TUMAINI UNIVERSITY
DAR ES SALAAM COLLEGE – TUDARCo

(A Constituent College of Tumaini University Makumira)

INTELLECTUAL PROPERTY (IP) POLICY
General Regulations and Guidelines for Postgraduate Study Programmes

APRIL 2016
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Preface
TUDARCO is a Constituent College of the Tumaini University Makumira established since April 2003. Its academic programmes commenced during the academic year 2003/2004.

The mission of the College, as stated in its Strategic Plan 2014/15-2018/19 is to provide integrated teaching, research and consultancy (public service) in education that addresses the challenges of national and regional development. TUDARCO, being one of the private higher education institutions, its primary business is teaching, conducting research and public service for improved quality of life of the Tanzanian people. In the course of implementing its functions, intellectual property assets are created that have both academic and commercial value. These intellectual property assets need a defined system of management in order for the College and the country to derive maximum advantages out of it.

Despite the above, the policy framework relating to identification, management, protection and commercialization of intellectual property assets at the College has not been in place. The initiatives to put in place the institutional intellectual property (IP) policy at the College started way back in November, 2013. The goal is to develop and have in place a more respectable culture for the management of research at the College which can ultimately guarantee the College improved quality and effectiveness of the research activities. These steps are thus very necessary for the College to remain competitive in the globalised higher education system.

This Policy is meant to be a guide to College researchers and other collaborators when formulating and undertaking research at the College. It is our hope that researchers, policy makers the funding agencies and other relevant stakeholders will find this document a valuable source of information and, indeed, a reference material whenever one wants to engage in or support research activities particularly with regard to Intellectual Property at TUDARCo.

Prof. Uswege M. Minga

Provost,
Tumaini University Dar es Salaam College
Acknowledgement

This Intellectual Policy could not have come into being without the contribution from various organizations and persons. Most of the contents have been adapted from University of Dar es Salaam Intellectual Policy Second Edition (2008) and customized to reflect the specific context and environments of the Tumaini University Makumira (TUMA) and Tumaini University Dar es Salaam College (TUDARCo).

I thus, feel pleased to acknowledge the contribution of the University of Dar es salaam (UDSM) and Mkwawa University College of Education (MUCE) towards TUDARCo’s own Intellectual Policy. Their contributions include the main contents relating to policy statements, the general policy format and layout as well as the annexes.

I also wish to extend my gratitude to the Provost Prof. Uswege Minga for his esteemed leadership that made it possible for TUDARCo to have its own Intellectual Policy and today. My heartfelt gratitude should also go to Prof. J. V. Tesha from the Universality of Dar es Salaam for his useful contributions that made this document stand as it is today and Dr. D. Mwita, the previous Director of Postgraduate Studies and later Dr. Peter Mtesigwa, who took over from Dr. Mwita for their efforts in the preparation and production of this document. It is my hope that the newly born document will take TUDARCo into the competitive edge of research practices characterized by the state of the art research undertakings, publication and dissemination of research results, value for money and research ethics” (Ethics Policy)

Prof. G.D. Mrema

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Tumaini University Dar es Salaam College
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LIST OF ABBREVIATIONS AND ACRONYMS

ARIPO   African Regional Intellectual Property Organization
CPOV    Convention for the Protection of New Varieties of Plants
DPSRC   Directorate of Postgraduate Studies Research and Consultancy
GATS    General Agreements on Trade in Services
GATT    General Agreements on Tariffs and Trade
HLI     Higher Learning Institutions
IP      Intellectual Property
IPM     Intellectual Property Management unit
IPO     Intellectual Property Ownership
TUDARCo Tumaini University Dar es Salaam College
R&D     Research and Development
SIDP    Sustainable Industrial Development Policy
ToR     Terms of Reference
WIPO    World Intellectual Property Organization
WTO     World Trade Organization
EXECUTIVE SUMMARY

Background
The Intellectual Policy is a reflection of the research objectives of the College Rolling Strategic Plan (RSP2014/15– 2018/19), namely, strengthened scholarly research. This objective has the following identified activities: (i) to work together with the Institute of Continuing and Professional Education (ICPE) to develop capacity of academic staff in research methodology and research skills (ii) to cultivate relationship with other research grant making bodies across Africa and beyond (iii) to identify and collect information about opportunities for Research and publications (iv) to circulate information about research opportunities to academic staff (v) to work with DPAA to support academic staff to participate aggressively in scholarly research (vi) to establish a forum to review progress on research participation at TUDARCo and (vii) to sensitize students to participate in research and publication activities.

The College has established this policy with the full awareness that in the modern globalized and digital oriented society there is a great need to develop and establish a protective mechanism for IP assets falling within the College framework. Indeed, in the era of increased knowledge-based economy, digital society and globalization, the IP policy plays a crucial role as an instrument not only to protect IP but also to facilitate optimal utilisation of intellectual knowledge generated from centres of excellence from within and outside the country.

International Perspective on Intellectual Property
At the international level, intellectual property is mainly governed by two international organizations which are the World Intellectual Property Organization (WIPO) and the World Trade Organization (WTO). Tanzania is a signatory to a number of international instruments governing intellectual property which include; the Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPs) of 1994, the Paris Convention for the Protection of Industrial Property of 1883 (The Paris Convention) and the Berne Convention for the Protection of Literary and Artistic Works. Tanzania is also a member of the African Regional Intellectual Property Organization (ARIPO) whose headquarters are in Harare (Zimbabwe).
National Perspective on Intellectual Property

At the national level Tanzania has the following pieces of legislation that govern IP; the Patents Act of 1987, the Trade and Service Mark Act of 1986, the Copyright and Neighbouring Rights Act of 1999 and the Protection of New Plant Varieties (Plant Breeders’ Rights) Act of 2002. Tanzania does not yet have a comprehensive Intellectual Property Policy. There are, however, isolated statements relating to intellectual property in various policy documents, in particular the Higher Education Policy 1999, the Higher Education Development Policy (2010), the National Science and Technology Policy for Tanzania (1996) and the Sustainable Industrial Development Policy (SIDP) [1996-2020].

Definition of key terms

Unless otherwise stated in this policy the following terms shall have the following meanings assigned to them –

“Assignment” is a total transfer of rights in IP asset(s);

“Commissioned work” is work prepared by an employee within the scope of his or her employment; or a work specially ordered or commissioned in certain specified circumstances;

“Copyright” – refers to property right in an original work of authorship (such as a literary, musical, artistic, photographic, or film work) fixed in any tangible medium of expression, giving the holder the exclusive right to produce, adapt, distribute, perform and display such works;

“Course Materials” means all materials produced in the course of or for use in teaching in any form (including digital, print, video and visual material) and all Intellectual Property in such materials and will include lectures, lecture notes and materials, syllabi, study guides, assessment materials, images, multi-media presentations, web content and course software;

“Derivative work” is work based on another copyrighted work and is portrayed in a different style/format/media, such that it has acquired the minimum threshold required for copyright protection;
“Industrial Design”: is an applied art whereby the aesthetics, overall shape of object and usability of products are improved, hence giving rise to intellectual property rights with regard to such design.

“Industrial Property” is a subset of intellectual property referring to those types of IP that have an industrial application. Specifically it refers to the following types of intellectual property, patent, trade and service marks, industrial designs, trade secret and geographical indications;

“Information Software” – software intended primarily and is likely to provide information to the user. Such software is akin to a textbook or encyclopaedia;

“Infringement” means an unauthorized exercise of any of the exclusive rights solely granted to the owner of a respective intellectual property;

“Integrated Circuit”: refers to a small electronic device made out of a semiconductor material for uses among others microprocessors, audio and video equipment and automobiles;

“Intellectual Property assets” are those parts of the intangible assets that relate specifically to knowledge, such as patents, trademark, copyrights, trade secrets, know-how, best practices;

“Intellectual Property” means all statutory and other proprietary rights (including rights to require information be kept confidential) in respect of inventions, copyright, trademarks, designs, patents, plant breeder’s rights, circuit layouts, know-how, trade secrets, and geographical indications. It also includes all other rights as defined by the respective pieces of legislation and international conventions governing intellectual property;

“Invention Disclosure” is an act of providing information by inventor(s), on the invention, circumstances leading to the invention and facts concerning subsequent activities;

“Invention” in the context of this Policy, means an idea of an inventor, which permits in practice the solution to a specific problem in the field of technology;

“License” is a permission to use an IP right within a defined time, context, market line or territory. It may be exclusive or non-exclusive;

“March-in-right” is the right to the government or any funding agency which funded the research that led to the creation of an intellectual property asset to have access and make non-commercial use of the said IP asset within the scope of its ordinary activities;
“New Plant Variety”: refers to a plant variety that satisfy the criteria to obtain plant breeders rights as set under the Protection of New Plant Varieties (Plant Breeders’ Rights) Act of 2002 and the Convention for the Protection of New Varieties of Plants (CPOV) the 1991 Version;

“Patent” is a document issued by a government office (or a regional office acting for several countries) upon application, which evidences exclusive rights to the holder with regards to the invention in respect to certain rights stipulated under the law;

“Public Domain” means an IP asset that is no longer under protection whose use does not require permission of the holder;

“Royalties” are payments made for the use of IP assets;

“Scholarly and Creative Work Exception” – work done by students, postdoctoral fellow and associates in training. Copyrightable creations will be owned by Creators;

“Trade and Service Mark”: - a distinctive mark of authenticity, through which the products of particular manufacturers or the vendible commodities of particular merchants may be distinguished from those of others;

“Trade secret” is any information, which has actual, or potential value, and which is not generally known publicly and which offers competitive advantages to the owner of the said information against the other competitors;

“Traditional Knowledge”: - refers to knowledge systems, encompassing a wide variety of areas, held by traditional groups or communities or to knowledge acquired in a non-systematic way which have significance and relevance not only to its holders but also to the rest of the humanities;

“TUDARCo” unless the context otherwise suggests, means the TumainiUniversity Dar es Salaam College;

“College Resources” means resources provided by the College to creators which, for the avoidance of doubt, includes facilities, funds, services, equipment, paid leave, office computers hardware, software, secretarial services, funding for research, staff time and support staff in excess of those normally used or available to staff for producing Course Materials. They do not include salary, insurance or pension schemes contribution paid to the creator.
Chapter One
RATIONALE, OBJECTIVES AND SCOPE OF THE POLICY

1.1. The Rationale for IP Policy
One of the core functions of the College is to carry out and foster research with a view of providing solutions to the problems facing the society and hence improving the lives of the people. In order to be effective, such function requires the following prerequisites:
1. Availability of sufficient research funds;
2. Existence of a system that would facilitate the dissemination of research results from the institution to the users through application of research findings. In between the College and the users/public there is an important link which is the industry.

TUDARCO faces a number of challenges in its endeavour to realize the goals of its mission.

In the first place, the College finds it difficult to effectively fulfil the functions mentioned above, as is the case with the other core functions, due to among other factors, the limited funding from research funding agencies, donors and government. Among the areas which are most affected due to diminished donor and government funding is research; consequently the contribution of the College to national development through research remains to be a challenge. Effective management of IP within the College could lead in the long-run to increased income to the College and the researchers, thus supplementing the inadequacies from other sources, such as tuition fees.

Secondly, the links between the College and industry are still weak as signified by the number of research undertakings supported by the industry. It is a settled fact that the College is endowed with few trained and qualified personnel whose skills if directed towards research, innovation and consultancy could lead to inventions and research findings with commercial value. The benefits that could stem from effective harnessing of IP assets by the College includes, but not limited to, royalties from licensed patents or copyrights, research grants from the College – industry partnerships and increased employment opportunities through establishment of start-ups companies or joint ventures.
In order for such benefits to be realized by the College, TUDARCo needs an elaborate policy that would cater for management of intellectual property and set up structures to implement the strategies of the policy. The College recognizes and encourages the principle that IP assets created out of its activities should be used for the greater public benefit. Commercialization is one of the most efficient means of promoting the widest possible dissemination and use of college IP assets to the public majority.

*Thirdly*, in the increasing networked global society to which TUDARCo is not spared, research collaboration between institutions or researchers from different institutions is becoming a common practice. In the absence of a defined policy on IP, the College will stand to lose, since there will be no guidance to researchers from the College on how ownership of research results will be regulated. Other universities and Colleges may also hesitate to collaborate with TUDARCo in research in the absence of clear and succinct guidelines for research undertakings.

### 1.2. Objectives of the Policy

The objective of this policy is to provide a framework within which the College IP is developed, managed and effectively harnessed for the benefit of the College, the inventor/author and the general public.

Specifically the policy seeks to:

1. Ensure that the College staff and students are aware of the issues of IP as it is related to their day to day activities.
2. Set a system of supervising and managing relationships with third parties who can apply the College IP assets commercially;
3. Encourage the recognition and identification of IP potential within the College and promote an entrepreneurial culture among TUDARCo staff and research students that fosters development through commercialization of IP arising from their activities;
4. Set an efficient system by which the commercial potential of IP assets can be effectively harnessed by the College;
5. Set a system for rewarding those engaged in IP creation (in research and applied acts) and incentive necessary to commercialise their works;
6. Provide a means to commercialize and transfer IP in a form of applied arts and/or technologies created by College staff and students;
vii. Define the obligations (rights and responsibilities) of parties involved in the creation of IP assets;

viii. Ensure that the economic and other benefits resulting from commercialization of IP through the College are distributed in a fair and equitable manner in recognition of the contributions of the inventor/author and the institution as well as the other stakeholders;

ix. Ensure the College complies with the applicable legal framework and regulations governing IP locally as well as internationally.

1.3. The Scope of the Policy

1.3.1. Scope of Persons Covered

a) Academic Staff: Includes all academicians and visiting scholars or researchers employed by the College permanently or temporarily.

b) Any person employed by the College who does not fit any other category. Where a student is also an employee, she/he is considered staff with regard to intellectual property as a result of his/her employment and as a student with regard to other intellectual property created as a result of his/her student work. A full time non-academic employee who is also taking one or more courses is considered to be staff for the purpose of intellectual property.

c) Undergraduate, postgraduate and visiting students: Any full-time or part time graduate and post graduate student regardless of whether the student receives financial aid from the college or from external sources. It is the responsibility of students who are also employees of outside organizations to resolve any conflicts between this policy and provisions of agreements with their employers prior to beginning any undertaking at the College that may involve the development or creation of intellectual property.

d) Postdoctoral researchers/scholars and research associates

For the purpose of this policy although postdoctoral scholars/associates may be hired as staff, they are considered to be in the same category as postdoctoral fellows/trainees because their work is considered to be part of their training.

e) Former employees, students, staff and all others formerly in the above categories listed in paragraphs (a-d) above: In the absence of any written agreement to the contrary, intellectual property generated while employed by the college shall be
subject to ongoing rights and obligations as though the person is still employed by the college.

f) Independent contractors or consultants

Persons hired by the college on a limited basis, for a limited purpose as specified in a contract, are considered staff with respect to any intellectual property arising from any use of college resources. The rights and obligations of the parties shall be determined by the contract between the university and the contractor.

1.3.2. Scope of Intellectual Property Covered

Subject to the definition ascribed under this policy and the laws governing the same in Tanzania, and without limiting the generality of the term IP, this policy envisages the following intellectual properties:

Patents, Trade and service marks, TUDARCoLogo, Industrial Designs, Copyright in Literary and artistic works, New Plant Varieties, Trade Secrets, Technology based Material in Online Courses and Distance Learning, Research proposals, traditional knowledge and any other intellectual property related assets that may be created by persons covered under this policy.
Chapter Two
THE POLICY ISSUES AND THE STATEMENTS

2.1 Awareness Raising of Intellectual Property

Intellectual property is a relatively new concept in most of the institutions in the developing economies, TUDARCoinclusive. It is also an evolving concept whose principles and rules keep on changing and adapting to new trends and development in science, arts and technology. It therefore requires a defined approach that would be geared at a massive campaign of awareness raising and continuous training and updates to keep abreast with the new developments.

The College shall:
1. Ensure that an awareness raising programme on intellectual property issues is set and is carried out at all levels through seminars, workshops and brief lectures from experts of IP or any other means practicable in the circumstances.
2. Encourage each faculty/institute/department/unit to incorporate intellectual property as one of the compulsory/elective courses in their respective course programmes.
3. Encourage and support the PSRC Committee to publish flyers and brochures which addresses issues of IP for circulation to all departments and all members of the College.

2.2 The Duty to Disclose Intellectual Property

Effective management of IP at TUDARCoshall require mutual and supportive relationship between the College on the one hand and the persons covered under this policy on the other. As such, it is incumbent that the persons covered under this Policy should disclose to the relevant organ at the College of any information at their disposal that could potentially lead to intellectual property asset.

The College shall:
1. Ensure that a system is put in place that will oblige the person covered under this policy to disclose any information with potentials of IP which is acquired, developed or accessed while dealing with or using TUDARCoresources;
2. Ensure through the DPSRC Committee that Designated Forms of Disclosure of IP are designed and circulated to all departments/faculties, institutes and department/units;

3. Ensure that the information disclosed is kept confidential;

4. Ensure that those who access or deal with the information disclosed sign a separate undertaking which bind them not to disclose the said information to third parties unless authorised in writing by the IP Unit (other authority) in consultation with the researcher.

2.3 Ownership of Intellectual Property (IP)

One of the pertinent issues which presents and sometimes creates a lot of disputes between the institutions and those employed or deal with it is the ownership of intellectual property. The College is aware that the issue relating to ownership of IP requires balance of interests between the two sides.

2.3.1 Ownership by the TUDARCo

In view of the above the College shall:

1. Own all intellectual property that is made, designed, discovered or created by a member of staff, students or guest researchers etc. who in the course of their employment or undertaking of the research use College resources (including but not limited to institutions administered funds or funded time, facilities or equipment) in connection with its development.

2. Ensure that the staff members of the College, research students and visiting scholars at the College, are made aware of their duty to assign and actually assign to the university all inventions, creative artistic works or any other intellectual property assets developed in the course of their research while at the university or anywhere using the university resources.

2.3.1 Ownership under Externally Sponsored Research

In case where the research undertaking was partly or solely funded by the government department, sponsor or external funding agency, the ownership of IP shall be governed by:
1. The terms of the grant or agreement as approved by the College and in so far as such agreements are not in conflict with the provisions of this policy.

2. The terms of that undertaking and in whatever case the government shall reserve to itself the “march-in-rights”.

2.3.2 Ownership by Researcher/ Inventor/Author

1. In case where the College opts not to pursue IP protection with regard to a particular research results or is unreasonably delaying the process of protection of the said IP, a researcher shall have the right to claim ownership.

2. In dealing with the preceding provision, the inventor/author shall be obligated to make a written request to the College and his/her rights shall only ensue upon the TUDARCo approval of such request in writing.

3. In all the cases above, the College shall retain the right to a non-exclusive, non-transferable, irrevocable royalty free, worldwide license on the said IP asset for research and educational purposes.

2.3.3 Ownership by Students

1. Unless otherwise stated in this policy, students whose works have resulted into an IP asset to which TUDARCohas opted to pursue ownership; shall be entitled to be named as an inventor/author as the case may be.

2. All postgraduate and undergraduate students who are registered with the College whether on short-term or long-term basis shall have the duty to assign to the College all IP assets arising from their research activities while at the College, or while being supervised by the College staff.

3. The students shall own copyright in the scholarly work subject to a royalty-free license to the College to reproduce and publish for academic purposes.

2.4 Rights and Obligations of the Author/Inventor and the College

Intellectual property management involves continuous interaction and exchange of information which sometimes may not be easy to manage without having clear rules rights and obligations of the parties concerned.

In view of the above, the College stipulates the following policy statements:
2.4.1 Obligations of the Inventor/Author

The inventor/author shall have the following obligations:

1. To report and disclose research activities as soon as possible to the dean, departmental head, supervisor or unit administrator who shall subsequently relay the report to the PSRC Committee;

2. To offer effective cooperation with the Intellectual Property Management Unit in evaluation of the research to assess its potential;

3. To disclose all potential conflicts of interest to the College,

4. To abide by all commitments made in license, sponsored research and other agreements, laws relating to privately funded research;

5. To arrange for the keeping of all records and documents that is necessary for the protection of the College’s interest in the intellectual property;

6. To provide such assistance as may be necessary, throughout the technology transfer process, to protect and effect the transfer of the intellectual property;

7. To restrain from public disclosure of the said research results until the evaluation process is completed and decision whether to pursue IP protection or not have been made.

2.4.2 Rights of the Inventor/Author

1. In case the IP asset relates to a patent, the rights of the researcher shall be governed by section 17 (1) and (2) and 35 of the Patents Acts of 1987 which are the right to be named as an inventor, the right to receive royalties/economic benefits arising from the exercise of any or all rights stipulated under section 35 of the Patent Act.

2. In the case where the intellectual property asset relates to copyright or neighbouring right, the rights of the author shall be as provided under section 9 and 11 of the Copyright and Neighbouring Rights act of 1999 subject to the exception under section 12, 15, 16 and 23.

2.4.3 Obligations of the College

The College shall have the following obligations:

1. To exercise due diligence in handling all matters pertaining to the disclosure of research activities;

2. To raise awareness among staff on IP issues;
3. To provide support where necessary in terms of monetary consideration and infrastructural in order to facilitate effective administration of IP;
4. To obtain legal protection for the IP for the interests of the institution and creator of the IP against third party or unauthorized use;
5. To advertise and commercialize the IP assets as deemed appropriate for the interest of the College, researcher and the general public;
6. To assist the inventor/author where necessary, in finding an external partner or financial support;
7. To endeavour to negotiate and manage IP related agreements to the best advantage of the author/inventor and the institution;
8. To ensure that such agreements are consistent with IP policy and respective guidelines.

2.5 Management of Intellectual Property
The effectiveness of this policy largely hinges on the ability and willingness of the College to set up IP structures within its current institutional structure.
The College shall therefore:
1. Place issues concerning Intellectual Property as a responsibility of the PSRCCommittee under the Coordination of the Directorate of Post-Graduate Studies, Research and Consultancy.
2. Ensure that the Intellectual Property Unit is accorded sufficient resource support both financially, materially and in terms of human capacity.
3. Encourage all Faculties, Directorates/Institutes and departments where necessary to integrate their activities and programmes with the IP Unit.

2.6 Research Collaboration
Holistic, cross-disciplinary and multidisciplinary nature of research is a trend in most of the modern research. As such, researchers at the College are drawn into carrying out research with partners from different faculties, colleges or institutions. The research collaboration may take the form of individual collaboration and institutional collaborations. Determination of IP rights becomes crucial in dealing with instances of research collaboration.
Aware of the above, the College shall:

1. Through the IP Unit, ensure that the terms under which the contract is entered takes into account the intellectual property interests of both the College, sponsor and researcher;

2. Coordinate management of sponsored research activities across the various academic/non-academic units involved with a view of guarding against any contravention of the provision of this policy;

3. Ensure that where the College/researchers decide to share part of the project cost, taking account of the relative benefits to the institution and to the sponsor, details of such a sharing arrangement are explicitly stated and shall be mutually agreed to by all parties concerned;

4. Ensure that both parties reserve the right to delay publication of research results for a specified period not exceeding 6-12 months;

5. Ensure that under certain exceptional circumstances, the sponsor shall be allowed to negotiate a longer delay period with the college, but only on submission of a compelling case and with the agreement of the research staff involved;

6. Ensure that under no circumstance the sponsor will be allowed the right to delay publication for an indefinite period of time.

2.7 Commercialization of Intellectual Property

The College being a private institution still owes a duty to serve the public to the best extent possible through among others, research activities that give solutions for the betterment of the society as a whole. Research at the College will only make meaningful contribution to the society in Tanzania and elsewhere if there are definite measures in place to translate research results into applied knowledge provided there is government support. One of the widely used strategies to translate research results into applied knowledge is through commercialization of intellectual property.

In view of the above, the College shall:

1. Encourage transfer of intellectual property assets to the interested parties in a manner that will preserve the interest of the College, the transferee, the researcher and the general public.

2. Encourage and initiate setting up of incubators, start-up companies and spin-off companies with a view of making the intellectual property available to the public on fair and reasonable terms through licensing of IP.
3. Ensure that the technologies and other IP assets developed at the College are effectively advertised to the potential users in the industry and other sectors and setting up fair terms of licensing while giving special preference to local manufacturers.

4. Establish system of quality control and follow-ups mechanism to the licensee in order to make sure that such intellectual property are used for the benefit of the majority Tanzanians as opposed to further private interests.

5. Ensure that commercial interest does not outweigh and therefore defeat the pursuit of research for curiosity purposes by providing support to those who pursue research for curiosity.

6. Ensure that the IP Unit is empowered through engagement of personnel who have legal and marketing expertise in intellectual property licensing;

7. Ensure that all licensing or assignment agreement for transfer ownership of the College intellectual property shall be subject to this Policy; include the terms necessary to fulfil the requirements and further this Policy; provided that the contracting entity bears the costs of obtaining protection for intellectual property and money proceeds generated out of share interests be distributed according to agreed revenue distribution rules.

8. Under certain cases, consider negotiating for equity shares in lieu of or in addition to monetary consideration under an agreement between the College and an external entity relating to applicable intellectual property

2.8 Benefit Sharing Modality

The College sees the contributions of researchers and sees the need for rewarding the researchers as a means of encouraging further creativeness at the College. Towards achieving that, the College shall devise a system of benefit sharing which shall be guided by the following principles:

1. That the College and the inventor/author shall have the option for a single upfront payment or running royalties from the licensing of IP;

2. The net income shall be shared between TUDARCO and the Inventor/author in a manner which shall be devised by the IP Unit, which may be determined on the basis of each individual case. Where the two parties do not agree, the matter shall be taken to the impartial organ for determination;
3. The inventor’s/author’s percentage share shall decrease as the total net revenue increases subject to inflation rate;

4. The College shall determine the departments, faculties institutes, research funds etc with whom the College ratio of benefit from licensing shall be shared;

5. In case there are co-inventors or co-authors each shall share the net income in proportion to their contribution as mutually agreed upon them from their share from the net income. If the joint inventors and co-authors fail to reach an agreement, then the income shall be distributed among them in a proportion based on contribution as determined by the IP Unit.

6. The proportional distribution system of income between inventors will also be employed for distribution between their academic/administrative units.
Chapter Three

OPERATIONALIZATION OF THE POLICY

Effective and proper management of intellectual property is one of the corner stones of successful universities in many countries. It is therefore plausible for the issues to be handled as such within the academic administrative hierarchical organs of the College.

3.1 Intellectual Property Management Unit

In view of the above need, the College shall:

1. Set up at the College or Faculty levels, the Intellectual Property Committees which shall liaise with the Directorate of Post-Graduate Studies Research and Consultancy in all matters pertaining to intellectual property;
2. Ensure that deliberations and recommendations of the IP Management Unit are tabled before the College Academic Committee for further actions.

3.2 Administrative Modalities of Intellectual Property

3.2.1 Procedure for Disclosure and Reporting of Research Activities with Potentials of IP value

The disclosure of research activities shall be as per following steps:

1. The inventor shall have the primary duty to report and make full disclosure of any research activity which he/she is carrying out using college resources to the Dean of the faculty or Head of department to which he/she is responsible.
2. Upon receipt of the disclosure or report, the dean/head shall fill the research/invention disclosure forms and communicate the same to the DPSRC to ascertain its intellectual property potential and the DPSRC shall put the communication in writing and open the file for the said researcher;
3. Pursuant to the provision No.2 above, there shall be continuous communications between the DPSRC and the researcher/faculty/department on the progress of the research and on matters relating to steps which has been taken by the Directorate to protect the research results.
3.2.2 Evaluation period by the IP Management Unit

1. Unless there are justifiable circumstances to the contrary, the DPSRC shall communicate to the researcher as soon as possible but not later than 90 days of receipt of the research/invention disclosure form whether or not the College will pursue rights under the said research.

2. If the college opts to pursue intellectual property protection, the office of the DPAA shall take timely measures to seek protection so that the researcher could make timely publication in professional or scholarly media of the research findings associated with the research and/or the timely completion of a student’s thesis or dissertation.

3. The college, in consultation with the inventor/author, may elect to utilize the services of patent attorneys in organizing and deciding on the most appropriate way to harnessing the IP asset under the consideration.

3.2.3 Waiver of rights/Assignments of rights

In case where the College decides that it does not wish to pursue intellectual property protection with regard to a particular research, the DPSRC shall inform the inventor in writing and the provision section 2.3.3 of this policy shall apply.

3.2.4 Allocation of costs

Unless otherwise stated, all costs associated with application for intellectual property protection and prosecution thereof for IP assets for which the College is seeking to protect and commercialize shall be borne by the College.

3.2.5 Dispute resolution

1. All disputes relating to IP shall be resolved amicably in a spirit of supporting and furthering the interest of the public;

2. Dispute resolution with regard to intellectual property shall be handled by the Intellectual Property Management Unit in conjunction with an ad hoc committee composed of the DPAA

3. The DPAA shall chair the committee/panel and other members shall include; the dean/head of department/institute where the dispute is originating, and the author/inventor and another neutral member who is versed with issues of IP to be appointed from any department at the College or outside should the circumstances compel;
4. In case the dispute involves a research student, the ad hoc committee shall include a student, under-graduate or post-graduate as the case may be appointed by the DPAA;

5. In case where the dispute involves a non academic member of staff, the ad hoc committee shall include non academic staff member appointed by the Provost.

3.2.6 Policy administration, compliance and violations
The Provost shall be responsible for the administration of this policy:

1. The Provost shall issue administrative guidelines as necessary or appropriate to assist with policy interpretation and to facilitate its administration;

2. The guidelines issued by the Provost shall include procedures for the reporting and resolution of dispute and handling of policy violations;

3. The College reserves the right to initiate civil or criminal complaints for policy violations as well as to pursue any corrective or disciplinary action.

3.3 Periodic Review of the Policy

1. This policy shall be reviewed periodically in every five (5) years in the light of legal, policy and institutional development of IP at the international, regional and municipal levels;

2. The evaluation team shall include members from different frontiers of IP including but not limited to government agencies, academia, and enforcement organs.
REFERENCES


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http://www.ieee.org Institute of Electrical and Electronics Engineers (IEEE)

http://www.ipgri.cqiar.org (International Plant Genetic Resources)


http://www.iprcommission.org/papers/word/study_papers/sp9_Tanzania_casudy.doc.

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