

**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. inventions 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. inventions 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. inventions produced by an employee as a result of the performance of his or her regularly assigned duties
- iv. commissioned inventions produced at the direction and control of the University in pursuit of a specific project or purpose regardless of the source of funding;
- v. works whose inventorship could not be attributed to one or a discrete number of inventors despite the application of processes provided in these rules.

(3) Inventions Funded by Outside Entities

- a) Subject to the provisions of the Technology Transfer Act of 2009, in the event that funding for the research and creation of the invention is sourced by the university, wholly or partially, from outside entities, the university shall negotiate with the funding entity with respect to the ownership of the invention, patent rights and royalty sharing subject to confirmation by the Board of Regents. The agreement shall bind all parties including the inventors.

- b) In default of a negotiated agreement, all patents to inventions the research funds were sourced from or by the university shall be owned by the university.

(4) Waiver by University of Rights to Patent

- a) in the absence of existing contractual obligations to third parties, the university may release patent rights to inventors if all the following conditions are met –
  - i. the university elects not to file a patent application as when the invention does not appear to be commercially viable and the inventor is prepared to do so;
  - ii. the waiver would facilitate the transfer of technology or its access to the general public; and
  - iii. the equity of the situation clearly indicates that such release should be given.
- b) No waiver shall be given unless there is a written commitment that no further development of the invention shall be made involving