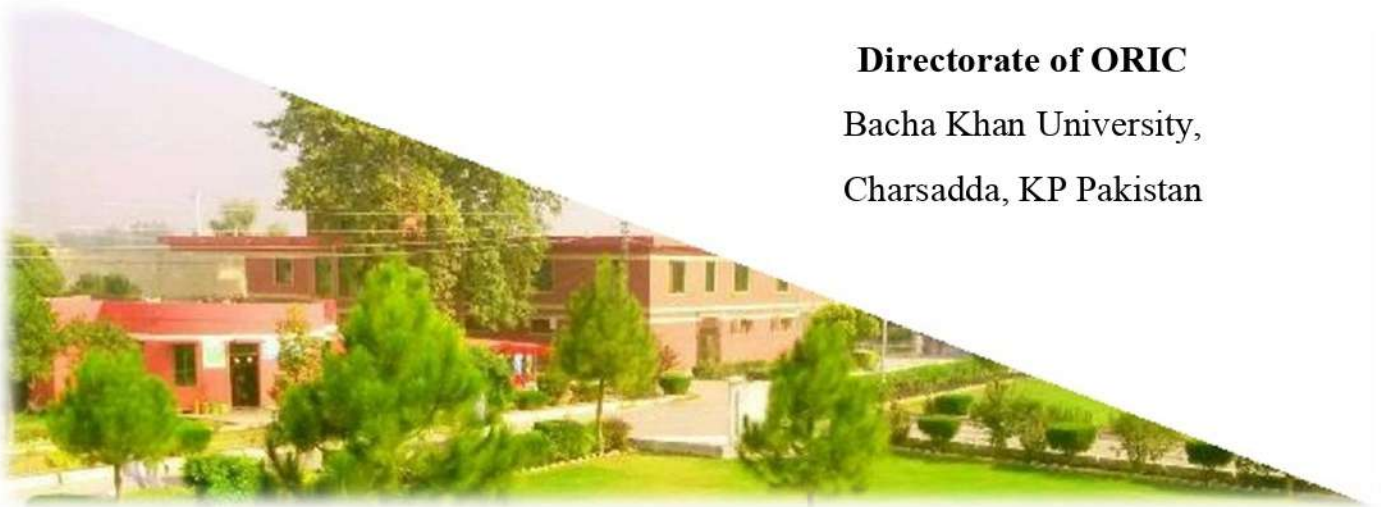
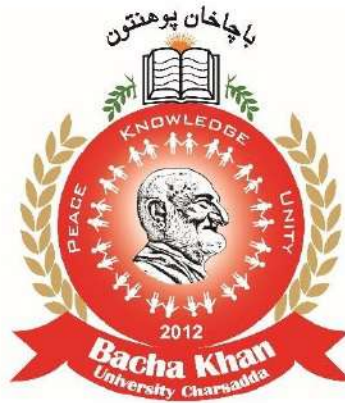


# Intellectual Property Rights Policy



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## 1. Introduction

The goal of this policy is to foster an atmosphere where ideas may flourish, leading to tangible developments that benefit the university's inventors, partners, and investors.

This policy is intended to serve as a foundational framework for the intellectual policy practices of all faculty, staff, researchers, students, and other individuals affiliated with Bacha Khan University Charsadda. In addition, it outlines the procedures to be followed by faculty members, researchers, staff, students, and anyone else affiliated with Bacha Khan University Charsadda in regards to the ownership, commercial development, and distribution of research work and technologies created at BKUC. It also lays out the guidelines for distributing earnings to researchers, faculty members and students who contributed to the creation of Intellectual Property (IP) that was subsequently commercialized.

## 2. Scope

All Departments/Institutes/Centres of Bacha Khan University Charsadda must adhere to this policy uniformly.

## 3. Objectives

Encourage creation, innovation, creative effort, and technical progress by laying forth a solid plan.

Aiming to safeguard faculty, researchers, students and staff customary legal claims to the results of their own creative efforts.

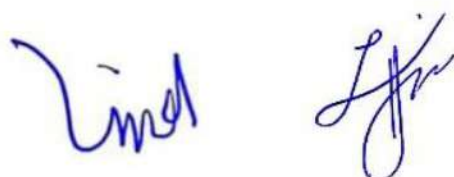
To lay up a plan for safeguarding the University's and its employees' intellectual property and the University's financial and other interests.

To safeguard the University's interests, including the correct and lawful use of the University's name and insignia, and fair and equitable use of the University's intellectual property for commercial purposes.

## 4. Definitions

**Intellectual Property:** All rights, including common law, beneficial and equitable, and registered, in and to Confidential Information, Work, Inventions, Plant Breeders Rights, Technologies, Designs, Trademarks, Trade Names and any other Intellectual Property Rights, whether registered or unregistered, are included in the definition of Intellectual Property, as are all applications (or rights to apply for), renewals, and extensions of those Rights.

**Students:** Students include all enrolled university students, both local and international,



whether they get financial help or not.

**Outsiders:** Those who are not part of BKUC, as well as non-BKUC students

**Employees:** Each and every paid employee of Bacha Khan University Charsadda

**University Support:** "University support" refers to any type of funds, facilities, or resources, including equipment, consumables, and human resources provided by the university either directly or indirectly that are used in the discovery or development of intellectual property. It also includes salaries, staff, facilities, equipment, data, materials, or technological information, regardless of origin.

**Invention(s)/Discoveries:** Any discovery, method, and composition of matter, manufactured good, technical advancement, biological material, strain, variation, and developing new cell lines, identification of new variants/strains and varieties.

**Inventor/Author:** A student or employee of BKUC who produces, invent, discover, develop new concepts, expresses in concrete form, , Design or Invent a new procedure/protocol.

**Patent:** A patent is an exclusive right issued by the government that enables the holder to prevent anybody else from creating, using, or commercializing his or her invention within a certain geographical boundary for a set period of time. Any sign, or combination of signs, that distinguish the products or services of one company from those of other companies is referred to as a trademark or service mark. This includes trade names as well as less conventional marks like smell, sound, taste, moving pictures, holograms, and gestures.

**Trade Name:** The term "trade name" refers to the name under which any company is operated, regardless of whether the name is that of a partnership, a corporation, or a person.

Design, also known as industrial design, is the aesthetic qualities or look of a form, configuration, pattern, or ornament, arising from the features of, in particular the lines, shapes, contours, colors, textures, and/or materials of the object itself and/or its ornamentations.

**Confidential Information:** Without restriction, the following types of information are considered "confidential information" when transferred from one party to another: commercial, financial, scientific, and technological data Confidential information includes

- (i) Trade secrets;
- (ii) Proprietary services;
- (iii) Technical, Commercial, or Financial Plans Information
- (iv) Any other information clearly designated as confidential.

**Copyright:** The term "copyright" is used to describe the legal privilege given to the original author(s), creator(s), or owner(s) of the copyright to control all domestic and international

editions, reproductions, sales, and distributions of a work. Copyright protects the "expression" of an idea, not the idea itself.

**Commercialization:** Commercialization refers to any method of profiting from intellectual property, whether it be via licensing, internal exploitation within the institution, or a new company spun out from the original.

## 5. Application

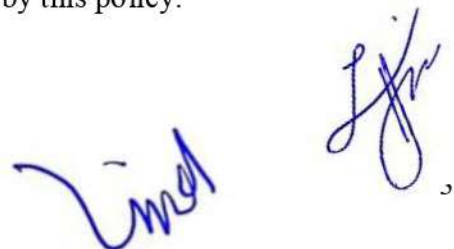
### 5.1. Application to Intellectual Property

This policy applies to any and all works of authorship created by faculty members/ researchers/students of the university and/or with the assistance of the university. Subject to national regulations, this policy applies to all employees and students of the University and to all programs offered at Bacha Khan University Charsadda (or any affiliated institute/research center etc.)

- **Application to the Researchers:** This Policy applies to all faculty members/ researchers/students who has entered into a contractual relationship with the University and are thus bound by the terms of this Policy. Before initiating any research activity in collaboration with a third party, the faculty members/ researchers/students should ensure that the terms and conditions of cooperation are set down in a formal agreement and properly approved from respective offices/bodies of BKUC.
- **Exception:** If a faculty members/ researchers/students had an agreement with any organization/ institute before joining Bacha Khan University Charsadda or if the university had previously made a deal with a third party about the rights and duties outlined in this policy, the current policy would not apply in such circumstances.
- **Do Your Research:** When negotiating and executing contracts that might have an impact on the university's intellectual property, those operating for and on behalf of the university must take all reasonable precautions.
- **Survival:** After any expiry, termination of enrollment, or termination of employment at the University, rights and duties under this Policy remain in effect.

### 5.2. Intellectual Property (IP) Rights

The following intellectual property (IP) rights are covered by this policy:



**a. Development, Creation, Ownership, and Protection of Intellectual Property**

- **Resulting Property Rights from University Funding:** Any intellectual property produced with university support (in any form) is and will always be the exclusive property of the University, who has all the rights, titles, and interests in it. All University employees including and affiliates hereby assign and agree to assign to the University all of their privileges, titles, and interests in and to every Intellectual Property generated with University Support, unless otherwise specified. The University personnel will be regarded to have consented to transfer and will now transfer and assign the Intellectual Property towards such generated Intellectual Property to the University if they utilize University Support to develop Intellectual Property outside of the scope of their usual activities.
- **Right to Withhold Consent:** Nothing in this Policy shall limit the University's right to practice and use Intellectual Property established or developed at University, or with University Assistance, for research, teaching, as well as other non-commercial uses, and the owner of such Intellectual Property hereby subsidies back to the University the right to practice any Intellectual Property for University's own specific purpose.
- **Research Sponsorship Responsibility:** Using this Policy and the interests of the University as a guide, all funded research, including clinical trials and partnerships, should be subject to separate agreements regarding ownership of the resultant intellectual property.
- **Who owns the IP and how much backing comes from the university:** If a student develops intellectual property with incidental university support, the student (or students) may, with the university's previous written consent/agreement can claim the ownership as mentioned in the agreement.

Case-by-case criteria shall be established for the ownership of intellectual property created with Incidental University Support by both external parties and University employees.

**b. Joint Ownership of IP**

- **IP Background:** At the start of a project or programme that creates shared IP, each party retains all title, rights, and interest in or to their own technology and IP. All rights not expressly granted under the Agreement shall be and remain with the Owner and shall not be transferable by operation of law or otherwise, either at the Project's Effective Date or at any time afterwards (s).



- **Proportionate Ownership:** Fostering Creativity and Entrepreneurial Spirit in some circumstances, students and the university may share ownership of inventions. Unless otherwise agreed upon in writing, ownership of jointly created intellectual property will be split according to the proportion of each contributor's efforts. It is up to the parties to decide how to represent the ownership interests; it might be expressed as a share of ownership or as a separation of the rights to the work.
- **License:** The University shall have a non-exclusive, worldwide, permanent, unconditional, and royalty-free right to use the jointly developed intellectual property, including any incorporated baseline intellectual property of any party, for the academic and research purposes.

### c. Patents and Designs

The university (Directorate of ORIC) must be informed of any potentially patentable inventions or designs created by employees and students while performing their tasks for university or even with university assistance. The university must be informed of any discovery or invention that could be advantageous, patentable, or otherwise protected by copyright. However, if they are not patented, this requirement applies to potentially useful biological materials, software and gadgets. The University must be given priority in evaluating the innovation, securing its patent rights, and trying to make it accessible to the faculty members/ researchers/students/any other employees in particular while public in general, whether directly or through a third party. In order for the University or the outside agent to evaluate the invention, pursue a patent, and/or otherwise render the invention viewable for the use of the public at large, the Patentee is required to collaborate with the University and/or the outside organization. This involves ownership rights to the University the Patentee may have.

### d. Copyright


- **The following works are subject to copyright ownership by the University:**

Works created as part of a contract between the University and a third party; Works created when performing a specific University task during studentship or employment.

- **Commissioned work by the University Itself:**

(i) Commissioned works are defined as copyrightable works compiled under such an agreement between the University as well as the creator when the creator doesn't qualify as Faculty Members or

(ii) The creator is a staff of the University however the work accomplished outside of the





normal scope of the creator's employment. In accordance with the terms of the agreement governing the commissioned work, the author shall clearly communicate by agreement/assignment, if required, such rights as also required by the University.

➤ **Works Produced by Students:** Any copyrightable creations produced by students as part of degree programme at a university will remain mutual property (Inventor and University) except as otherwise specified in writing, with the following limitations.

Graduate theses and dissertations are considered University and author's property; and author (students) is allowed to keep a copy of their Theses/Dissertation. Furthermore, while publishing such research work, it is mandatory to mention that the work was carried out at BKUC and author should mention his/her affiliation with BKUC even if the author after completion of his/her studies/research has joined another University/organization.

➤ **Technology (Video Recording, Computer Programs, and Pedagogical Applications):**

The University retains ownership of all courses created and utilized in its classrooms. Recordings made during university classes, whether on video or other media, is the property of the University and may not be shared outside the BKUC without the consent/approval of competent authority through proper channel (concerned Head/Dean and Directorate of ORIC).

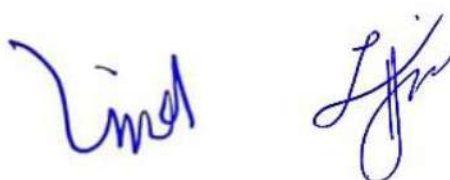
#### e. Trademarks

The University is the only owner of any registered or unregistered trademarks pertaining towards the University or to a University-sponsored programme in education, training, service, research or public relations.

#### 6. Other Intellectual Property

All global interests, rights and title in and to any intellectual property created, discovered or otherwise produced inside the University shall be acquired by the University in its entirety.

For such purposes of this part, the University shall be assumed to have produced or developed any intellectual property rights that emerge from or arise out of the activity of the creator, author, or inventor while they were affiliated with, employed by, or otherwise involved with the University. Pursuant to agreements with appropriate funding agencies, any intellectual property developed by BKUC employees or students using BKUC resources shall



remain the asset of the BKUC. All grants are made out to BKUC rather than specific individuals or departments. BKUC's account office is responsible for keeping track of all financial records.

**For the purpose of this policy, members of BKUC includes**

Faculty (Regular/TTS/Fixed pay/Contract)

Staff (Regular/Fixed pay/Contract)

Students

Research Assistants/ Research Associates/ Research Fellows

Incubates

**7. Confidentiality**

Intellectual property (IP) information is private and proprietary. Hereinafter referred to as "Confidential Information" are any and all of the following:

- Inventions
- Concepts
- Ideas
- Designs
- Know-how
- Specifications
- Drawings
- Prototypes
- Diagrams
- Computer programs
- Data
- Feasibility report
- Business development plan
- Business plan
- Business activities
- Business Operations
- Financial analysis
- Reports
- Studies, and so any and all additional technical and commercial data.