



UNIVERSITEIT VAN PRETORIA
UNIVERSITY OF PRETORIA
YUNIBESITHI YA PRETORIA

UNIVERSITY OF PRETORIA
Department of Research and Innovation

INTELLECTUAL PROPERTY POLICY

Document type: Policy
Policy Category: Research

Document number: S 5144/22

CONTENTS

1. Purpose	2
2. Organisational scope	2
3. Policy statement	2
4. Definitions/Abbreviations	2
5. Intellectual Property at the University of Pretoria	3
5.1. The IP rights of the University and IP Creators	3
5.2. Declaring IP	3
5.3. Commercialising IP	3
5.4. Distributing commercialisation income and benefits fairly	3
5.5. Promoting access to intellectual property	4
5.6. Compliance with legislation and public law duties.	4
6. Associated documents	4
7. Document metadata	4

1. Purpose

The University must expand and improve its knowledge base and create, manage ownership of, protect and, where feasible, commercialise the resulting Intellectual Property (IP).

The Intellectual Property Rights from Publicly Financed Research and Development Act 51 of 2008, as amended (IPR Act) was promulgated to ensure that IP emanating from publicly financed research and development is identified, protected, utilised and commercialised for the benefit of the people of the Republic, whether it be for a social, economic, military or other benefit.

The University, therefore, encourages and supports its employees, contract workers, visitors, students and research and development fellows and associates to conduct research and development in the pursuit of valuable outcomes. It aims to unlock the inherent value of its knowledge base and resulting IP to the benefit of the relevant IP Creators, the University and society in a spirit of partnership.

2. Organisational scope

The IP Policy applies to all employees, visiting academics and researchers, students (including undergraduate and postgraduate students), contract workers, and research and development fellows and associates (IP Creators). It also applies to any research and development involving the use of the facilities or other resources of the University.

3. Policy statement

This policy regulates the following:

- the IP rights of the University and IP Creators;
- declaring IP;
- commercialising IP;
- distributing commercialisation income and benefits fairly;
- promoting access to intellectual property;
- compliance with legislation and public law duties.

4. Definitions/Abbreviations

Intellectual Property (IP) means any creation of the mind that can be protected by law from use by any other person, whether in terms of South African law or foreign IP law, and includes statutory Inventions, patent applications and registrations as defined in the Patents Act 57 of 1978, copyrighted works as defined in the Copyright Act 98 of 1978, plant

breeders' rights as defined in the Plant Breeders' Rights Act 15 of 1976, designs, design applications and registrations as defined in the Designs Act 195 of 1993, trademarks, trade mark applications and registrations as defined in the Trade Marks Act 194 of 1993, confidential or proprietary information, know-how and trade secrets.

Intellectual Property Creators (IP Creators) include all employees, visiting academics and researchers, students (including undergraduate and postgraduate students), contract workers, and research and development fellows and associates.

5. Intellectual Property at the University of Pretoria

5.1. The IP rights of the University and IP Creators

The University owns any IP emanating from all publicly financed research and development conducted by its IP Creators, be it in the course and scope of their employ or their studies, or by using the University's facilities or other resources.

5.2. Declaring IP

IP Creators must identify what IP (except for copyrighted material) they will generate and declare it to the Technology Transfer Office (TTO). The process and Disclosure Form is set out in the University's IP Compliance Regulation.

5.3. Commercialising IP

The University will commercialise IP for the benefit of the University, the IP Creators, and society at large through appropriate legal mechanisms and IP transactions.

The TTO must evaluate IP disclosures and determine the most appropriate commercialisation strategy and IP protection strategy for the University.

If the TTO decides to apply for the protection of University IP, the IP Creator must provide their full co-operation to the University.

5.4. Distributing commercialisation income and benefits fairly

The University, IP creator(s), entrepreneur(s) and other possible stakeholders will benefit from either:

- a proprietary interest, such as equity, member's interest or co-ownership in a spin-off enterprise created by the University for the commercialisation of the IP that they created; or
- a right to a portion of the revenues that accrue to the University as a result of such commercialisation, as provided for in the IPR Act, but not both.

The formula for the allocation of commercialisation income and benefits is set out in the IP Compliance Regulation.

5.5. Promoting access to intellectual property

The University supports and promotes the use of Creative Commons licences, open-source software and open access to research data to publish IP to the benefit of society, unless there are ethical or legal reasons why access to the IP or research data should be embargoed or restricted.

5.6. Compliance with legislation and public law duties.

The University complies with the Higher Education Act 101 of 1997 and the IPR Act by:

- implementing procedures that ensure that IP is identified, evaluated for commercialisation and protected;
- providing support, assistance, and advice to IP creators about protecting and commercialising IP and the fair division of income derived from that IP; and
- establishing the UP TTO to make IP available through technology transfer and to protect the IP Rights of IP creators, the University, funders and society.

6. Associated documents

IP Compliance Regulation

Research Management Policy

Guideline on Research Contracts

Policy on Electronic Theses and Dissertations

Outside Work Policy

7. Document metadata

Document number:	<i>S 5144/22</i>
Document version:	<i>S 5144/22 is the newly approved version replacing Rt 181/09</i>
Document approval authority:	Senate
Document approval date:	<i>6 October 2022</i>
Document owner:	Director: Department of Research and Innovation Support
Next review date:	<i>6 October 2026</i>
Visibility: Display on staff intranet Display on student intranet Display on public web	 √ √