



[Document subtitle]

USET INTELLECTUAL PROPERTY (IP) MANUAL

1.0 Title: Intellectual Property Policy/Manual

2.0 Purpose/ Objectives

The purpose of this policy is not limited to the following;

- a) To provide legal certainty on matters affecting intellectual property (IP) and intellectual property rights (IPRs), including Copyright and Related Rights within the University of Applied Science, Engineering and Technology (USET) and beyond.
- b) To promote scientific research and technological development within USET and beyond
- c) To encourage researchers, students and staff of USET to consider possible opportunities. for exploiting inventions to increase potential flow of their benefits to the society
- d) To build the Intellectual Property (IP) and Technology Transfer profile of the University
- e) To provide environment that support innovation and development balancing the various conflicting interest of the University and its stakeholders in the industry and society at large.
- f) To supporting IP protection, through registration of intellectual property rights of USET products from various units, including innovation labs, construction, electronics, engineering and among others.
- g) To provide environment that ensure compliance with applicable national laws and regulations.
- h) To introduce intellectual property (IP) and technology transfer education and training in all schools of the University.

3.0 Statement of Rationale

The University of Applied Science, Engineering and Technology (USET) shall strive to support its various schools (institutes and units), students and staff to secure commercial development of intellectual property resulting from their research projects and other creative and innovative initiatives for the benefit of USET and the society at large. As such, institutes/ schools of USET that make inventions and discoveries as part of their academic work shall be encouraged to develop such inventions and discoveries in line with the academic mission of USET by providing incentives, including protection of their intellectual property rights (IPRs) for both academic and commercial development.

3.1 Definition

Intellectual Property as use in this policy is the product or creation of the human mind and those human creations enjoy protection under two main branches of law such as Copyright Law and Industrial Property Law. Copyright protects artistic and literary works, through the 1709 Statute of Anne, the first Copyright Law in Great Britain and the 1886 Berne Convention, which inspired Copyright laws of various countries across the globe Whereas, the Industrial Property Law protects intellectual property rights as patent, trademarks, industrial designs, utility models among others, inspired by the 1883 Paris Convention, which also inspired various industrial property laws across the globe. In essence, Intellectual Property is a major driver for nation's socio- economic growth. This is because it encourages, research and development, innovation, creativity,

entrepreneurship and competition in all sector of the countries development activities. This policy is inspired by history and objectives of The Gambia Technical Training Institute (GTTI), which was established by an Act of Parliament in 1980 with the objectives of providing training opportunities for the middle and subprofessional levels of the technical and vocational human resource requirements of The Gambia. It began operations in 1983 with the provision of craft level programs in a variety of technical and commercial disciplines with qualifications awarded by International Examination Bodies such as City and Guilds. However, over the years, the institution expanded its programs from the original craft level provision to a fully Technological Certificates (TC) and Diploma programs, including introduction of higher national diplomas following by the ongoing plans for transformation of the institution into University, which shall be offering science, engineering and technology related programs and the institution is aware of the need for responding to changing circumstances relating technology transfer, creation of employment opportunities, contribute towards achieving effective sustainable national development among other legal mandates of the institution (GTTI) now USET.

4.0 Persons Covered/ Scope of the Policy

This policy covered and governs all staff in USET, including part-time staff, visiting lecturers or teachers full and part-time agents, students (undergraduate, diploma and certificate students), interns among others whether or not they receive all or any part of their salary or other compensation from USET (The University).

4.1 Responsibility

The Technology Transfer and Intellectual Property Office (TTIPO), through IIE and Office of The Vice Chancellor (VC) shall have the responsibility of administering and implementing this policy and as such, issues not expressly addressed in this policy shall be referred to the Technology Transfer and Intellectual Property Office (TTIPO) for resolution.

5.0 USET Ownership of Intellectual Property

The USET Ownership of Intellectual Property shall not be limited to the following:

5.1 The Significant use of the University resources

Where any substantial use of the University laboratories, equipment, funds, personnel or facilities are or were used in the production of the intellectual property, the University shall have the right of ownership. However, this shall not apply to those resources provided generally to all faculty and staff, such as the use of libraries and offices

5.2 Institutional Works

- a) These refer to any works created under the auspices or supervision of the University by employees or contractors as the University, rather than personal, efforts. Such works include: “works for hire” or hired work as defined under the Copyright Law, including computer programs written by hired programmers.
- b) Work(s) which the University commissioned or commissions non-employees to prepare, such as a University publication, architectural designs, engineering studies and consultants’ reports among others.
- c) In order to fully protect the interests of USET, this IP Policy shall seek to obtain a written agreement affecting such hired or commissioned works.

5.3 Intellectual Property Agreement

- a) All persons who has a technical responsibility to the University, or whose participation in either internal or external sponsorship research program at USET, shall be required to execute an Intellectual Property Agreement with the university.
- b) Each department shall be responsible for securing execution of the Intellectual Property Agreement (IPA) at the outset of the individual's employment or other association with the University.
- c) For non-student employees, the Human Resources Office shall assist in this process at the time of hire and engagement and a completed form or details of such hire and engagement should be copied to the Technology Transfer and Intellectual Property Office (TTIPO).

5.4 Disclosure

The Intellectual Property that is or are subject to the ownership of the University under this policy, shall be disclosed to the Technology Transfer and Intellectual Property Office (TTIPO) to avoid conflict of interest and such disclosure must be made before any other actions such as presentation, exhibition, publication of the work to the public and failure of doing so, shall result in loss of right(s) and their subsequent commercial use.

5.5 External Sponsorship of Intellectual Property

When intellectual property is or were developed under a research sponsored by external sources, including The Government of The Gambia and other private sector stakeholders, the research agreement shall typically provide the sponsor with certain rights to that material and may impose other duties, such as advance notice of publication among others and Technology Transfer and Intellectual Property Office (TTIPO) should be consulted for assistance in understanding and complying with such terms therein.

5.6 Independently Owned Intellectual Property

Person(s) who wish to pursue the development of their independently owned intellectual property may offer it to the University by disclosure to the Technology Transfer and Intellectual Property Office (TTIPO). The University will evaluate the commercial potential of the work disclosed and determine whether or not it will be accepted for licensing and acceptance for licensing will require assignment of the property rights to the University.

5.7 Consulting and Other Agreements

In order to avoid conflicts with third parties over intellectual property rights and potential loss of the University and individual rights to the intellectual property, all individuals covered by this policy are prohibited from signing consulting agreement(s), visiting scientist agreement(s) or any other agreement(s) with third parties that are inconsistent with the provisions of this policy. The Technology Transfer and Intellectual Property Office (TTIPO), shall be available to review agreement(s) with outside entities for USET (University) and to advise them on possible changes that would be necessary to ensure the agreement(s) is or are not inconsistent with the University (USET) policies. As such, the various schools or institutions of USET are strongly encouraged

to submit proposed agreement(s) with outside entities to the Technology Transfer and Intellectual Property Office (TTIPO) for review to determine whether potentially inconsistent portions or terms can be shared without compromising confidentiality.

5.8 Rights of Others

Staff and students of USET shall be required to observe the rights of other owners of intellectual property in line with the objectives of promotion and protection of intellectual property and intellectual property rights. The use of protected Intellectual property without the consent of the owner shall be within the framework of limited exceptions as fair use, academic or educational use, research, scientific, medical among other permitted use, otherwise unlawful use may result in civil or criminal action or penalties.

6.0 Protection of Intellectual Property Rights

6.1 Copyright

Prior to any publication, a copyright notice should be placed on all materials in which USET owns the copyright and such notice as; Copyright © plus the year of protection and all right reserved phrase, which is a copyright notice indicating that, a copyright holder has all the exclusive rights to a work and no one else may use it unless he/ she granted permission.

6.2 Academic Referencing

USET shall adopt the American Psychological Association (APA) referencing style for acknowledging original source(s) used in academic and research writings. The main components of APA referencing style are:

6.2.1. in-text with example; Santos (2015), conducted a study and revealed that, almost all member states of ARIPO have put in place institutional framework for Copyright Enforcement, though various names, mission and vision statements are given to them by various member states.

6.2.2. Reference list end-text (citations), with example 1, where book was the source; Collier, A. (2008). The world of tourism and travel. Rosedale, New Zealand: Pearson Education New Zealand.

6.2.3. Example 2, where Internet Source was used; Morrissey, M. (2014). An Alternative to Intellectual Property; Theories of Locke and Utilitarian Economics. Retrieved from <https://www.digitalcommons.isu.edu/gradschool.theses/p11.pdf>

6.3 Plagiarism

Plagiarism is the use of someone else's work without giving them proper credit. In academic writing, plagiarizing involves using words, ideas or information from a source without citing it correctly and in practice, it can cause trouble for others, especially authors as far as their moral and economic rights are concerned.

6.4 Copyright Declaration for Examinations

I hereby affirm that, this examination/ final examination represents my own written work and that, I have used no sources or aides other than those cited. All passages quoted from publications, websites or paraphrased from external sources are properly cited and attributed as mentioned under the regulations and plagiarism warnings.

6.5 Patent

Patent applications for USET owned discoveries and inventions shall be coordinated through the Technology Transfer and intellectual Property Office, but patent related legal and registration expenses are the ultimate responsibility of USET and the individual schools or institutions.

6.6 Trademark

Notice to protect trade and service marks should be accompanied by the TM or SM designations respectively and be followed by a noun such as Trademark (TM and the brand.

7.0 Commercialization

USET should encourage commercial development of creative, innovative works and inventions for the public use and benefit. This requires the University (USET) to grant one or more enterprises a license to further develop, use, or sell those works and inventions.

8.0 Waiver of USET IP Rights

USET shall waive its rights to intellectual property in favor of the inventor(s) or author(s) only if USET determines that, it has no general proprietary interest in the knowledge and that such a waiver:

- a) would enhance the transfer of the knowledge into useful applications for the public benefit
- b) does not raise a conflict of interest
- c) is consistent with the University's obligations to third parties, particularly the sponsor(s) of the research