Proposal

for

INTELLECTUAL PROPERTY RIGHTS POLICY

Liaquat University of Medical & Health Sciences, Jamshoro

Liaquat University of Medical & Health Sciences, Jamshoro

Intellectual Property Rights Policy

1. Introduction

1.1 Intellectual Property laws of Pakistan include the copyright laws, patent laws and trademark laws. This area of law protects the work of creative individuals and businesses from unauthorized use or exploitation by third parties. By utilizing Intellectual Property laws, creators and innovators can fully protect and benefit from their creations.

1.2 Pakistan is a signatory to World Trade Organization (WTO), which aims to increase international trade. Under the provisions of this agreement all states which subscribe to WTO become bound to a mutual recognition of intellectual property rights at a higher level of protection that the older conventions could offer. Pakistani intellectual property laws take into account the provisions of WTO.

1.3 Further, Pakistan is a signatory to the Berne Convention for the Protection of Literary and Artistic Work of 1886 and the Universal Copyright Convention of 1952 and Agreement on Trade Related Aspects of Intellectual Property Rights, 1995 (the "TRIPs"). The Berne Convention's basic requirement is that each member state must follow the principle of national treatment where, in case, the country of origin of a work is a Berne state, other members must accord to the work the same treatment as they offer to their own national.

1.4 The TRIPs is an international treaty administered by the WTO which sets down minimum standards for most forms of intellectual property (the "IP") regulation within all member countries of the WTO. TRIPs deals with: copyright and related rights, such as rights of performers, producers of sound recordings and broadcasting organizations; geographical indications, including appellations of origin; industrial designs; integrated circuit layout-designs; patents, including the protection of new varieties of plants; trademarks; trade dress; and undisclosed or confidential information, including trade secrets and test data.

1.5 Pakistan Penal Code provides punishment under sections 478 to 489 against infringement of trade, property and other marks. This shows both international and national ramification of IP laws. Owner of the exclusive licensee of copyrights in case of an infringement, are entitled to all such remedies by way of injunction, damages, accounts and otherwise as are conferred by law for the infringement of a right. Similarly, the holder of a valid Patent in Pakistan shall have the right to prevent the third parties, not having owner's consent, from the acts of making, using, offering for sale, selling, or importing and having the right to assign, or transfer by succession, the patent and to conclude licensing contracts.

1.6 The proprietor of a registered trade mark shall also have exclusive rights in the trade mark. The infringement of the registered trade mark shall entitle its proprietor without prejudice to the rights to obtain any relief, by way of damages, injunctions, accounts or otherwise as is available in respect of the infringement of any other property right, under any law for the time being in force, the proprietor shall also have the right to obtain relief under the Ordinance if the trade mark is infringed.

2. Purpose

2.1 This policy provides guidelines for the staff, students and researchers of the University regarding Intellectual property rights and their implications and to protect their interest and rights against infringement. In the course of research, scholarship, education, and other activities, Liaquat University of Medical & Health Sciences faculty, staff, and students create patentable inventions, copyrightable works, and other forms of intellectual property that merit legal protection and have financial as well as scientific and scholarly value. The University seeks purposeful translation of such intellectual property to societal good whenever possible. The University is committed to timely assessment of legal protection and potential societal benefit of University intellectual property and to sharing equitably the rights and royalties resulting from intellectual property licensing.

3. Objectives

3.1 The main objectives of this policy are:

To provide a platform for the encouragement of discovery spirit among the faculty and students and encourage and aid scientific investigation and research;

To set out the procedures on the identification, ownership, protection and commercialization of Intellectual Property;

To protect the ownerships rights of researchers / innovators with respect to their intellectual

efforts; To provide researchers assistance for patenting of their creative work and patents;

To raise awareness and sensitize about Intellectual Property Rights;

To ensure that economic benefits arising from the commercialization of Intellectual Property are distributed in a fair and equitable manner recognizing the contributions of the Inventors, the University as well as any other relevant stakeholders;

To assure that name, insignias and logos of Liaquat University of Medical & Health Sciences are properly used, and to receive a fair share of any commercial gains from the use of its names;

To protect the interests of the University and ensuring that the University receives value in the commercialization of its intellectual rights.

4. Scope and jurisdiction

4.1 This Policy shall apply to all Intellectual Property developed or created in the course of work or study at the University.

4.2 The jurisdiction of the policy extends to all University Personnel and Students and applies to all programs supported by the University, including all campuses, departments, owned, controlled and managed by the University.

4.3 This IP Policy shall cover all types of intellectual property rights under relevant IP Laws of the

country, such as:

Copyright Ordinance, 1962

Registered Designs Ordinance, 2000

Registered Layout-Designs of Integrated Circuits Ordinance, 2000

Patents Ordinance, 2000

Trade Marks Ordinance, 2001

Merchandise Marks Act, 1889

The Trade Marks (Invalidation and Summary Registration) Act, 1950 The

Electronic Transactions Ordinance, 2002

Sections relating to infringement of Trade, Property and Other Marks in the Pakistan Penal Code, 1860

5. Ownership Policy Principles

5.1 All rights and titles in Intellectual Property devised or created by an employee and students of the University in the course of his or her duties and activities of employment shall belong automatically to the University and are subject to this policy. This however excludes articles, dissertations, thesis, and books, which are produced solely by one or more student / employee of University in performance of the research agreement.

5.2 If the University's resources are used and the funding is generated from any external source, University shall be the owner of any IP thus generated.

5.3 If the research leading to an Intellectual Property has been funded by or through the University by way of a grant or any other funding body (government or private), the terms of the grant or the funding agency may override any of the rules contrary to the University's IP Policy.

5.4 If an employee of the University creates Intellectual Property outside the normal course of his or her duties of employment, with the significant use of University Resources he or she will be deemed to have agreed to transfer the IP Rights in such Intellectual Property to the University as consideration for the use of University Resources.

5.5 Intellectual Property created in the course of, or pursuant to a sponsored research or other type of agreement with a third party, shall initially belong to the University and then ownership shall be determined according to the terms of such agreements.

5.6 In case of inventions, improvements, or discoveries and all works of authorship by joint sponsorship, all rights and titles to Joint Intellectual Property will belong jointly to University and Sponsor and are subject to the terms and conditions of this Agreement.

5.7 Rights related to Intellectual Property that is created during an academic visit by the employee of the University to another University shall be governed by an agreement between the University and the other University. If the University's IP Rights are not affected, the IP created during the visit shall belong to the other University unless otherwise provided in an agreement.

5.8 Visiting Researchers are required to transfer to the University any Intellectual Property they create in the course of their activities arising from their association with the University. Such individuals will be treated as if they were University employees for the purposes of this Policy.

5.9 Students who are not employed by the University shall own all Intellectual Property and associated IP Rights they create in the normal course of their studies. However, the following exceptions shall apply.

If a student is offered a studentship sponsored by a third party under a separate agreement, under which the third party has a claim on Intellectual Property arising from the studentship, thestudent must agree that the Intellectual Property shall initially belong to the University and ownership will then be determined in accordance with the terms of the agreement concluded with the third party.

Intellectual Property created by students in the course of, or pursuant to, a sponsored research or other agreement with a third party shall initially belong to the University and ownership will then be determined in accordance with the terms of the agreement concluded with the third party.

If a student creates Intellectual Property with the significant use of University Resources in connection with his or her research activity, he or she will be deemed to have agreed to transfer the IP Rights in such Intellectual Property to the University as consideration for the use of University Resources.

5.10 The University shall claim ownership of all Intellectual Property created in the course of postgraduate (doctorate) students' research activity.

5.11 Students shall be given the option to assign IP Rights to the University and shall then be granted the same rights as any employee Inventor as set out in this Policy.

5.12 All rights in Copyrighted Works are owned by their creators regardless of the use of University Resources. Copyrighted Works specifically commissioned by the University or developed in the performance of a sponsored research or other third party agreement shall constitute an exception where the provisions of such agreements shall be taken into account.

6. Administrative Procedures

6.1 The Office of Research, Innovation and Commercialization (ORIC) will be responsible for the management of this policy, including all activities regarding implementing, evaluation, patenting and providing drafting of patent applications, and licensing of new inventions and discoveries made at the University. Requests for any transfer of rights from the University to the Inventor or any other third party should be made in the first instance to the person or department designated by the University.

7. IP Disclosure

7.1 The University encourages its Researchers to identify research results with potential commercialization value and which may enhance the reputation of the University through bringing them to public use and benefit.

7.2 The ORIC Office shall be responsible for the protection and commercialization of the University's Intellectual Property. The Inventor(s) however, shall be consulted in each phase of the procedure.

7.3 Researchers shall be required to present in writing the draft publications containing scientific results to the relevant Head of Department before publishing them, and shall state in writing that, to the best of their knowledge such works do not contain any results for which protection may be obtained or which can be exploited in any way.

7.4 Inventors shall fully disclose all research activities and results relevant to the Intellectual Property and provide information about themselves, in particular the percentage of their contribution to the creation of the Intellectual Property and the circumstances under which it was created. The detailed description of the Intellectual Property shall be presented in such a manner that the inventive activity involved and its novelty as well as its susceptibility of industrial application become explicit and clear-cut for a person skilled in the art.

7.5 Researchers, including employees and students are obliged to disclose all Intellectual Property falling within the scope of this policy.

7.6 Copyrighted Works shall be excluded from the disclosing obligation except for those which were developed in the performance of a sponsored research or other third party agreement.

7.7 If an inventor has developed any IP, the ownership of which is vested in the University, the Inventor(s) must promptly disclose the full details of the IP to the ORIC within one month. The ORIC will evaluate the commercial potential and patentability of the IP. The ORIC may consult independent experts who are competent in the field to assist in the evaluation. In all cases where IP is disclosed by a member of staff for possible commercialization, the University is

obliged to ascertain its commercial potential. Intellectual property disclosures are normally considered confidential by the University, but for the sake of ascertaining its commercial potential, ORIC will inform all members to get feedback.

8. Revenue Distribution

8.1 All revenues derived from the University owned IP will be received and administered by the ORIC. For each specific piece of IP owned by the University, costs incurred in the process of perfecting, transferring, and protecting university rights to the property paid by the University will

first be deducted from the gross income available before distribution. An accurate accounting of all such costs shall be made available to the author/creator upon request. The distribution of net proceeds that is received from University owned Intellectual Properties shall be shared between the creator and the university or on mutually agreed terms and conditions.

9. Dispute resolution and appeals

9.1 In the first instance, disputes shall be dealt with by the head of the department. A decision shall be taken within a month from the submission of the concern. Over and beyond the above, with respect to any legal dispute arising in connection with the rules of this Policy, the relevant provisions of Arbitration Act shall be applicable.

9.2 If a dispute arises with regard to ownership of the Intellectual Property, efforts should be made to resolve it within the Department. If the dispute persists, the aggrieved party shall approach the Director ORIC for resolution of the dispute.

9.3 If the aggrieved party is not satisfied with the decision of the Director ORIC, they may approach the Vice Chancellor to settle the dispute. The Vice Chancellor may accord an order to the University Intellectual Property Committee to look into the dispute. The decision of the Vice Chancellor based on the recommendations of the committee will be final and binding on all parties.

9.4 Any dispute between University Personnel and Students or between Students relating to the ownership of Intellectual Property shall be referred to the Director ORIC. If the matter is not resolved through the intervention of the Director, an appeal may be lodged with the Vice Chancellor whose decision will be final.

10. Breach of the rules of this Policy

10.1 Breach of the provisions of this Policy shall be dealt with under the normal procedures of the University in accordance with the relevant provisions of laws.

11. University Intellectual Property Committee

11.1 A University Intellectual Property Committee may be constituted, with membership comprised of faculty and staff reporting to the Vice Chancellor. The Committee will be responsible for reviewing this policy and recommending new or revised operational procedures to improve, implement, and support the policy. To aid the Liaquat University of Medical & Health Sciences Community in complying with this policy or resolving issues arising under it, the Committee will provide guidance.