



Policy Title :	Intellectual Property Policy				
Policy Number:	UPM.VRAA.SRGD.PP.02	Version	01	Effective Date	Spring 2019-2020

Policy Statement:

University of Prince Muqrin (UPM) promotes and encourages excellence and innovation in scholarly research and intellectual property creation by identifying and protecting the ownership rights of the innovators, UPM, its faculty, staff, and students in accordance with national and international legal standards.

Purpose:

This policy provides a common framework to regulate the ownership and management of Intellectual Property from the creation, protection, innovation, exploitation and technology transfer activities carried out by the Relevant Body. In addition, the policy targets promoting and facilitating the protection of Intellectual Property in line with the UPM and National Intellectual Property Policy.

Scope:

1. Office of the Rector
2. Office of the Vice Rector for Academic Affairs
3. Office of the Vice Rector for Business Development
4. Public Relations Department

Policy Provision:

1. **Intellectual Property ownership:** Department of Research and Postgraduate Studies will recognize the following types of Intellectual Property ownership
 - **Scenario 1 (Ownership of Intellectual Property shall vest in the Recipient)**
Where the funding comes from the Government of Saudi Arabia or any of its ministries disbursing the Fund to a Recipient, and the Recipient creates Intellectual Property, the ownership of the Intellectual Property shall vest in the Recipient.
 - **Scenario 2 (Ownership of the Intellectual Property shall vest in the Relevant Body)**
Where the Relevant Body commissions a third party to undertake research either through consultancy or commission agreement, and the third party creates the Intellectual Property, the ownership of the Intellectual Property shall vest in the Relevant Body.
 - **Scenario 3 (Ownership of the Intellectual Property shall vest in the Recipient (individual or third party))**



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Where the Government of Saudi Arabia disburses Fund to a Government Agency, which in turn disburses the Fund to the Recipient (individual or third party), the ownership of the Intellectual Property shall vest in the Recipient (individual or third party).

○ **Scenario 4 (Ownership of the Intellectual Property shall vest jointly in the third party, and Research Institution, and Inventor)**

Where the Government of Saudi Arabia disburses Fund to a Government Agency, which in turn disburses the Fund to a third party, which collaborates with a Research Institution such as UPM and when Intellectual Property is created together, the ownership of the Intellectual Property shall vest jointly in the third party, the inventor at UPM and Research Institution.

○ **Scenario 5 (Ownership of the Intellectual Property shall vest jointly in the Recipient)**

Where the funding comes from the Government of Saudi Arabia disbursing the Fund to a project involving several Recipients, the ownership of the Intellectual Property shall vest jointly in the Recipients.

○ **Scenario 6 (Ownership of the Intellectual Property shall vest jointly in the Research Institution and the third party)**

Where the Government of Saudi Arabia disburses Fund to a Research Institution, which under the funding agreement has to collaborate with a third party, and when Intellectual Property is created together, the ownership of the Intellectual Property shall vest jointly in the Research Institution, the inventor at UPM and the third party.

○ **Scenario 7 (Ownership of the Intellectual Property shall vest jointly in the UPM Inventors and a third party)**

Where a private investor disburses Fund to a UPM startup, which under the funding agreement has to collaborate with a third party, and when Intellectual Property is created together, the ownership of the Intellectual Property shall vest jointly in the inventor at UPM and the third party.

2. **UPM Employee, Student and Faculty Invention:** Where a UPM Employee, a Student or a Faculty member of UPM creates Intellectual Property, the ownership shall vest as follows:

- Where any UPM entity creates Intellectual Property in the course of his/her employment or active stay at UPM, the ownership of the Intellectual Property shall vest jointly between the inventor and UPM, provided UPM has done financial contribution toward the IP creation. Otherwise, the IP will be vested in Inventors;
- Where a UPM entity, whose contract of employment does not require him/her to engage in any inventive activity, makes, in the field of activities of UPM, an Invention using data or means placed at his/her disposal by UPM, the ownership of the Invention shall vest jointly between the inventor and UPM;



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- UPM will not assert any rights or claim of ownership of any Intellectual Property in relation to scholarly books, articles, audiovisual lectures or other such scholarly work or subject matter generated by researchers or academic staff except where such Works have been specifically commissioned by the UPM.
- 3. **Filing the Intellectual Property Protection:** UPM reserves the right to decide the countries in which it will seek Intellectual Property protection.
- 4. **Governance of Intellectual Property Ecosystem:**
 - UPM shall be responsible to maintain, and to bear maintenance and other costs associated with obtaining or maintaining such protection. However, the decision whether to apply for, and to maintain, such protection shall be at the sole discretion of UPM.
 - UPM shall establish an Intellectual Property evaluation committee for assessing the merit of the Intellectual Property disclosure. Details about the governance of IP ecosystem is outlined in “Procedure of IP Governance [UPM.AA.RES.IP.GOV.PROC.DOC.01]” document.

5. MORAL RIGHTS AND ETHICAL ISSUES

UPM recognizes the moral rights of the author(s) or Inventor(s) of Intellectual Property. UPM shall take reasonable steps to ensure that the author(s) or Inventor(s) is acknowledged as the author(s) or Inventor(s) of the Intellectual Property. UPM shall also take reasonable steps to ensure that any alteration or modification of a work does not harm the reputation or honor of the author(s) or Inventor(s). All Employees of the UPM shall ensure that in the creation, development and generation of any Intellectual Property, all reasonable care is taken to ensure that there is no breach of any ethics or the moral rights of the author(s) or Inventor(s) of Intellectual Property.

Procedure(s) that apply:

Procedure of IP Governance

Applicable Form(s):

N/A

Definition(s):

Agency:	Any Saudi Government Agency as defined below
Copyright	Copyright under the Saudi Copyright Act 2003 ¹ (Royal Decree No. M/41) as currently in force
Design	A Design protected under the Industrial Designs Act ² as currently in force

¹ https://www.wto.org/english/thewto_e/acc_e/sau_e/WTACCSAU56_LEG_4.pdf

² <https://www.saip.gov.sa/en/hague-agreement/>



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Employee	any Employee or Student of UPM under a contract of service or active registration respectively
Fund	any Fund provided by the Government of Saudi Arabia or any other local or international funding body for research and development, acquisition, pre-commercialization and Commercialization of Intellectual Property
Government Agency	any entity which is controlled directly or indirectly by the Federal Government of Saudi Arabia and shall include Government Linked Company
Innovation and Commercialization Centre	for the purpose of this Policy, a centre or department of UPM responsible for the exploitation and Commercialization of any Intellectual Property owned by it
Intellectual Property	any Intellectual Property protected by the laws of Saudi Arabia, and includes patentable Invention, Know-how, Copyright of Works, Design, Layout Design of Integrated Circuits and trademarks
Intellectual Property Acquisition	the acquisition by way of Assignment, License (exclusive or non-exclusive or sole), or by any other legal means through funding (in whole, or in part) by the Relevant Body
Invention	an idea of an Inventor which permits in practice the solution to a specific problem in the field of technology, and may be, or may relate to, a product or process
Inventor	the person who is the actual creator of the Invention or who has made an intellectual contribution to the conception of the Invention, and where the context so requires, means the author or designer
License	the right to exploit any Intellectual Property rights granted by the owner, the licensor, to another person, the licensee, and includes a sub-license
Manual	the Intellectual Property and Commercialization Procedure established to implement this and any related Policy
Ministry	any Ministry of the Government of Saudi Arabia
Patent	Patents protected under the Patents Act ³ , as currently in force
Recipient	any person(s) at UPM or UPM itself who receives Fund from the Relevant Body
Relevant Body	the collective reference to the Ministry, Government Agency, UPM and external Research Institution
Works	scientific Works, literary Works, derivative Works, and educational course materials and academic papers or any other Works protected under the Copyright Act.

³ <https://www.kacst.edu.sa/eng/IndustInnov/SPO/Pages/SPO-directors.aspx>



Related Policy(ies):

1. Research Ethics Policy:
2. Data protection policy Currently under development
3. Data Security policies, procedures and guidelines. Currently under development
4. Ethics Code: currently under development
5. UPM Startup Management currently under development
6. Whistleblowing Policy (Public Interest Disclosure). Currently under development
7. Commercialization policy currently under development
8. Research Data Management: currently under development
9. Researcher Safety Policy and Guidance: currently under development
10. Whistleblowing Policy (Public Interest Disclosure). Currently under development

Reference(s):

- Saudi Patent Office: <https://www.kacst.edu.sa/eng/IndustInnov/SPO/Pages/SPO-directors.aspx>
- The Law of Saudi Trademarks: <https://www.wipo.int/edocs/lexdocs/laws/en/sa/sa003en.pdf>

Policy History:

1. 10.02.2020 (Initial Release)

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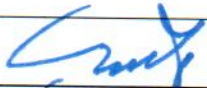

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