



AVANCE INTERNATIONAL UNIVERSITY

QUALITY ASSURANCE DIRECTORATE

Intellectual Property Policy

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Drafted by:

Quality Assurance Directorate
Avance international University

Chairperson University Council

OUR VISION

“To lead in Innovative higher education for social, economic and technological transformation. You will find multi-ethical students, staff, society that outs across all tribes and nationalities”

OUR MISSION

“To enhance Accessibility to innovative higher education in pursuit of producing competent citizens ready to change and benefit the society to sustainable social, economic and technological transformation”

MOTTO

“Enhancing Innovation”

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Intellectual property and copyright Policy

Aim of AVIU Intellectual Property Management Policy

The aim of this policy is to stimulate and support innovative thinking among students and staff, and to enable ownership and efficient management of intellectual assets and innovations produced at AVIU. In addition, implementation of the IPM policy is envisaged to increase income arising from research activities, as well as increase the contribution of AVIU to the wellbeing of society.

Policy objectives

The objectives of the IP Policy are:

To support and promote innovative ideas that can be transformed into useful products for the public good

Avail guidelines for protection of traditional rights of scholars for better management of the products of their intellectual activities.

Ensuring fair and equitable distribution of royalties accruing from the commercial proceeds from the IP.

Ensuring compliance with the applicable legislations and regulations relevant to IP management.

Creation of awareness on IP related matters

Definition of terms

Intellectual Property: means all subject matter capable of being protected by patents, copyright, design, database rights, topography rights, trade mark, plant breeders rights know how and all other intellectual or industrial property rights in each case whether registered or unregistered, and including applications or rights to apply for them together with all extensions, divisional, continuation, continuations in part 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.

Commercialization: Refers to any form of exploitation of Intellectual Property, including assignment, licensing, internal exploitation within the University and commercialization via a spin-off enterprise, whether in return for cash or payment in kind or any other form of value

Copyright: Is defined as the exclusive right of a creator/owner of an original creative work to prevent unauthorized copying. The owner of the copyright in a work has the exclusive right to copy the work. Issue copies of the work to the public, rent or lend the work to the public, perform, show, or play the work in the public, communicate the work to the public and make an adaptation of the work or do any of the preceding acts in relation to an adaptation.

Copyrighted works: Refers to original literary, scientific and art works including articles, books, pamphlets, poems, lecture notes, addresses, sermons, and other literary works of similar nature, dramatic works, music, and artistic musical performances, audio-visual performances, sound recording, broadcasts, and other works of similar nature, computer programs, and data bases (both electronic and hard copy), drawings, maps, illustration, architectural plans, sketches, topography, paintings, photography, typography, mosaic, architecture, sculpture, engraving, lithography, and tapestry, design works, derivative works arising from selection and arrangement of content, translations, adaptations, transformation of pre-existing works, collection of pre-existing works into encyclopedia and anthologies.

Creator: Any person who is covered by this policy and has invented, authored, developed, or created an IP.⁵

Industrial design: An industrial design is the ornamental or aesthetic aspect of an article.

Industrial Property: Industrial Property is a type of IP which refers to patents for inventions, trademarks, industrial designs, and geographical indications.

Intellectual Property Right (IPR): Refers to ownership and associated rights relating to Intellectual Property, including patents, rights in utility model, 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.

Invention: Refers to a product or process that provides a new way of doing something, or offers a new technical solution to a problem.

Inventive contribution: An inventive contribution is either a critical conceptual or creative contribution towards the development of an invention

Normal duties: The normal duties refer to those responsibilities specified in the terms of appointment of AVIU staff.

Patent: A patent is a document that gives an exclusive right granted for an invention.

Premature disclosure: Premature disclosure is the release of information on an invention to the public before patent application is filled. It includes abstracts, theses, poster presentation, or oral talks.

Research Agreement: May refer to Research Service Agreement, Cooperative Research and Development Agreement, Material Transfer Agreement, Confidentiality Agreement, Consultancy Agreement and any other type of agreement concerning research pursued by Researchers and/or Intellectual Property created at the University.

Researcher: means:-

Persons employed by the University, including student employees and technical staff;

Students, including graduate and postgraduate students of the University;

Any persons, including visiting scientists who use the University resources and who perform any research task at the University or otherwise participate in any research project administered by the University, including those funded by external sponsors.

Spin out Enterprise: Means a company established with a view to commercializing IP originating from the university (whether on its own or with other IP).

Substantial use of University resources: Means the use of University facilities, equipment, personnel, library resources, office space and facilities, administrative staff, and postgraduate students⁶

Trademarks: A Trademark is a distinctive sign, which identifies certain goods or services as those produced or provided by a specific person or enterprise.

University Personnel: Refers to the Faculty, staff, and students at the University combined.

Visiting Researcher: Means individuals having an association with the University without being either employees or students. Visiting Researchers includes academic visitors, individuals with honorary appointments in the University and emeritus staff.

Scope of the Policy

This Policy shall apply to all the staff and students of AVIU, any person(s) associated with AVIU, any person(s) who make(s) significant use of resources of AVIU in the process of creating the IP.

The present Policy shall not apply in cases in which the Researcher entered into an explicit arrangement to the contrary with the University before the effective date of the Policy, or the University previously entered into an agreement with a third party concerning rights and obligations set out in this Policy.

Ownership of the IP

AVIU shall own the Intellectual Property Rights (IP Rights) created, made or otherwise devised by a AVIU employee in the course of their normal duties.

Where an employee of the University creates Intellectual Property outside the normal course of his or her duties of employment, with the significant use of the University resources he or she will be deemed to have agreed to transfer the IPRs in such Intellectual Property to the AVIU as consideration for the use of university resources.

AVIU shall own all the IPRs to all inventions, original literary and artistic works, trade secrets and trademarks arising from research funded by the University.

In case the research activity is externally funded, the ownership of the IPR arising from the research shall be managed in accordance to the terms of the contract agreement governing the external funds.

Visiting Researchers are required to transfer to the University any Intellectual Property they create in the course of their activities arising from their association with the University. Such individuals will be treated as if they were University employees for the purposes of this Policy.

Students who are not employed by the University shall own all Intellectual Property and associated IP Rights they create in the normal course of their studies provided that:

Where a student creates Intellectual Property with the significant use of the University resources in connection with his or her research activity, he or she will be deemed to have agreed to transfer the IP Rights in such Intellectual Property to the University as consideration for the use of University Resources.

The University shall claim ownership of all Intellectual Property created in the course of postgraduate (doctorate) students' research activity.

Copyright Ownership

All rights in Copyrighted Works are owned by their authors regardless of the use of University Resources. Copyrighted Works specifically commissioned by the University or developed in the performance of sponsored research or other third-party agreement shall constitute an exception where the provisions of such agreements shall be taken into account.

AVIU shall own all the IP Rights for instructional materials created by her staff and students during the execution of their normal duties.

Such instructional materials shall be created primarily for teaching at AVIU; however, if the instructional materials are created for external use, the provisions of royalty distribution in this Policy shall apply.

Instructional materials developed without substantial use of AVIU resources shall be owned by the author, provided the author does not use the name of AVIU without express written permission from AVIU.

All AVIU-owned copyright distributed to off-campus recipients shall bear a copyright notice clearly printed on the reverse side of the title page or on the graphic user interface of computer software or otherwise conspicuously placed.

The standard format of the copyright notice shall be as shown below.

© Copyright (year)

Avance International University All rights reserved

AVIU shall own the IP Rights to all copyrightable materials commissioned by the University for hire.

The author of any works protected by this Policy shall have a moral right to claim authorship of the work, cite author's name each time the work is used, and to seek relief in case of distortions, mutilation, or modification of the work. The author of the work shall have the moral right to withdraw the work from public domain if the work no longer reflects the intellectual concepts of the author.

Moral rights shall not be assigned to any party.

If the work is created by more than one author and the contribution of each coauthor is indistinguishable, all the co-authors shall have equal economic and morals rights over the works.

The economic right of an author over works is protected during the remaining life of the author and fifty years after the death of the author.

If the work is of joint authorship, the economic right is protected during the remaining life time of the last surviving author and fifty years after the death of the last surviving author.

If the economic right is owned by AVIU, it shall be protected for fifty years from the date of first publication.

In the case of works such as audio-visual, sound recording, photographs, and broadcasts, the economic rights of the author shall be protected for fifty years after consenting to release the work to the public.

The moral rights of an author shall exist in perpetuity irrespective of whether the economic rights are valid or not.