

**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.

- i. works that are produced through research and development funded by any Philippine government agency or instrumentality, or government-owned and –controlled corporation from government appropriations and those sourced from government managed official development assistance funds.
- ii. works supported by a specific allocation of university funds or substantial university resources other than the usual salary and resources made available to every faculty, researcher, student or staff;
- iii. commissioned works or those works created at the direction and control of the university through its officials or designates for a specific project or purpose;
- iv. works whose authorship cannot be attributed to one or a discrete number of authors despite the application of processes prescribed under these rules;
- v. works whose authorship cannot be attributed to one or a discrete number of authors because it is the result of simultaneous or sequential contributions over time by multiple authors;

(3) *Waiver of Copyright Ownership by the University –*

- a) in the case of works mentioned in Article 4 section 2 (b) above and works of joint ownership with the university, the university through its designated officials may waive copyright in favor of the creator if all of the following conditions are met:
 - i. the waiver would enhance the transfer of technology or improve the access to the works by the public in general;
 - ii. the waiver does not violate any existing contractual obligation to third parties; and
 - iii. the participation of the university in the work is acknowledged by the creator in all publications of the work, whether local or international.
- b) If the university is unable or has decided not to publish or exhibit the works mentioned in Article 4 section 2 (b) within one year from its disclosure, its copyright is automatically waived in favor of the creator provided that no contractual obligations or rights of third parties will be violated. The one-year period may also be waived by the university at the request of the creator if the work is to be published in a reputable international or local journal relevant to the academic discipline to which the work falls under, provide that no contractual obligations or rights of third parties will be violated. The contribution of the university shall be duly acknowledged in all publications or exhibitions of the work.

(4) *Collaborative Works Among Institutions –* Subject to the provisions of the Technology Transfer Act of 2009 and Article 4 section 2(b) above, and absent any contractual stipulation to the contrary, if the work is the result

of collaborative efforts between the university, an outside entity and the creator/s, the copyright shall be jointly owned by the university, the creators and the outside entity.

- (5) *Determination of Authorship in Cases of Contributed Efforts* –
- a) In the case of works resulting from the contribution of efforts coming from different persons, authorship, whether sole or collaborative, shall be determined as follows:
 - i. by contractual stipulation;
 - ii. by application of the rules for joint, primary and sole authorship as determined by a publication for which the work was intended;
 - iii. through alternative modes of dispute processing including mediation and arbitration to be facilitated by the Office of the Vice Chancellor for Academic Affairs, if the work originated from the efforts of faculty, research staff and students in a single constituent university, or by the Office of the Vice President for Academic Affairs if otherwise.
 - b) Only in the event of failure of any of these modes of dispute resolution may a conflict pertaining to the authorship or copyright of a work be referred for legal action.

ARTICLE 5 INVENTIONS

- (1) *Inventions Covered* – All inventions which may be, or may relate to a product, process, intangible assets such as drug targets and biomarkers, platform technology or an improvement of any of the foregoing, whether or not patentable, including utility models, layouts of integrated circuits, industrial designs and new plant varieties referred to in this policy as inventions, shall be covered by these rules.
- (2) *Ownership of inventions* –
- a) *General Rule* – Except as otherwise provided in these rules, patent rights and/or other rights related to the invention such as undisclosed information or know-how shall belong to the inventors.
 - b) *University Ownership of Inventions* – Subject to the provisions of existing laws such as the Intellectual Property Code of the Philippines and the Technology Transfer Act of 2009, inventors shall disclose the existence and assign patent rights and other related rights such as undisclosed information or know-how pertaining to the following inventions to the university in accordance with contractual stipulations, the implementing rules and regulations of the Technology Transfer Act, these rules and the implementing rules that may be promulgated by the Office of the President.