

BIUST Document Control Cover Sheet

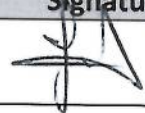
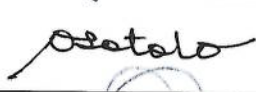
1.0 Document Information

Document Title : INTELLECTUAL PROPERTY POLICY
Doc No: ORDI 02.01.2017

2.0 Document History

Version	Date Released	Released to	Purpose
V 1.1	24-08-2017	Ad-Hoc Committee On Scientific Research	Internal Review
V. 1.2	25-08-2017	Quality Assurance Office	Compliance
V 1.3	28-08-2017	DVC Research, Development & Innovation	Review & Recommendation
V 1.4	06-09-2017	Executive Management Team	Review & Recommendation
V 1.5	18-01-2018	Faculty Boards	Review & Recommendation
V 1.6	02-02-2018	SENATE	Review & Recommendation
V 1.7	(24-25)-06-2018	COUNCIL Workshop	Review & Recommendation
V 1.8	19-03-2020	COUNCIL	Review and Approval

3.0 Document Sign Off:

Name	Position/ Role	Signature	Date
	Ag. DVC Research, Development & Innovation		24-8-2020
	SENATE Chair/Vice Chancellor		27-08-2020
	Chairperson Of COUNCIL		04/09/2020

Policy Title:	INTELLECTUAL PROPERTY POLICY
Policy Number & URL:	ORDI 02.01.17
Policy Category:	Research Policy
Responsible Division/Faculty/Directorate:	Office of Research, Development & Innovation
Policy Owner:	Vice Chancellor
Policy Manager:	Deputy Vice Chancellor Research, Development & Innovation
Policy Approved by:	COUNCIL
Policy Approval Date:	
Policy Effective Date:	
Policy Review Date:	
Related Policies, Guidelines & Regulations:	

1. Background

Botswana International University of Science and Technology (BIUST) encourage the practical application and economic use of the results of research carried out in the University for the benefit of the general public. This policy on Intellectual Property (IP) is therefore adopted by the university to ensure that its intellectual property is properly protected, managed and where appropriate commercialised. This policy relates to the ownership, protection and commercial exploitation of Intellectual Property created by Researchers in the course of their duties or activities at the Institute.

2. Purpose

This Intellectual Property (IP) Policy aims to empower Botswana International University of Science and Technology (BIUST) to identify, protect, manage and commercially advance its IP for the benefit of the University and the community at large. This policy also endeavours to support a research philosophy in which translational research, technology transfer and entrepreneurial endeavour are rewarded.

3. Scope

This IP Policy encompasses staff, affiliates, visitors and students at BIUST and their current or potential collaborators of other parastatal institutions, government institutions, universities staff members and managers of the industry, domestically and internationally. For completeness, this IP Policy must be read together with the BIUST IP Guidelines.

4. Policy Goal

To ensure a common understanding of the rights, obligations and the associated requirements for the research activities including consultancy in BIUST.

5. Policy Objective

The objective of this Policy is to provide a framework for governing the rights and responsibilities of all stakeholders in relation to inventions and copyrightable works arising from their activities.

6. Policy Principles

6.1 Protection of BIUST research

BIUST encourages research and innovation that may lead to tangible products that are of high quality and suitable to sustain the development towards a knowledge-based economy. In Botswana, the inventions that are disclosed at parastatal institutions or government institutions belong to that institution. BIUST delegates the responsibility of innovations to the inventors and BIUST supports the registration and dissemination of inventions according to international law of Intellectual Property (IP) rights that are stipulated by the World Intellectual Property Organization (WIPO).

6.2 Purpose of BIUST research and *Patentable Invention*

- 6.2.1 inventions shall be registered at at CIPA through the BIUST Office of Research, Development and Innovation (ORDI), before results of the invention is published at conferences, symposia, workshops or international scientific literature.
- 6.2.2 BIUST ORDI evaluates inventions with respect to novelty and applicability. The quality of the invention, as evaluated by BIUST ORDI decides the further processing of it towards protecting of IP rights in the form of utility products, trademarks, patents or other proprietary rights.
- 6.2.3 All parties of the innovation process are subjects to confidentiality until the ownership of IP rights have been decided upon by BIUST ORDI
- 6.2.4 BIUST encourages collaboration between external inventors and BIUST staff members to work on potential inventions and increase the market value of potential products and/or protection of IP rights.

- 6.2.5 BIUST sets up guidelines for conditions of collaborations, sharing of costs and royalties with the inventors.

6.3 Ownership of IP

- 6.3.1 BIUST Employees: by the general rule, BIUST owns the IP generated by a staff member during the course and scope of employment.
- 6.3.2 Students: by the general rule, BIUST owns the IP generated in the course of student enrolment.
- 6.3.3 Research Staff, Visiting Lecturers or Students, Visiting Fellows and employees visiting from other organizations or institutions: the IP will be shared in proportion to BIUST resource contribution.
- 6.3.4 Independent contractors: BIUST owns the IP.
- 6.3.5 Commissioned works: any work commissioned by BIUST from its Employees and Visitors, BIUST owns the IP.

6.4 Works excluded from Ownership by BIUST

- 6.4.1 Copyright in a Student's thesis that has been supervised by an Employee of BIUST or that is part of BIUST's R&D project to the Student Author.
- 6.4.2 Copyright in academic and literary publications or articles, books; designs, graphics, musical works, and works of art including photographs produced as an art form, films, video recordings.
- 6.4.3 If BIUST decides to not support an invention, all IP rights and ownership of the invention are transferred exclusively to the inventor(s).

6.5 Confidentiality

- 6.5.1 All BIUST IP shall only be made available with permission from the BIUST ORD.
- 6.5.2 All BIUST members or external partners are subject to confidentiality and signing of non-disclosure agreements, memoranda of understanding and/or memoranda of agreements, as deemed fit for purpose.

- 6.5.3 Any research required to be published for degree purposes should be reviewed to identify any IP and such IP must be kept confidential.

6.6 Benefit sharing

- 6.6.1 BIUST sets up guidelines to conditions of collaborations, sharing of costs and royalties with the inventors
- 6.6.2 Conditions of collaboration and sharing of costs, royalties and revenues of start-up companies and spin-off companies that are based on research and innovation of BIUST are negotiated on a case-by-case agreement with BIUST ORDI.
- 6.6.3 In the case where there is more than one inventor or originator of a work, the benefits will be shared according to relative contribution of the parties.

6.7 Granting IP rights to other institutions/persons

- 6.7.1 BIUST shall have the sole discretion regarding the Commercialisation of IP owned by it, considering the public interest and benefits to Botswana.
- 6.7.2 BIUST reserves the right not to exploit or commercialise any IP should it deem not to be viable or in the best interest of BIUST, the public interest or the Creators. Therefore, BIUST shall assign or license IP to the originator.

6.8 Utilization of IP

- 6.8.1 Where appropriate, BIUST shall establish or participate in the establishment of start-up companies or spin-off companies where it is deemed to be the most relevant mechanism for Commercialisation of the IP.
- 6.8.2 In exceptional circumstances, BIUST may also assign the IP to a third party, including a start-up initiative or spin-off result for Commercialisation.

6.9 Management of IP

- 6.9.1 The Deputy Vice Chancellor Research Development and Innovation is the manager of this policy.

6.9.2 This Policy will be reviewed at planned intervals as per the BIUST Policy on Policies.

6.10 Conflict of Interest

6.10.1 BIUST Employees, Visitors and Students should avoid situations where they have a significant financial interest that could directly and significantly affect their responsibilities within BIUST.

6.10.2 Any potential and existing conflict of interest must be reported to the BIUST ORDI.

6.11 Dispute Resolution

6.11.1 Disputes or questions shall be referred to the member of Executive Management to which the Employee, Student or Visitor reports in consultation with BIUST ORDI. If the matter cannot be resolved, it must be referred to the Research and Innovation Committee for mediation or arbitration.

6.11.2 In the event of a creatorship dispute arising with an external third party, the matter must be referred to the Research and Innovation Committee for referral to an attorney with suitable expertise.

7. Policy Applicability

The policy covers all research entities and all parties involved in research with BIUST.

8. Policy Implementation Framework

The Deputy Vice Chancellor Research and Innovation is the custodian of this policy and the Guidelines to the IP rights. This Policy will be reviewed at planned intervals.

9. Definition of Terms

Commercialisation- any form of exploitation of IP and includes assignment, licensing, establishment of a Spin-off company to offer the IP to the market as a product or service.

Creator - any person or persons to whom this Policy is applicable, who create, conceive, reduce to practice, author, or otherwise make a substantive intellectual contribution to the creation of IP and who meets the definition of 'inventor' as implied in Botswana Industrial Property Act or the definition of Author as generally implied in copyright law.

Innovation- is an activity that leads to creation of a new method or device that may be patentable.

Intellectual Property (IP) - all outputs of creative endeavour in any field at BIUST for which proprietary rights may be obtained or enforced pursuant to any international law including the laws of the Republic of Botswana

Invention- an idea of an inventor which permits in practice the solution to a specific problem in the field of technology, as defined in the Botswana Industrial Property Act.

Inventor- an individual covered by this Policy who individually or jointly with others makes an Invention and who meets the criteria for inventor ship under the Botswana Industrial Property Act.

IP Rights- ownership and associated rights relating to IP, including patents, rights in utility models, plant breeders rights, rights in designs, trademarks, topography rights, know-how, trade secrets and all other intellectual or industrial property rights as well as copyrights, either registered or unregistered and including applications or rights to apply for them and together with all extensions and renewals of them, and in each and every case all rights or forms of protection having equivalent or similar effect anywhere in the World.

Spin-off- a company established for the purpose of exploiting IP owned by BIUST.

Technology Transfer - the process of transferring IP developed by the University's Employee, Visitors and Students to another organisation (e.g. private company) for the purpose of further development and commercialisation.