

**REVISED INTELLECTUAL PROPERTY RIGHTS (IPR) POLICY OF
THE UNIVERSITY OF THE PHILIPPINES SYSTEM ***

**ARTICLE 1
COVERAGE**

- (1) *Personnel Covered* – This policy shall apply to all faculty members, researchers, students, staff and visiting professors undertaking research and/or creative activities pursuant to any program, project, grant or contract under the auspices of the university.
- (2) *Matters Covered* – This policy shall cover all research and/or creative activities, tangible research properties or outputs with or without patent or copyright protection, whether for commercial or non-commercial purpose, undertaken using any university resource and including all technology transfer arrangements.
- (3) *Rights Covered* – This shall cover all types of intellectual property rights recognized under Philippine laws such as the Intellectual Property Code as amended and the Plant Variety Protection Act as well as applicable laws of other states.
- (4) *Other Intellectual Property Rights* – This policy does not comprehensively cover guidelines for fair use of intellectual property rights owned by the university, university personnel or third parties.

**ARTICLE 2
GENERAL PRINCIPLES**

- (1) University resources should be used for university purposes and not for personal gain or personal commercial advantage nor for any other non-university purposes. The university subscribes to a policy of recognizing the traditional academic practice of treating faculty members as owners of inventions, works and other intellectual creations they produce without the use of university and/or third party funding and without the use of substantial university and/or third party resources, which are resources that are not ordinarily available to all faculty for traditional academic purposes which includes teaching, research and extension work.
- (2) The university encourages the faculty's full freedom in research and in the publication of their results subject to the adequate performance of their other academic duties;
- (3) The university acknowledges that its efforts to generate income should be weighed against its principal responsibility to provide a favourable environment to explore knowledge for the benefit of the public in general;
- (4) The university accepts that in some cases, the recognition of intellectual property rights of authors and inventors are effective ways to ensure accountability and accessibility of knowledge and technologies.

his/her portion of the share in his/her own name, in which case such inventor shall no longer be entitled to any proceeds from the liquidation of the remaining shares by the university.

The share of the university in the royalty and other revenues mentioned above shall be constituted as a revolving fund for use of the university, deposited in an authorized government deposit bank subject to accounting and auditing rules and regulations. Said revolving fund shall be used to defray intellectual property management costs and expenses including professional fees and to finance research and development, science and technology capability building and technology transfer activities, including operation of technology licensing offices. Provided, that no amount of said income shall be used for payment of salaries, bonuses and allowances.

- (4) *Portability of shares* – Shares in royalty and other revenues such as upfront, milestones and other payments shall be payable to the creator(s)/inventor(s) of the IP even after retirement, termination of their employment with the university or their contract of service or in the case of students after their graduation from the university; provided further, that said creator(s)/inventor(s) have not been dismissed from the university because of violation of provisions of this policy (e.g., selling or compromising university trade secrets). The department/institute from which the invention originated shall also continue to receive its shares in royalty and other payments.
- (5) *Use of copyright, patents and other intellectual property rights of the university* – Pursuant to its public function, the university shall not enter into any kind of contractual arrangement that would deter the public in general from having reasonable access to the works or inventions. Non-exclusive licensing, through which a license may be granted to more than one licensee, is preferred but in some cases, as when significant investments of time and resources are needed to bring the technology to market, an exclusive license may be necessary and appropriate as the same will provide an incentive to the licensee to bear the risks of further development (e.g., in drug discovery and development).
- (6) **University Contracts**
 - a) All contracts for research and the production of creative works, regardless of source of funding, should include provisions for ownership of intellectual property rights and resulting tangible materials, means for the determination of authorship as well as processes for settling disputes on authorship or inventorship.
 - b) No allocation of funds from the university shall be made for research and the production of creative works unless the same are covered by contracts containing the provisions required under (a) above.