


<b>Category</b>	Legal Compliance	<b>Policy Number</b>	UNI-LEG-302	 جامعة زايد ZAYED UNIVERSITY
<b>Distribution</b>	External	<b>Version</b>	2.1	
<b>Responsible Office</b>	Provost	<b>Policy Owner</b>	Office of Research	
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<b>Date Last Reviewed</b>	24 September 2020	<b>Due Date for Next Review</b>	24 September 2023	

## **POLICY**

### **Intellectual Property**

#### **1. Purpose**

This policy clarifies the ownership of intellectual property rights, the use of intellectual property, and the distribution of benefits derived from intellectual property at Zayed University.

#### **2. Scope of Application**

This policy applies to all faculty, staff, students, and any other persons employed by the university; to all persons receiving funding administered by the university or receiving other compensation from the university; and to all university-enrolled students regardless of funding or employment status.

#### **3. Definitions**

**3.1 Creator:** the individual or group of individuals who invented, authored, or were otherwise responsible for the intellectual creation of the intellectual property.

**3.2 Intellectual Property:** any invention, discovery, improvement, copyrightable work, integrated circuit mask work, trademark, trade secret, and licensable know-how and related rights. Intellectual property includes, but is not limited to, individual or multimedia works of art or music, records of confidential information generated or maintained by the university, data, texts, instructional materials, tests, bibliographies, research findings, organisms, cells, viruses, DNA sequences, other biological materials, probes, crystallographic coordinates, plant lines, chemical compounds, and theses. Intellectual property may exist in a written or electronic form, may be raw or derived, and may be in the form of text, multimedia, computer programs, spreadsheets, formatted fields in records or forms within files, databases, graphics, digital images, video and audio recordings, live video or audio broadcasts, performances, two or three-dimensional works of art, musical compositions, executions of processes, film, film strips, slides, charts, transparencies, other visual/aural aids or CD-ROMS.

**3.3 Net Income:** the gross monetary payments the university receives as a result of transferring rights in the intellectual property less the university's out-of-pocket expenditures (including legal fees) directly attributable to protecting, developing, and transferring that intellectual property.

- 3.4 Instructional Work Product:** a copyrightable work product that constitutes or is intended to disseminate the results of instructional materials for use in conjunction with courses. Instructional work product includes class materials, class notes, theses and dissertations of ZU students, course materials designed for the web and e-learning materials. Software specifically needed to support a regular instructional work product or that is designed to disseminate the results of an instructional work product is also considered an instructional work product.
- 3.5 Research, Scholarly and Creative Activity Work Product:** a copyrightable work product that is an artistic creation or that constitutes or is intended to disseminate the results of academic research or scholarly study as distinct from instructional work product. These work products include books, theses and dissertations of ZU employees, articles, poems, musical works, dramatic works, pantomimes and choreographic works, pictorial, graphic and sculptural works or other works of artistic imagination.
- 3.6 Employee:** a person employed or otherwise compensated by the university, including faculty members, staff members, students, and consultants paid by the university.
- 3.7 Specially Commissioned Work:** a work specially ordered or commissioned and which the university and the creator expressly agree in a written instrument signed by them shall be considered as such.

#### **4. Policy**

**4.1** This policy exists to encourage research and innovation, clarify ownership of intellectual property rights, create opportunities for public use of university innovations, and provide for the equitable distribution of monetary and other benefits derived from intellectual property.

#### **4.2 University Ownership**

Subject to the exceptions in Article 4.3, the university shall be the sole owner of all intellectual property created through the use of university resources or facilities, supported directly or indirectly by funds administered by the university, developed within the scope of employment by employees, agreed in writing to be a specially commissioned work, or assigned in writing to the university. Scholarly articles produced as a result of university activity shall be freely available for the use of all Zayed University employees and students.

#### **4.3 Exceptions to University Ownership**

##### **4.3.1 Instructional Work Product**

An instructional work product is owned by the creator and the university. This does not apply to an instructional work product that is assigned in writing to the university or specifically ordered or commissioned and designated in writing by the creator and university as a specially commissioned work.

##### **4.3.2 Course Requirement**

Intellectual property created solely for the purpose of satisfying a course requirement is owned by the creator and the university. This does not apply to an academic work product that is assigned in writing to the university or specifically ordered or commissioned and designated in writing by the creator and university as a specially commissioned work.

#### **4.3.3 Research, Scholarly and Creative Activity Work Products**

Research, scholarly and creative activity work products created outside of courses at Zayed University is owned by the creator, unless developed under contractual agreements. Research and scholarly articles produced as a result of university activity shall be freely available for the use of all Zayed University employees and students.

#### **4.3.4 Pre-Existing Rights**

If the intellectual property referred to in paragraphs 4.3.1, 4.3.2 and 4.3.3 is a derivative of or otherwise uses preexisting university-owned intellectual property, this shall not prevent the university from asserting its preexisting rights.

#### **4.3.5 Contractual Agreements**

For intellectual property created in the course of or pursuant to sponsored research, external sales, industrial affiliates programs, or other contractual arrangements with external (non-university) parties, ownership will be determined in accordance with the terms of the university's agreement with the external party and applicable law.

#### **4.3.6 Outside Consulting Activities**

For intellectual property created in the course of or pursuant to activities that fall within outside consulting, service activities, and other work, ownership will be determined in accordance with the terms of any agreement governing intellectual property developed pursuant to such activities.

### **4.4 Use of Intellectual Property**

#### **4.4.1 Rights to Publish**

Nothing in this policy shall be construed as affecting the rights of a creator to publish, except that the creator must agree to observe a brief period of delay in publication or external dissemination, if the university so requests, and such a delay is necessary to permit the university to secure protections for intellectual property disclosed to it by the creator.

#### **4.4.2 Use of Teaching Materials**

In order to facilitate the development of teaching materials and support collaborative teaching, and notwithstanding the ownership rights otherwise granted by this policy, individuals who contribute teaching materials used in university courses thereby grant a nonexclusive, nontransferable license to the university to permit other contributors to use and further develop those materials in university courses. In the instance where the contribution was created prior to the commencement of employment for which the individual asserts ownership, the university thereby is granted a nonexclusive, nontransferable license to use and further develop those materials in university courses. Alternatively, an individual may enter into an agreement with the university before making the contribution available in a university course.

## **4.5 Distribution of Income**

### **4.5.1 Academic Research or Scholarly Study**

Unless otherwise agreed in writing by the university and creator, in the event that the university receives income from intellectual property that is derived from academic research or scholarly study, and that is not agreed in writing to be a specially commissioned work, any net income above AED 5,000 will be divided as follows:

- a) 30% to the creator;
- b) 25% to the Office of Research to support research and scholarly activity at the university;
- c) 25% to the creator's college, institute, or center for future research and scholarship in the unit;
- d) 20% to the university to support the overhead costs of supporting research.

The first AED 5,000 net income will be distributed to the creator.

### **4.5.2 Changes to Distribution**

Changes to the distribution of income under paragraph 4.5.1, items b) and c) may be appropriate if the income to a department, college, institute, or center becomes disproportionate compared with the unit's budget or if there are administrative organizational changes, including movement of the creator among units. Recommendations to the Vice-President about redistribution of income under such circumstances shall be made in consultation with the deans of the appropriate colleges, and the directors of the appropriate institutes/centers.

### **4.5.3 Other Intellectual Property**

If the university receives income from intellectual property disclosed to and licensed or otherwise transferred by the university's technology transfer unit and not covered by paragraphs 4.5.1 and 4.5.2, it may be appropriate to share some portion of the net income with the creator in the form of a bonus or other temporary salary supplement. Any such distribution will be recommended to the Provost by the Assistant Provost for Research in consultation with the creator's supervisor.

## **4.6 University Responsibilities**

The university shall have the responsibility to:

- a) provide oversight of intellectual property management and technology transfer;
- b) establish effective procedures for licensing and patenting intellectual property;
- c) promote effective distribution and marketing of intellectual property;
- d) protect the university's intellectual property;
- e) maintain a database of intellectual property;
- f) inform individuals covered by this policy about its provisions; and
- g) assure adherence to the university's policy on Intellectual and Academic Freedom (ACA-PRO-601).

#### 4.7 Responsibilities of Applicable Individuals

Employees, all persons receiving funding administered by the university or receiving other compensation from the university, regardless of funding or employment status, have a responsibility to:

- a) adhere to the principles embodied in this policy;
- b) sign, when so requested by the university, the University's Intellectual Property Policy Acknowledgment;
- c) create, retain, and use intellectual property according to the applicable UAE, and international laws and university policies;
- d) disclose promptly in writing intellectual property owned by the university pursuant to this policy or created pursuant to sponsored research or other contractual arrangements with external parties that are governed by article 4.3, paragraph e), and assign title to such intellectual property to the university or its designee to enable the university to satisfy the terms of any applicable funding or contractual arrangement; and
- e) cooperate with the university in securing and protecting the university's intellectual property, including cooperation in obtaining patent, copyright, or other suitable protection for such intellectual property and in legal actions taken in response to infringement.

#### 4.8 Administrative Procedures

The Vice-President, in consultation with the Provost, shall adopt procedures to implement this policy.

#### 4.9 Compliance

Failure to comply with the provisions of this policy is a violation and may result in discipline of an employee in accordance with applicable university policies and procedures.

*(Derived from the University of Minnesota Board of Regents Policy)*

### 5. Related Policies and Laws

ACA-PRO-601 Intellectual and Academic Freedom  
UNI-LEG-301 Copyright

### 6. Administration

This policy is administered by the Office of Research.

### 7. Revision History

Date	Revision
16 February 2023	Administrative change: <ul style="list-style-type: none"><li>• Updated the information header, format, and related policy numbers.</li><li>• Updated the policy number from ACA-RES-03 to UNI-LEG-302.</li></ul>
24 September 2020	Approved by the Provost. Reviewed with no substantive changes required: <ul style="list-style-type: none"><li>• Added Internal Distribution;</li></ul>

	<ul style="list-style-type: none"><li>• Made minor changes to aid clarification.</li></ul>
15 December 2019	Updated the format and added related policies.
23 September 2007	Policy revised.
21 May 2003	Policy approved.