



AC-F-11.V01: INTELLECTUAL PROPERTY POLICY





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1. PURPOSE

HBKU places great value on the generation and transfer of new knowledge and technology to the society at large. This policy reiterates the QF IP policy. While HBKU may develop a modification or alternate to the QF IP policy, this policy will remain enforced in the meantime. Hence, the policy statements appearing in this document are quoted from QF IP Policy.

2.1 DEFINITIONS

- **IPTT:** Office of IP and Technology Transfer currently at QF that is responsible of managing inventions disclosures and IP.
- **Collaborative Research:** Research conducted by any entity under QF in collaboration with any local or international institution or organization where QF Community are actively involved in the research process.
- **IP:** All tangible and intangible rights including, without limitation, all copyright, all design rights and the right to apply for a registered design or similar protection, all rights in trade-marks, trade names, business names and domain names, all patent rights and rights to inventions, R&D assets, all rights in confidential information, know-how, expertise, formulas and formulations, all database rights and all rights of whatsoever nature in computer software and data and all similar unregistered, including any and all associated goodwill, in all parts of the world for the full term of such rights, including all renewals and extensions.
- **Invention:** A novel creation, device, method, composition or process.
- **Inventor:** Anyone who makes significant intellectual contribution to the conception or reduction to practice of a novel idea.
- **License:** Refers to the permission granted to authorize a use of intellectual property.
- **Net license revenue:** Gross revenue or proceeds received in consideration of a transfer, sale or the grant of IP rights under a license, less direct expenses and when applicable, agreed revenue-sharing obligations to sponsor and joint owners of licensed IP rights.
- **Patent:** The exclusive right granted to an invention.
- **QF Community:** All QF employees and students at QF and its network of centers, institutions and partnerships who participate in research and development work and who receive funding directly or through research collaboration funded by QF.

2.2 POLICY DESCRIPTION

HBKU places great value on the importance of generating and transferring new knowledge and technology to the society at large. Such activities have significant positive impact on the university that includes:

- Professional development of faculty, scientists, and students.
- Enriching the educational and research experience of students.
- Contribute to the development of the society at large





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- Enhance the standing and reputation of the university.

As such, HBKU strongly encourage its faculty, scientists, and students to pursue patentable inventions. HBKU will facilitate the process of applying for patents by all its staff.

In particular, HBKU shall initially operate under the *Intellectual Property Policy* of the Qatar Foundation while it develops its own IP policy.

2.3 POLICY STATEMENTS

1. The Jurisdiction of the IP policy resides with the Vice President for Research.
2. The Office of IP and Technology Transfer at QF (IPTT) manages invention disclosures and intellectual property, and is responsible for developing and implementing strategies to support the commercialization or utilization of QF's Intellectual Property. IPTT provides contractual support to include non-disclosure agreements, sub-contract agreements, material transfer agreements, and license and investment agreements.
3. Ownership of IP is the key to achieving QF's objectives and QF will apply the following principles for IP ownership.
 - **QF Sole IP Ownership** In the absence of any competing policy objectives, QF will retain ownership of IP developed in connection with any endeavor that is sponsored, supported or funded wholly by QF or any of the centers or institutions within the QF Community, including without limitation, sponsored research and collaborations with non-Qatari third parties. Except as otherwise provided in this Policy, all IP conceived, reduced to practice, authored, or created in whole or in part by a member of the QF Community shall be owned by QF.
 - **Joint IP Ownership** In the absence of any competing policy objectives, QF will jointly own a) all IP produced by research collaborators, grant recipients and Awardees and for which QF provides 100% of the funding where the collaborating entity is a Qatar enterprise; and, b) QF will jointly own all IP produced by research collaborators, grant recipients or assigned to an Awardee by an Awardee's employees, contractors or consultants and for which QF provides part of the funding, or makes available QF Resources.
 - **Authorized Transactions** The Executive Director of IP & Technology Transfer is responsible for protecting, managing and commercializing Intellectual Property owned by QF or in which QF has a beneficial interest, and insuring that technology transfer practices further QF's mission and vision. Due to changing laws, markets, and the nature of new technology itself, the Executive Director of IP & Technology Transfer is authorized to exercise discretion and flexibility to implement such practices and negotiate such agreements as may be required to achieve the purposes of this Policy. For example, the Executive Director of IP & Technology Transfer may grant to third parties various rights to research results, and Intellectual Property for appropriate compensation and under other terms as may be prudent to further QF's mission, including assignment of QF's Intellectual Property rights in whole or in part to third parties. In the exercise of this authority, the Executive Director of IP & Technology Transfer will keep informed the senior leadership of QF, including the General Counsel and the presidents of HBKU and QF Research and Development or their delegates.
 - **Individual Effort:** Ownership of inventions generated entirely on personal time and solely as a result of individual initiative, not in an area of principal competence, and not as an institutional assignment and/or employment responsibilities nor involving the use of University facilities or resources as defined above, normally shall reside with the inventor. Members desiring to perform consulting work for outside organizations are required to follow the terms of the professional consultancy policy.
 - **Special Cases:** It is recognized that special cases will arise which are not specifically covered by the guidelines above. Such special cases may be submitted to the Vice-President for Research for resolution in accordance with HBKU policies.
4. QF will not claim ownership of Intellectual Property in the following circumstances:
 - Intellectual Property produced by students enrolled in secondary education or undergraduate





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- programs.
- Intellectual Property that falls under the definition of Traditional Academic Works
 - Each QF Community member grants QF a perpetual, non-exclusive, irrevocable, royalty free, worldwide license to use the Intellectual Property in his or her Traditional Academic Works for administrative, promotional, educational and research purposes in any format (whether now existing or developed in the future).
 - Intellectual Property made by members of the QF Community during their personal time and using personal resources, so long as such Intellectual Property is clearly outside the scope of their employment, appointment or engagement with, or duties owed to, QF and outside their respective areas of research interest
 - Intellectual Property developed or in development that is subject to an existing third party agreement executed prior to the promulgation of this Policy
 - Where expressly stated in this Policy
5. IPTT may, after consulting with the QF Legal Department, acquire on behalf of QF rights to Intellectual Property from third parties, including any exempt Intellectual Property, when to do so would substantially further QF's research and economic development interests. All such arrangements shall be arranged by IPTT and governed by their own contractual terms, rather than by this Policy. Members of the QF Community should not enter into any agreements (verbally or in writing) with third parties which seek to grant ownership of Intellectual Property, or assign, license or otherwise deal in any rights without consulting with IPTT. Members of the QF Community should not enter into any agreements (verbally or in writing) with academics, researchers or consultants of a University, research institute or similar organization without that person's employer or principal being made a party to the agreement.
 6. All Inventions by QF Community members must be disclosed first to IPTT using the Invention Disclosure Form. Such disclosure should include documentation to fully describe the invention, ownership and third party rights, its prior art and potential utilization. Such forms shall accurately convey all relevant information in a detailed and timely manner and shall be signed by all inventors and submitted directly to IPTT. These disclosure requirements also cover third party Intellectual Property in which QF may have rights, including rights for non-commercial purposes. Such documents will also be used to distinguish what is not owned by QF and therefore owned by others. QF Community members shall ensure that all Inventions disclosed or presented by them as original, shall in fact be their original works and not wholly or substantially copied from the work of others.
 7. Members of the QF Community who generate Intellectual Property may be asked to execute formal written assignments to QF such as the IP Assignment Form and, from time to time, may be asked to sign any other documents, such as powers of attorney, that may be required by QF to protect its legal and beneficial ownership of rights to Intellectual Property. An Inventor or Author may at any time, request a re-assignment of the IP to them. This request should be made in writing to IPTT which will issue a decision following an evaluation of the relevant IP and consultation with the senior manager(s) responsible for the inventors' work. IPTT may, acting on behalf of QF, assign any Intellectual Property owned by QF to third parties, upon the recommendation of the Executive Director of IP & Technology Transfer who may seek consultation with the senior manager(s) responsible for the inventors' work if there is question whether such assignment is in line with the research and economic development interests of QF.
 8. QF encourages the dissemination of knowledge for wider public benefit and use. QF Community members are encouraged to publish research results provided such disclosures do not compromise the protection of QF's Intellectual Property rights. As public disclosure of information may jeopardize the patentability of QF rights, members of the QF Community, if they believe that a planned publication, oral presentation or other promotional material may contain unprotected IP, are requested to consult with the IPTT prior to release of that information. If unprotected IP is confirmed, IPTT will work with the author or presenter in a timely manner to protect the information so the rights of the author and the Foundation are not jeopardized.





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9. IPTT will evaluate all disclosed Intellectual Property for its utilization potential and determine the appropriate means for protecting and promoting the development of the Intellectual Property. IPTT will seek input from the applicable Q-Committee in deciding whether to patent. Inventors and Authors will cooperate with the IPTT, and the applicable Q-Committee, in evaluating and protecting QF's Intellectual Property. When the filing of a patent application has been authorized by IPTT, after consultation with the committee on a disclosed Invention, IPTT will work with the Inventors to prepare a patent application. Inventors are required to provide a reasonable level of assistance throughout this process and reference any supporting research assets.
10. IPTT will negotiate licenses of QF's Intellectual Property, with due consideration of the wishes of the inventor's Center and the Foundation's interests through the Q-Committee, to increase the likelihood that the Intellectual Property will provide public benefit and value to Qatar in line with the *Qatar National Vision 2030*. In support of Qatar's development missions, IPTT's approach to licensing will principally focus on licensing regional companies and encouraging local spinouts. The license will generally cover responsibility for nonrefundable license fees, IP registration (such as patent applications) expense reimbursement, royalty and minimum royalty payments and a requirement of due diligence and march-in rights where the licensee does not perform adequately. In some instances, equity options may be included.
11. In the commercialization of QF's Intellectual Property, IPTT will receive all IP revenue payable and, in recognition of the efforts and contributions of the inventor(s), distribute total Net IP Revenue received by QF as follows:
 - **QF Sole Funding:**
 - IP revenues to be distributed equally to QF and participating institutions whose employees are named as inventors on applications for patents
 - QF internal distribution:
 - First QR 500,000, 80% to Inventors jointly, 20% to Institution;
 - Next QR 5,000,000, 50% to Inventors jointly, 50% to Institution;
 - Next QR 5,000,000, 20% to Inventors jointly, 80% to Institution;
 - Above QR 10,500,000, 5% to Inventors jointly, 95% to Institution.
 - **QF Joint Funding:**
 - Equal shares of costs and revenues to be distributed to each joint owner;
 - QF internal distribution will be distributed in a manner similar to that described in as "QF Sole Funding."
12. In the case of a dispute over the allocation of Net IP Revenue which cannot be resolved between the parties, such revenue will be distributed as determined by the Executive Director of IP & Technology Transfer, whose decision will be final. IPTT will consult with the QF Legal Department in determining whether to distribute the proceeds of any sale of QF IP or QF's share in any IP, and the allocation of any such proceeds.
13. IPTT will, in consultation with the QF Legal Department, advise on and negotiate equity agreements where equity is offered in exchange for IP in any resulting start-ups or technology ventures on behalf of QF that have provided equity shares to QF in exchange for rights to QF intellectual property. Equity options will be monetized at the first opportunity for public sales.
14. Proceeds from the liquidation of equity received will be distributed as IP revenue in a manner similar to that described in "Distributing IP Revenues," above, taking into consideration direct expenses and revenue sharing obligations.
15. IPTT has the discretion to make decisions related to patenting of QF Inventions and will give due consideration to the recommendations of the relevant Q-Team established for the purpose of determining that they meet the requirements of patentability, demonstrate commercial viability and are in alignment with QF's development interests. Patent applications are filed in the name of QF and will acknowledge all Inventors. In jurisdictions where patent applications must be filed in the name of the Inventor(s), the Inventor(s) will execute all necessary assignments and other agreements requested by QF or its nominee to ensure QF's legal and beneficial ownership of the Invention and related patent applications and





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registrations.

16. QF Community members should ensure that all copyright works to be disclosed, published or presented outside the QF Community bear a copyright notice in accordance with Qatari law and relevant international copyright treaties. All QF owned or developed materials should bear the notice: *Copyright © [year of publication] Qatar Foundation; All right Reserved* or such other notice as may be directed by the QF Legal Department. QF Community members should consult with their Communication Departments before using the name of any other academic institution, research center or the specific name of a QF center in the copyright notice.
17. The QF Legal Department is centrally registering and managing trademarks that are developed specifically to enhance QF's organizational identity and the value of QF's Intellectual Property. QF shall have sole ownership and right to register and display trademarks and domain names using the name and logo of QF. QF Community members should not alter the QF name, trademark or logo to designate or endorse any third party goods or services without the prior approval of the QF Legal Department. Similarly, QF Community members should not allow third parties to use the QF name, trademark or logo (either by themselves or together with third party trade marks) without the prior approval of the QF Legal Department and the Communication Directorate.
18. QF Intellectual Property may contain valuable and proprietary information such as research results, know-how and certain proprietary business information ("Confidential Information") which may be protected by law. Research in progress, unpublished research results and proprietary information received from third parties shall be treated with care and with due regard for potential patentability. Written records must be kept of the date and extent of disclosure of QF Confidential Information to any third party and whether or not such third party executed a Non-Disclosure Agreement. QF Community members will ensure that Non-Disclosure Agreements are signed prior to any third parties receiving Confidential Information and notify IPTT in advance of any disclosures.
19. Requests for a waiver of any provisions of this Policy should be made in writing to IPTT. IPTT will seek a determination from a committee comprised of the QF General Counsel, the President of HBKU and the President of QFRD (or their representatives). The determination of the committee shall be final and binding on such request. The request must identify which provisions of the Policy are requested to be waived, the reasons why, and how the waiver would be consistent with the interest of QF.

3. RESPONSIBILITY/SOURCE/AUTHORITY

This policy and accompanying procedures were developed by the Office of the Provost, reviewed and endorsed by the University Academic Programs and Studies Committee and endorsed by the Provost and the University President and approved by the BOT.

This policy assigns the implementation of this process to the HBKU Provost in collaboration with appropriate college committees and deans.

3.1 COMMUNITY SHOULD KNOW THIS POLICY

President, Provost, Vice Presidents, Deans, Program Coordinators, Directors, Faculty, Students

4. UPDATES

SUMMARY OF CHANGES		
Date	Section	Change

5. ACCOMPANYING PROCEDURE

