

Kinnaird College for Women

IP and Commercialization Policy

Through this policy Kinnaird College for Women [KCW] intends to create an enabling environment for ideas to translate into inventions and business innovations generating value for its inventors, associates and investors.

Table of Contents

1. IP policy.....	2
2. Scope.....	2
3. Intellectual Property (IP) Policy Statement.....	3
4. Intellectual Property (IP) Rights.....	3
5. Definitions.....	3
5.1 Patent.....	3
5.2 Copy Right.....	3
5.3 Trademark.....	5
6. Funding.....	6
7. IP Ownership & Revenue Sharing.....	7
8. Licensing.....	7
9. Distribution of Financial Returns.....	7
10. Confidentiality.....	8

1. IP policy:

Through this policy Kinnaird College for Women [KCW] intends to create an enabling environment for ideas to translate into inventions and business innovations generating value for its inventors, associates and investors.

This policy provides a basic guideline of the practices of Kinnaird College's Intellectual policy for staff (Academic & General), researchers, students and any other related person associated with KCW. Furthermore, it provides guidelines for ownership, commercial development and distribution of research work and technology developed by Kinnaird College for Women's faculty, staff, students and anyone associated in any manner with KCW. It also explains the rules of sharing of revenue with staff, faculty, students and other parties who generate the intellectual property [IP] which is then exploited commercially.

2. Scope:

This policy is equally applicable to all the departments /centers of KCW.

3. Intellectual Property (IP) Policy Statement:

Intellectual property rights refer to the principal rights relating to the ownership and dissemination of research and technology. Here the term technology includes but not limited to inventions, teaching material, innovations, discoveries software etc.,

3.1 Kinnaird College for Women (KCW) seeks to develop an environment that encourages creative work and disseminates it for public benefit while protecting rights of creators / innovators.

3.2. KCW values creativity and to get it recognized as intellectual property, understands its commercialization for financial return.

3.3. In commercialization process, creators / innovators will be shareholders in financial return.

4. Intellectual Property (IP) Rights

4.1. Intellectual Property (IP) rights discussed in this policy are:

- a. Patents
- b. Copyright
- c. Trademarks.
- d. Companies
- e. Consultancy services

4.2. For the purpose of this policy, members of KCW includes

- i. Faculty (Regular/Contractual/Adhoc)
- ii. Staff (Regular /Contractual/Adhoc)
- iii. Students
- iv. Research Associates / Research Fellows/Research Assistants
- v. Incubatees.

5. Definitions:

For the purpose of this policy, following are defined as

5.1 Patent

A patent is defined as “an exclusive right granted for an invention, which is a product or a process that provides a new way of doing something, or offers a new technical solution to a problem”.¹ This policy adapts Pakistan’s patent laws i.e. patent Ordinance, 2000, Patent Rules 2003.

5.2. Copy Right

“The rights that creators have over their literary and artistic works.”² This policy adapts the Copyrights laws of Pakistan includes The Copyright Ordinance, 1962 [Xxxiv Of 1962] ,Copyright Rules, 1967.

- a. Duration of copyright protection is life time of the author plus 50 years thereafter.
- b. Copyright is moral and economic right(s) of authors / writers, publishers, performers and producers of sound recordings (phonograms).
- c. Work which can be registered under copyright protection is categorized as:

5.2.1. Literary, Dramatic, and Musical Work

- a. ‘Literary work’ includes works on humanity, religion, social and physical sciences, tables "compilations and computer programs, that is to say programs recorded on any disc, tape, perforated media or other information storage device, which, if fed into or located in a computer or computer-based equipment is capable of reproducing any information".
- b. ‘Dramatic work’ includes any piece for recitation, choreographic work or entertainment (in a show), scenic arrangement or acting form of which is fixed in writing or otherwise but does not include a cinematographic work.

¹ WIPO, What is a Patent?, available at:

http://www.wipo.int/edocs/pubdocs/en/patents/450/wipo_pub_l450pa.pdf.

² WIPO, Copyright, available at: <http://www.wipo.int/copyright/en/>.

- c. 'Musical work' means any combination of melody and harmony - printed, reduced to writing or otherwise graphically produced or reproduced.

Examples: books, novels, dramas, journals, magazines, lectures, sermons, computer programs and compilations.

5.2.2. Artistic Work

Artistic work means:

- a. A painting, sculpture, drawing (including a diagram, map, chart or plan), an engraving or a photograph, whether or not any such work possess artistic quality.
- b. An architectural work of art.
- c. Any other work or artistic craftsmanship

Examples: Paintings, photographs, architectural works, drawings, calligraphies, sculptures, logos, label designs and monograms.

5.2.3. Cinematographic Work

Cinematographic work means any sequence of visual images including video films of every kind, recorded on material of any description (whether translucent or not), whether silent or accompanied by sound, which, if shown (played back, exhibited) conveys the sensation of motion.

Examples: motion pictures / documentaries (on VCD, DVD or video cassette).

5.2.4. Records

Record means any disc, tape, wire, perforated roll or other device in which sounds are embodied so as to be capable of being reproduced therefrom, other than a sound track associated with a cinematographic work.

Example: Voice / music (on CD or audio cassette).

5.2.5. Procedure of Registration of Copyright

Procedure of registration of Copyright as per guidelines of Intellectual Property Organization (IPO) - Pakistan is based on following steps):

- Creator will file 'application for registration' to ORIC.
- After preliminary examination, ORIC will send the material to Copyright Office (IPO-Pakistan).
- After examination, Copyright Office will register for Copyright (otherwise, it will inform ORIC).
- For registration, form to be submitted along with registration fee to be deposited in the form of a Demand Draft/Pay Order in the name of Director General IPO-Pakistan.
- Copyright Office will issue Certificate of Registration to ORIC.
- ORIC will present Certificate to the creator.

5.3 Trademark

“A distinctive sign” that allows goods and services to be identified as associated with a particular individual or business”.³ This policy adopts Trademarks Ordinance 2001, Trademarks rules, 2004

- a. The law considers a trademark to be a form of intellectual property. Trademark means any mark capable of being represented graphically and capable of distinguishing goods or services of one undertaking from those of other undertakings.
- b. A trademark registration is valid for ten years counting from the date of filing in the territory of Pakistan. The registration can be renewed for an unlimited number of successive ten year periods. In principle, a trademark can be protected forever.

5.3.1. Procedure of Registration of Trademark

Procedure of registration of Trademark as per guidelines of Intellectual Property Organization (IPO) - Pakistan is based on following steps:

- a. Applicant will file ‘application for registration’ to ORIC.
- b. ORIC will file search request for the ‘mark’ to ‘Trademarks Registry’/IPO Regional Office; search is to be made to check whether there are any identical or similar marks present on the Register (database).
- c. If identical or similar mark is present in the Register, ORIC will inform the applicant. If identical or similar mark is *not* present in the Register, an application may be made in writing to the ‘Registrar of Trademarks’ for registration of a trademark.
- d. ‘Registrar of Trademarks’ will generate Examination Report (after three months).
 - (1) If there are any objections on the applied trademark, ORIC will be informed in the form of a Show Cause Notice (to applicant). Applicant is required to submit a reply within two months from the date of issue of Show Cause Notice.
 - (2) If there are *no* objections, application will be published in the Trademarks Journal.
- e. If oppositions are filed to the published application within two months from date of publication of the Trademarks – ORIC will be informed hence, the applicant.
- f. If *no* oppositions are filed to the published application within two months from date of publication of the Trademarks Journal, the application stands accepted and *Demand Notice* is issued to the applicant through ORIC.
- g. On the receipt of registration fee, ‘Registrar of Trademarks’ will issue *Registration Certificate* to ORIC.
- h. ORIC will present Certificate to the applicant.

6. Funding

All funding is made in the name of KCW and not in the name of any individual/department. All the account details will be maintained by the account office of KCW. Without prior approval of the

³ WIPO, Trademarks, available at: <http://www.wipo.int/trademarks/en/trademarks.html>.

competent, concerned and authorized authority, no faculty/individual/department to carry out research or any other activity such as consultancy, training, outreach event or projects.

7. IP Ownership & Revenue Sharing:

7.1 Any, inventions created with the use of KCW's resources (e.g. equipment, facilities, or funding administered by KCW) are co-owned between the inventors and KCW at the point of creation. Co-ownership between the KCW and inventors also applies even when a third-party possesses rights to the inventions (e.g. IP rights granted through a research agreement).

7.2 KCW reserves right to enter into any agreement which may override provision of this policy.

8. Licensing

KCW may provide, under certain circumstances, non-transferable, non-exclusive, irrevocable license to a government or a third party, if required.

8.1. Procedure

The procedure as per guidelines of Intellectual Property Organization (IPO) - Pakistan to get an IP registered is depicted below (and in Figure-1).

- a. When an IP is created, member has to notify ORIC within 45 days by filling Disclosure Form.
- b. A patent can only be granted for an invention that has not yet been disclosed to the public, neither in writing nor orally, according to IPO-Pakistan.
- c. ORIC will perform IP search in databases – if an IP has not been patented, an application will be filed along with the fee in Pakistan's Patent Office (PO). PO will publish results in gazette.
- d. In case of company formation, as per the ownership of the equity revenue shall be distributed among Inventor and company (university can be the owner if the inventor wishes to transfer its technology on commercialize scale).

9. Distribution of Financial Returns (for IP and Commercialization)

From the Commercialization of IP, financial returns shall be distributed using either of the two following formulas (unless otherwise specified in agreement):

Formula-I: IP created by utilizing University facilities and/or resource person.

- i. To the Inventor / Creator = 60%
- ii. To University Fund = 30%
- iii. To ORIC = 10%

Formula -II: IP created without utilizing University facilities.

- i. To the Inventor / Creator = 80%
 - ii. To University Fund = 13%
 - iii. To ORIC = 7%
- KCW reserves the right to revise the above mentioned formula of distribution at any stage.
 - In case of more than one investors/creator/innovator/researcher, distribution of net revenue will be decided among them and be communicated to ORIC within 3 months. In case of not intimating, KCW reserves the right to take decision.
 - KCW will distribute the net revenues as decided, even if the creator/innovator/researcher is no more employed with the KCW.
 - In case of consultancy services provided by Faculty to other organizations through university/ORIC, 15% of the service charge shall be added for University/ORIC (10% University + 5% ORIC), for the facilitation offered.
 - KCW may uphold any payment ,in due process of law
 - The policy is subject to revise after 2-3 year

10. Confidentiality:

Any information related to IP is considered confidential and proprietary. Such information may include, but is not limited to discoveries, ideas, trade secrets, concepts, techniques, designs, specifications, know-how, drawings, diagrams, prototypes, data, computer programs, business development plan, business plan, financial analysis, feasibility report, business activities and operations, reports, studies and other technical and business information hereinafter referred to as “Confidential Information”.

