

**INTELLECTUAL PROPERTY TECHNOLOGY TRANSFER OFFICE
DIRECTORATE OF RESEARCH INNOVATION AND COMMUNICATION
EBONYI STATE UNIVERSITY, ABAKALIKI**

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POLICY DOCUMENT AND GUIDELINES

A. MANDATE

1. The EBSU-IPTTO shall aim to be one of the foremost IPTTO centres in Nigeria with an excellent platform for promoting research, innovations and inventions, facilitating and promoting intellectual property rights, and ensuring speedy technology transfers to public- and private-sector end-users.

2. The philosophy of the centre shall be in line with that envisaged by the World Intellectual Property Organisation (WIPO), which is summarised in the following words:

Most universities and R&D institutions in developing countries are now entering a stage where they will be expected to interact more with industry as well as governmental and nongovernmental organizations, in terms of consultancy, research contracts and commercialization of inventions, innovations and research findings. Collaboration between universities and industry or other bodies is not a new phenomenon. What perhaps will be new is the increased reliance of universities and R&D institutions on industry as a source of income.¹

3. EBSU-IPTTO shall focus on providing the enabling environment for the University to use intellectual property system as a source of technology information, a source of generating wealth and income to support research activities, and as a medium for promoting interaction and strengthening closer ties between the University and industries/private entrepreneurs.

¹ World Intellectual Property Organisation (2004), Guidelines on Developing Intellectual Property Policy for Universities and R&D Organizations, WIPO, Geneva

B. DUTIES OF THE EBSU-IPTTO

1. The responsibilities of the centre shall be specifically be:²
 - i. To protect the traditional rights of scholars to control the products of their scholarly work;
 - ii. To establish standards for determining the rights and obligations of the University, the creators of intellectual property and their sponsors, with respect to inventions, discoveries and works created at the institution;
 - iii. To determine the patentability or copyright ability of the outcomes or outputs of research studies and other scholarly efforts in the University;
 - iv. To facilitate the process of commercialising inventions and intellectual property emanating from the EBSU, and manage the commercial dissemination of intellectual property in the University
 - v. To facilitate the process of protecting, licensing and marketing of intellectual property in EBSU
 - vi. To initiate and manage an Innovation Endowment Fund as may be established by the University.
 - vii. To attract funding for the promotion and protection of intellectual properties in EBSU
 - viii. To partner with relevant agencies, such as the National Office for Technology Acquisition and Promotion (NOTAP) Abuja, the World Intellectual Property Organization (WIPO), funders, industries and governments, in other to promote and protect entrepreneurial activities in and from EBSU
 - ix. To facilitate the resolution of conflicts arising from intellectual property ownership and uses between EBSU and her staff, and between EBSU and external consultants, and between EBSU employees and external commercial users of intellectual property.
 - x. To manage all documentations relating to the intellectual property creations, patented research outcomes, and inventions from EBSU.

² These objectives are consistent with what exist in prominent universities such as University of Chicago, University of Benin, and the World Intellectual Property Organisation guidelines.

2. EBSU-IPTTO INTELLECTUAL PROPERTY POLICY

i. The Coverage

The coverage of EBSU-IPTT policy shall include: patents, industrial design, copyrights, new plant varieties, trade and service marks, utility models, and trade secrets.

ii. Ownership

Consistent with global practice and the provisions of WIPO, the university is expected to own any intellectual property that is made, designed, discovered or created by a member of staff, students, guest researchers etc., in the course of their employment and responsibilities or which makes significant use of the institution's resources (including institution-administered funds, facilities, or equipment) in connection with its development.

However, in the spirit of academic freedom, ownership of intellectual property shall be with the creator/inventor. If intellectual property is created by a faculty or department as a unit, then ownership should be that of the EBSU. In the event that intellectual property arises from a contract between the University and an outside body, the terms of the contract determines who takes ownership between the two.

The following classes of agreement shall be used for establishing the ownership status of intellectual property in EBSU:

- a) Participation agreement – which shall bind transactions between EBSU on one side, and the staff, students and guest lectures/researchers on the other side.
- b) Service agreement – which shall be in evoke in transactions between EBSU and outside parties.
- c) Material Transfer agreement – which shall cover the transfer of proprietary tangible property (e.g. biological materials) from the industry to the university or from the university to the industry.

iii. Disclosure

It shall be the duty of all the parties in each class of IP agreement to disclose all potentially patentable inventions conceived or first put into practice either entirely or partly in the course of their institution responsibilities, or with more than incidental use of the institution's resources.

As a preliminary step towards obtaining intellectual property right in EBSU, a researcher shall be obliged to duly fill and submit a disclosure form. The said disclosure form shall cover issues relating to invention title; names of the inventors; description of the invention; sponsorship, if any; design date and date put into practice; publication dates, existing or projected, if any.

iv. Distribution of Royalties and other Benefits

Where an invention made by an EBSU staff (using university resources) is patented/copyrighted and commercialized, 100% of the amount arising therefrom shall be paid into the university account pending when all out-of-pocket expenses (e.g. fees associated with patent filing and copyright registration and any other continuing costs associated with licensing and other commercialization of the intellectual property) associated with protection and exploitation of the patent or copyright have been reimbursed. Thereafter, the net proceeds shall be shared between the university and the inventor/creator as they accrue, in the following order:

- a. First payment – 60% to inventor and 40% to EBSU
- b. Second payment – 35% to the inventor and 75% to EBSU
- c. Third payment – 20% to the inventor and 80% to EBSU
- d. From fourth payment – 10% to the inventor and 90% to EBSU

v. Rights and Obligations of Creators and the University

The University's policy on intellectual property should be viewed in the context of other University policies that define the rights and obligations of its faculty, staff and students, and especially policies that deal with aspects of research and other creative professional activity.

3. ADMINISTRATIVE STRUCTURE:

The EBSU-IPTTO shall exist as an office under EBSU-DRIC. Administratively, the activities/operation of the Office, as provided above, shall be broadly executed under three units. Namely,

- Technology Transfer Unit – charged with the responsibility of undertaking patent searches to assess the novelty of innovations, paying the cost of processing patent applications and taking care of the marketing of the invention and its commercialization, as well as the negotiation of the licenses and royalties.³
- Intellectual Property Management Unit (IPMU) to provide services such as identification, evaluation and assessment of the novelty of the inventions/creations as well as filing of patent applications to obtain patent grants from industrial property office in Nigeria and abroad.
- Marketing Unit (MU): the commercial side of IPR management, i.e. the licensing operations and the acquisitions of R & D contracts, consultancy agreements and joint venture participants, are management services and issues this unit is responsible for. The MU in addition to finding markets for potential IPRs, will also be responsible for negotiation and drafting of technology transfer agreements between the University and respective transferees, e.g. industries, government institutions, etc.

Note

A substantial aspect of this document is drawn from relevant provisions of intellectual property policies of the following universities and the WIPO guidelines:

University of Benin, Nigeria

(<http://www.uniben.edu/centers/intellectual-property-and-technology-transfer-office>)

University of Ibadan

(<http://www.ui.edu.ng/sites/default/files/INTELLECTUAL%20PROPERTY%20POLICY%20AS%20APPROVED%20BY%20THE%20COPD.pdf>)

University of Chicago (<http://tech.uchicago.edu/about/mission/>)

³ WIPO (2004) -

World Intellectual Property Organisation (2004), Guidelines on Developing Intellectual Property Policy for Universities and R&D Organizations, WIPO, Geneva