



BLANTYRE INTERNATIONAL UNIVERSITY

BIU INTELLECTUAL PROPERTY POLICY

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1. Introduction

Blantyre International University (BIU) is dedicated to its primary functions of education, research, knowledge expansion, and the application of knowledge for the betterment of society. In the course of research, teaching, and other activities, BIU's staff and students generate intellectual property (IP), such as teaching materials, theses, software, or designs. The rapid evolution of the internet and modern technologies has not only provided greater access to scholarly materials but has also given rise to conflicts over ownership and use of these materials. Hence, BIU recognizes the need for well-defined IP policies to address the ownership and management of teaching materials, access to scholarly information, and the use of third-party materials. In line with its commitment to the common good, BIU supports and encourages endeavors that bring research outcomes from various fields to benefit society. The university is also committed to ensuring fair assessment of legal protection and equitable sharing of rights and royalties resulting from IP licensing.

2. Purpose

This policy serves to define the rights and responsibilities of BIU, its staff, students, and affiliated individuals concerning the ownership and management of intellectual property. It provides insights into key aspects of the IP Policy, detailing how intellectual property is created, owned, disposed of, and transferred within the university.

BIU is dedicated to teaching, research, and knowledge dissemination for the public's benefit. The university strongly encourages staff and students to engage in creative and scholarly activities, resulting in new and valuable materials, devices, processes, and other forms of intellectual property. These contributions have a positive impact on the public good, provide educational opportunities, enhance professional development, and boost the university's reputation.

3. Goals

The goals of BIU's IP policy encompass:

- a) Encouraging Knowledge Generation: Creating an environment that stimulates the generation of new knowledge by staff and students.
- b) Facilitating Transfer to Society: Ensuring the broad transfer of useful inventions and writings to society.
- c) Promoting Invention and Innovation: Encouraging researchers to exploit opportunities for invention and innovation, enhancing benefits to society.
- d) Enhancing University Reputation: Strengthening the university's standing as an academic research institution and a contributor to society's well-being through scholarly and teaching excellence.

4. Principles

This policy is built on the following guiding principles that connect faculty, staff, and students to the university:



- a) **Individual Creation:** Intellectual property is generated by individuals or groups of individuals who have the right to determine its course of disclosure; safeguarding academic freedom takes precedence over potential financial gains.
- b) **Historical Traditions:** There is a tradition allowing authors to retain ownership of intellectual property rights, particularly in the case of textbooks and works of art.
- c) **University Support:** The university is a support system for the entire campus community, thus entitled to share in financial rewards.
- d) **Fair Incentives:** Incentives should be in place for all parties to collectively pursue financial rewards in line with the policy's objectives. The distribution of rewards should, as much as possible, reflect the creator's creative contributions, as well as the resources and risks undertaken by both the creator and the university.
- e) **Negotiation Emphasis:** Given the difficulty in meaningfully assessing risks, resources, and potential rewards, negotiated agreements are encouraged whenever possible.

5. Application of Policy

This policy applies to staff and students involved in research projects at BIU.

6. Ownership of Intellectual Property

- a) **Intellectual Property Created by Staff:** IP created by staff in the course of their employment or duties belongs automatically to the University.
- b) **Intellectual Property Created Outside Scope:** IP created outside the scope of University employment and without significant use of University resources is owned by the individual creator.
- c) **Intellectual Property under Sponsored Agreements:** IP created as a result of work conducted under an agreement between an external sponsor and the university, specifying IP ownership, follows the terms of that agreement.
- d) **Intellectual Property Created by Students:** IP created by students as part of their coursework is ordinarily owned by the student. The University retains ownership if the IP emerges from a student's participation in the university's sponsored work or with the University's financial assistance or research fellowship.
- e) **Academic Works in Educational Resources:** In the case of academic works integrated into educational resources designed for ongoing classroom use (e.g., lecture notes, presentations, tests), the University has a perpetual, nonexclusive, royalty-free license to use such academic works for educational purposes.



- f) Specific Agreements: The University and an individual staff member or student may negotiate written agreements for special projects, such as University publications or digital courseware, which may alter the application of this policy.

7. Disclosure

Staff and students must disclose to the University all potentially commercializable intellectual property and associated materials that they create. This includes work:

- a) In the course of employment or duties.
- a) Pursuant to sponsored research or agreements with third parties.
- c) Outside the course of employment or duties when using University resources.

When in doubt, staff and students should err on the side of disclosure to the University.

8. Dispute Settlement

In cases of disagreement between individuals and the University regarding ownership rights, the Academic Dean will conduct a review and render a determination. The burden of proving that intellectual property was created outside the scope of University employment and without significant use of University resources falls on the individual. Decisions of the Academic Dean may be appealed to the Chancellor.

Staff and students entering consulting or private agreements outside the University should ensure that such agreements do not require the assignment of University-owned intellectual property.

9. Commercialization

The University will collaborate with creators of intellectual property to determine the potential commercialization of intellectual property. Protection of intellectual property may be sought when it is likely to facilitate commercialization or when required by an external sponsor.

The University seeks to license intellectual property in ways that promote its use for the public good. Faculty members have a significant role in deciding how intellectual property is publicized, commercialized, developed, and disseminated. The University permits staff and students to make their University-owned inventions and copyrightable works accessible, provided this aligns with existing University agreements.

10. Revenue Sharing

In the event that intellectual property generates revenue, the University and the creators will share the net revenue (gross proceeds less University costs) from the sale or licensing of patents or copyrights on a 50:50 basis.

11. University Intellectual Property Committee

The Chancellor will establish an Intellectual Property Committee comprising members



nominated by all University faculties. This committee will review the policy, recommend operational improvements, and provide support for its implementation.

12. Amendment

This policy may be amended by the University Board at any time.

13. Definitions

In this policy:

Contract:

A legally binding agreement between parties that obligates each to certain duties. Those signing such an agreement must be authorized to represent their entity.

Copyright:

Copyright refers to the exclusive rights held by a copyright owner to reproduce, create derivative works, distribute, and publicly display or perform a work. It doesn't protect ideas but safeguards the expression of ideas in various forms such as literary works, music, software, videos, and more. These rights are subject to statutory limitations like fair use. Copyright initially belongs to the author(s) of the work.

Creator:

A creator is a person, which may include both staff and students, who has played a role in developing an invention, discovery, or technological advancement, regardless of whether they meet the established legal standards for inventorship.

Disclosure:

Disclosure involves sharing information with one or more individuals, which is relevant in the context of intellectual property created at the university.

Faculty:

Faculty represents the university's organization of departments categorized into different fields or disciplines.

Folklore:

Folklore refers to oral histories preserved by different cultures, including traditions, music, stories, legends, and myths that are handed down through generations. These traditions help people give meaning to their lives and surroundings.

Intellectual Property:

Intellectual property encompasses all legally recognized forms of intellectual property, including copyrights, patents, trade secrets, trademarks, and traditional knowledge, in addition to tangible research property used or produced during university research projects.



Invention:

An invention is the creation of new intellectual property that didn't previously exist. It may be a novel, non-obvious product, process, or improvement, for which a patent can be obtained.

License:

A license is a contractual agreement that grants a party, other than the intellectual property owner, the right to make, use, sell, or import products or services based on the owner's intellectual property. These licenses may be exclusive or nonexclusive and may involve payments or royalties to the owner.

Mask Work:

A mask work refers to a series of images embodying the original three-dimensional topography of a semiconductor chip product. Protection lasts for ten years from registration or commercial exploitation, and notice is permissive.

Net Proceeds:

Net proceeds refer to the revenue received by the university from the assignment, sale, or licensing of intellectual property, minus associated costs such as application, litigation, and marketing.

Patent:

A patent is a grant that gives the owner the exclusive right to exclude others from making, using, selling, or importing the invention.

Trademark:

A trademark is a distinctive symbol, phrase, or design that identifies the source of a product or service. Unlike patents and copyrights, trademarks can exist indefinitely.

Trade Secret:

Trade secrets comprise confidential data, information, or compilations used in research, business, commerce, or industry, which are not publicly known and provide a competitive advantage. They must be kept secret to maintain their status.

Traditional Knowledge:

Traditional knowledge is the collective knowledge, innovations, and practices of indigenous and local communities passed down through generations, which often pertain to agriculture, health, and environmental management.

Staff:

Staff includes employees of the university who are not students. Part-time employees who are also students are considered staff concerning intellectual property developed during their employment and students for other intellectual property.



Student:

A student is any full-time or distance learning graduate or undergraduate student at the university.

Significant Use of University Resources:

This term refers to substantial, unreimbursed use of major university facilities, which is crucial to creating intellectual property. The usage must exceed what the creator would spend in the public market, typically over \$500 (five thousand dollars) in constant 2018 dollars. Incidental use or common facilities are not considered substantial use.

University:

University refers to Blantyre International University itself. These definitions clarify key terms used in the Blantyre International University Intellectual Property Policy, providing a common understanding of their meanings within the context of the policy.