



Global TISC Conference

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IP Policies for Universities and Public Research Institutions

Overview of WIPO resources and services for developing institutional IP policies

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The Context

- **Universities and research institutions are expected to more *actively* participate in local socio-economic development.**
- **Use of IP increasingly seen as an attractive instrument for accelerating knowledge transfer from science → industry.**



Factors facilitating knowledge exchange

At the national level

- Efficient and predictable **IP system**.
- Supportive regulatory environment and **clear rules over the ownership of IP**.
- **Financial support** at various levels
- Skilled **human resources**.
- **Supporting mechanisms** fostering relationships between local businesses and technology creators, such as science parks and incubators.

At the institutional level

- Autonomy, size and reputation of university.
- Support from the **senior leadership**.
- University's **research focus** (STEM versus others).
- Quality & quantity of **research outputs**.
- Networks and **trust** between academic and industry actors.
- Relationships between academic units (such as interdisciplinary research centers, etc.).
- **Awareness of staff/students** regarding IP and knowledge exchange.
- **Willingness** of the researchers to engage in KE.
- **Incentives** for researchers.
- **Supportive infrastructure** available for researchers that wish to move research findings into the commercial realm (TISCs/TTOs).
- **An effective IP policy** which enables efficient identification, management and commercialization of research outputs.

At the market level

- Sufficient **demand** for university knowledge from firms.
- **Absorption capacity** of the firms to develop early stage research into marketable products.
- A market that is **ready to buy** the product once it has been fully developed and is ready for sale.

Why do universities and RIs need and IP policy?

Provides an environment that supports and encourages innovation and knowledge transfer.

Main goals of an IP policy:

- Create **trust**. Sets out obligations and rights of the institution + researchers.
- Provide **legal certainty**. Ensure compliance with national laws and regulations.
- Clarify **ownership** & **right to use** the IP resulting from the institution's own or collaborative R&D activities.
- Rules on how to **identify, evaluate, protect** and **manage IP** for its further development.
- Transparent framework for **cooperation with third parties**.
- **Keep the institution out of court**.



Case Study: Gatorade

University of Tallahassee Florida (USA)



- Invented in the labs of **University of Florida** in 1965 by a team of university researchers, upon the request of Florida Gators assistant coach.
- Designed to quickly hydrate a player and replenish the carbohydrates and electrolytes lost during physical activity.
- Purchased by the Quaker Oats Company and then by PepsiCo.
- Today, *Gatorade* makes roughly a billion dollars in revenue each year. From this, the University of Florida has received **\$281 million in royalty** payments alone (as in 2015).

Source: markrobertdy.blogspot.com

SO WHAT'S THE PROBLEM HERE?



Source: wikipedia

- Number of serious **lawsuits** as to the ownership of the *Gatorade* formula.
- **No clear IP Policy** in place during the time of its creation.
- Government: said that the researchers had no proprietary rights over the formula because they were using federal money to fund their research.
- University: also claimed IP rights over the formula because its facilities were used for its creation.
- **Settlement** was reached **awarding 20%** of the royalties to the university (80% to the inventors).

SO WHAT'S THE PROBLEM HERE?

- Story seems to end well. But one can't help but wonder
 - How much more the **university** could have received if it only had an IP Policy in place?
 - Could the **researchers** have had a larger share in the revenue?
 - Could the **coach** who initiated the project have received a small cut?
 - Could the **student assistants** who helped the researchers have received a portion of the rewards or at least credit for the invention?

- All these things could have been clarified an **IP Policy**. A mere chapter in the **student handbook** could have spelled the difference between a million dollars and nothing.

The Challenge

No model

- IP commercialization and tech transfer is inspired by high-tech districts
- No one-size-fits-all



Database

- Over 650 examples of IP policies and agreements
- From over 70 countries
- Keyword searches

Toolkit

- One-stop-shop
- Guidance for customization
- Volume 1 – IP Policies
- Volume 2 – Model agreements

WIPO Database of IP policies

www.wipo.int/about-ip/en/universities_research/ip_policies/

Soon: inspire.wipo.int/

Database of policies

What better way to learn than from others? Search IP policies, manuals and model agreements from universities and research institutions worldwide. If you would like to request that examples of your policies, manuals or agreements are added to the database, please [contact us](#).

Type of institution

*** Any ***

- Private Research Institution
- Private University
- Public Research Institution
- Public Research Support Agency
- Public University

Focus

*** Any ***

- Appeal
- Collaboration
- Commercialization
- Confidentiality
- Conflict of Interest
- Contract Research
- Copyright

Accompanying documents

*** Any ***

- Guidelines and other resources
- IP policy
- National model IP Policies
- Template forms and agreements

Country / Territory

*** Any ***

- African Intellectual Property Organization
- African Regional Industrial Property Organization (ARIP)
- African Union
- Argentina
- Australia
- Austria
- Belgium

WIPO IP Toolkit for Universities

What

- **Checklist for IP policy drafters**
- **Template Policy**
- **Guidelines for customization**
- **Model agreements**

Purpose

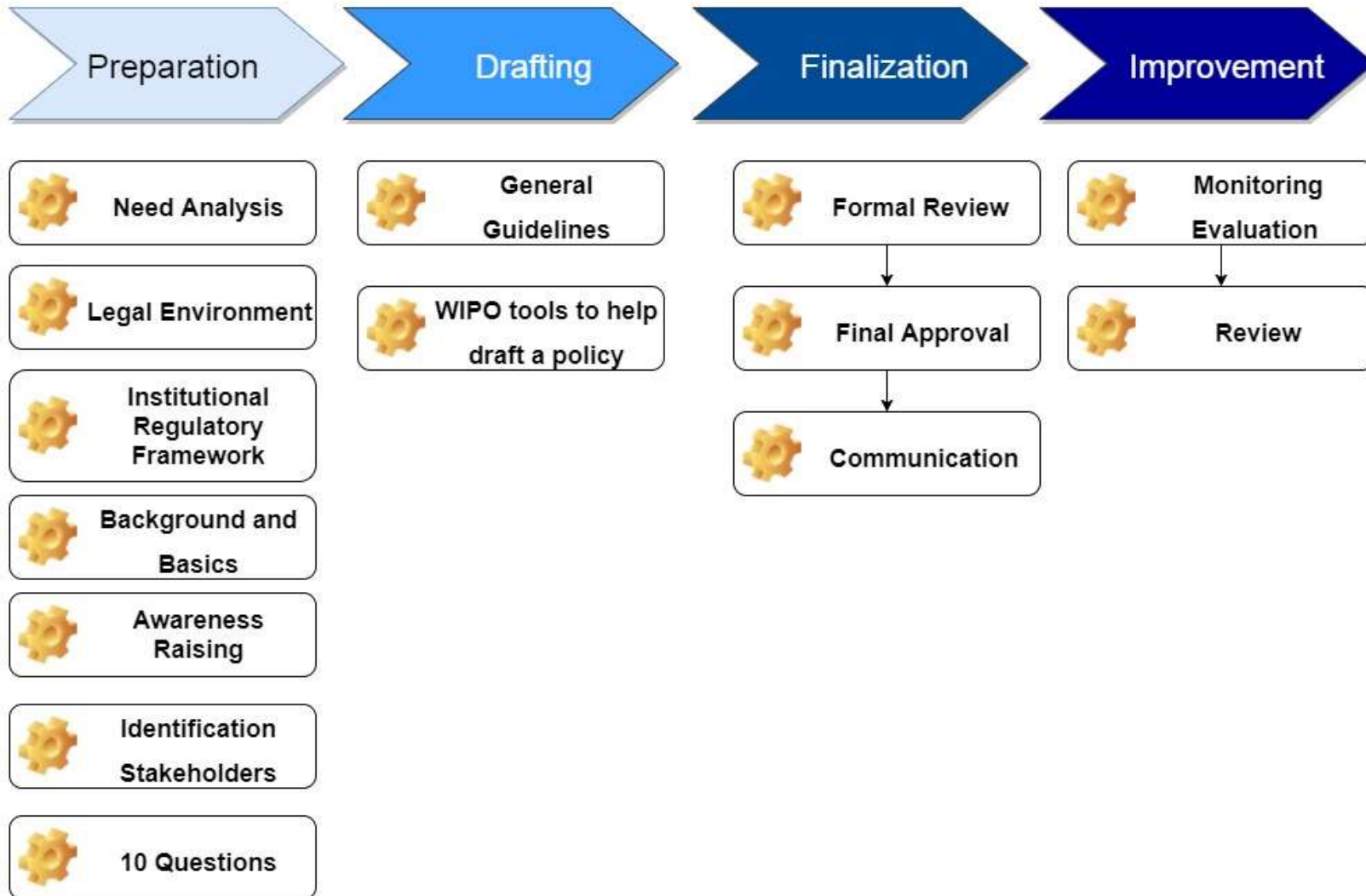
- **Help create an enabling IP policy**
 - ▶ in line with the mission of the institution
 - ▶ with a view to maximizing socio-economic benefits

Features

- **Collaborative**
- **Customizable**
- **Responsible IP commercialization**



POLICY WRITERS' CHECKLIST



WIPO IP Policy Template and Guidelines:

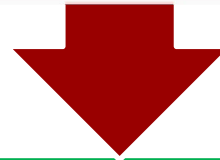
- Art.1 – Preface
- Art.2 – Definitions
- Art.3 – Scope
- Art.4 – Governance and Operation
- Art.5 – Ownership of IP and Rights of Use
- Art.6 – Publication, Confidentiality, Non-Disclosure, Trade Secrets
- Art.7 – Research Contracts
- Art.8 – IP Disclosure and Determination of IP Ownership
- Art.9 – Commercialization of IP
- Art.10 – Incentives and Distribution of Revenues
- Art.11 – Recording and Maintenance of IP
- Art.12 – Traditional Knowledge and Genetic Resources
- Art.13 – Conflicts of Interest
- Art.14 – Miscellaneous

I. PREPARATION

Analysis innovation
eco-system

Assessment legal
framework

Compilation existing
institutional policies



II. PROJECT VALIDATION

Project paper

Agreement IP Office

Agreement TISC



III. PROJECT IMPLEMENTATION

National Model Policy

Coaching and adoption
inst. policies

National Workshop

Customized country versions



Belarus



Morocco



Kyrgyzstan



India



Viet Nam



Russia



ARIPO



Colombia

University Constantine 3 Salah Boubnider – the first university in Algeria to create a formal IP policy

*“The support provided by WIPO in drafting the policy has been more than simple assistance: it has been a **training** from which we have learned a great deal,”*

*“A true lesson in IP management and in designing a framework for innovation and enhancement of university research outcomes with **insight and foresight**. The process as a whole has also **gathered** the different entities within the University of Constantine 3 around a shared objective of technology transfer.” (Ms. Nawel Outili)*

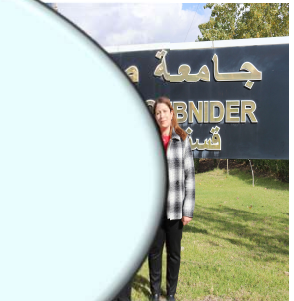


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University Constantine 3 Salah Boubnider – the first university in Algeria to create a formal IP policy

*“The interactive process of a formal IP policy development enabled UC3 to clarify its **priorities**, set up an **organizational framework**, address **ownership** and **benefit sharing**, and foster a **culture of collaboration** between the different units and organisms.”*

The support of the WIPO experts in the development of the IP policy has been a tremendous success for the university. “The process has been a tremendous success for the university,” said Salah Boubnider, Rector of the University of Constantine 3. The IP policy experts in the field of research management and in designing strategies for the innovation and enhancement of university research outcomes with insight and foresight. The process as a whole has also gathered the different entities within the University of Constantine 3 around a shared objective of technology transfer.



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WIPO's Program on Universities and IP

What we do

We provide advice, support and resources to help universities and PRIs around the world tap into their IP and continue fuelling the innovation that drives society forward.

Resources

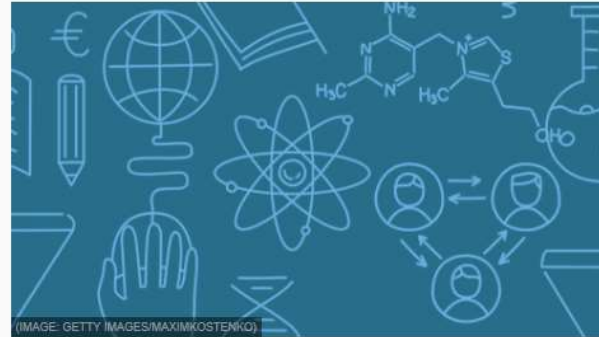
We maintain a non-exhaustive list of free resources for universities and PRIs.



(IMAGE: GETTY IMAGES/MAXIMKOSTENKO)

IP policies for universities

Knowledge and technology generated in universities and PRIs can have immense economic and societal benefit. A robust IP policy ensures that this value is maximized and protected.



(IMAGE: GETTY IMAGES/MAXIMKOSTENKO)

Knowledge transfer for universities

For great ideas to flourish, they need to make their way from universities and research centers into the hands of the consumer. Understanding IP issues around knowledge transfer can help get discoveries from the lab to the marketplace.

www.wipo.int/about-ip/en/universities_research/ip_policies/

inspire.wipo.int/