

Ateneo de Zamboanga University

Intellectual Property Policy

Article I

Introduction

This Intellectual Property Policy (IPP) is established for the management of *Intellectual Property* of the Ateneo de Zamboanga University (ADZU). Specifically, it aims to:

- 1.1 Provide the guidelines and procedures for the protection of intellectual properties (IP);
- 1.2 Provide a mutually beneficial reward scheme for the creators of IPs and ADZU in relation to the financial gain resulting from technological transfer and/or commercialization;
- 1.3 Set standards for determining the rights and obligations of ADZU, creator/authors, and the sponsors with respect to the IPs created at the university;
- 1.4 Strengthen academic research initiatives of ADZU; and
- 1.5 Enhance the reputation of ADZU as an academic research institution that pursues the highest ideals of scholarly activities and that confers the benefits of these scholarly activities on the community.

Article 2

Definition of Terms

- 2.1 **Ateneo Research Center** – the office in charge of research undertakings, the same office that will manage the IPs of the university.
- 2.2 **Creator** – the author, inventor, and/or researcher, composer (or painter and other artists) of an original intellectual property.
- 2.3 **Intellectual Property (IP)** - anything that is a product of an original creative thought. It includes, but is not limited to the following:
 - Inventions
 - Discoveries
 - Software
 - Trade secrets
 - Trade and service marks

- Writings
- Art works
- Musical compositions and performances
- Literary works
- Architecture

- 2.4 **Patent** - an exclusive right issued to a creator to make, use, sell, or import the product of his/her invention within the Philippines in exchange of his patentable information or disclosure.
- 2.5 **Royalty** – payment made for the use of the property, especially a patent, copyrighted work, franchise, or natural resource. The amount is usually a percentage of revenues obtained through its use.
- 2.6 **Service load** – A paid academic load given to a faculty member for special assignments.
- 2.7 **University resources** – the tangible resources provided by ADZU to creators, including office, laboratory, wages and salaries and studio space and equipment; computer hardware, software, and support; secretarial service, research, teaching and laboratory assistants; supplies, utilities, funding for research and teaching activities, travel; and other funding or reimbursement.
- 2.8 **Transfer of rights** – the transfer of ownership of an IP to a third party, most often for the purpose of commercialization.

Article 3 Coverage

This policy applies to all members of ADZU - teaching and non-teaching staff, including part-time employees, and contractual workers, i.e. visiting or affiliate professors, consultants, and researchers.

Article 4 Ownership of Intellectual Properties

- 4.1 The Ateneo de Zamboanga University has the right to own all IPs that are created using its resources (manpower, equipment, facilities, and time). These include but are not limited to the following:
- IP outputs that are in the job descriptions;

- IP outputs that are not part of the job description but are given as a special assignment with corresponding remuneration in the form of service load or honorarium;
 - Thesis, dissertations, and similar outputs of faculty and staff who are sent for formal study, seminar, workshop, training, and the like; and
 - Works commissioned by the university.
- 4.2 Intellectual properties that are created and/or developed without significant use of university's resources and are not externally sponsored by university partners in any way shall not be owned by the university.
- 4.3 Artistic, literary, and scholarly intellectual properties that include works of art, music recordings and lyrics, scholarly books, poems, articles, speeches, and others will be owned by the creator as long as they were not developed in the performance of a sponsored research or any other agreement with the university and its agents.
- 4.4 The university will not also own students' copyright in papers, theses, dissertations, and projects written or done to earn credit to satisfy university degree requirements.
- However, the student shall grant to the university a royalty-free permission to use the IP for educational purposes. Such IP can be reproduced in any form, published, and distributed.
- 4.5 The creators will provide the necessary documents, upon the request of the Ateneo Research Center (ARC), to effect the university's ownership rights. Generally, creators and research investigators will retain custody of tangible research property while at the university.

Article 5

Intellectual Property Protection

- 5.1 The ARC will decide on matters of property protection. It will determine if a certain IP needs to be protected by applying for copyright, trademark, patent, or any other form of intellectual protection. The cost incurred for the protection of an IP will be borne by the university.
- 5.2 This policy does not preclude the publication of the works of recipients of research grants. However, the ADZU being the owner of such IP has the right to delay its publication for a reasonable period, i.e. not more than 3 months, to preserve patent, copyright, or any other intellectual property protection.

Article 6 Commercial Venture

After securing the appropriate IP property protection/s, the university shall initiate possible commercial venture with interested party for the IP commercialization. Appropriate measures will be observed for the protection of the interests of both the university and the creator of the IP.

Article 7 Profit Sharing

Profit, after the deduction of all expenses incurred for the protection, development and/or commercialization of IPs , will be shared in the following manner:

- 6.1 For P1,000,000.00 and lower, the creator(s) will receive 50%; the remaining 50% will go to the university.
- 6.2 For P1,000,001.00 to P5,000,000.00, the creator(s) will receive P500,000.00 or 40% of the gross, whichever is higher; the remaining amount will go to the university.
- 6.3 For P5,000,001.00 and higher, the creator(s) will receive P2,000,000.00 or 30% of the gross, whichever is higher. 10% will go the department where the creator(s) belong and the remaining amount will go to the university.

Article 8 Administration

The Ateneo Research Center (ARC) under the supervision of the academic vice-president will handle all IP matters. It shall supervise the implementation of the IP Policy and commercialization of university IP assets. The following are its functions and responsibilities:

- 8.1 Administer and monitor the implementation of the IP Policy;
- 8.2 Evaluate the potential of the works and/or inventions submitted for commercialization;
- 8.3 Negotiate with ADZU personnel with respect to the development of independently owned technologies after a determination of their commercial potential for purposes of registration, licensing or joint venture arrangements;
- 8.4 Manage the ADZU's patent portfolio including the drafting, filing and prosecution of applications with the Intellectual Property Office of the Philippines (IP Philippines) as well as the maintenance of granted patents and registered trademarks;

- 8.5 Administer the funds allocated for patenting and activities related to the protection and commercialization of the university IP;
- 8.6 Negotiate and manage contracts for the production, distribution and marketing of ADZU's IP assets;
- 8.7 Spearhead the preparation of business and marketing plans, and in securing financial assistance for any commercialization project/activity;
- 8.8 Administer payments derived from any commercialized IP assets;
- 8.9 Negotiate all license agreements for the university IP.

**Article 9
Dispute Handling**

An *ad hoc* committee composed of the president of the faculty club or non-academic staff organization (whichever the creator/s is/are affiliated), two college deans, and two senior faculty members based on rank shall hear, mediate or resolve any conflict, dispute, or misunderstanding arising from the interpretation of this policy.. The committee will come up with recommendations that will be acted upon by the AVP in consultation with the university president.

**Article 10
Review of this policy**

This policy shall be subjected to review every two years to ensure that the changing demands of time are addressed.

Some provisions are adopted from IPO/CHED: Draft Template on Intellectual Property Policy for Higher Education Institutions (HEI), Draft IP Policy Template as of Aug 26.doc

Approved by:
