiter) to help the parties resolve their dispute

2- If such a dispute cannot be resolved through the help of the assigned moderator, the VCRGS shall appoint a qualified expert from the university or from an external entity to recommend unbiased and fair settlement of the dispute

3- To gather sufficient evidence, the expert studying the case may interview the parties to the dispute, including staff and students who may submit their responses in writing to the expert

4- The outcomes of the expert study as well as the resulting recommendations, after consultation with TTO, shall be sent to the VCRGS for final decisions

5- After examination of the expert's recommendations, the VCRGS shall make, in writing, a final judgment on the dispute