



Innovation, Invention
and Venture Creation Council
INNOVATE SRI LANKA

INTELLECTUAL PROPERTY POLICY (IP POLICY)

UNIVERSITY OF SRI JAYEWARDENEPURA

January 2020



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MESSAGE FROM THE VICE CHANCELLOR

It gives me great pleasure to pen a few words regarding the publication of the Intellectual Property Policy (IP Policy) of the University of Sri Jayewardenepura. Benjamin Franklin said that, 'an investment in knowledge pays the best interest' and this is becoming increasingly obvious in the information age that we live in. Knowledge is a powerful weapon and the pursuit of acquiring new knowledge through Research and Development (R&D) is an arms race for which many countries are investing Billions of Dollars. For centuries, universities have been the foremost, institutionalized driving forces behind major research ventures. A university is meant to be a breeding ground for new ideas and innovation. However, in order for it to succeed in this endeavour, it must satisfy two fundamental requirements. Firstly, it must create an atmosphere which encourages the pursuit of knowledge. It must provide scholars and inventors with an environment where they are free to explore new ideas and share their findings with the community at large. Secondly, it is also important to make sure that there is a certain degree of structure in the process of generating knowledge through academic freedom and in sharing that newly acquired knowledge with the world. This policy document which has been drafted by the Innovation, Invention and Venture Creation Council (IIVCC) of the University of Sri Jayewardenepura aims to help achieve these two objectives. It lays out a framework which allows the staff and students of the university to freely engage in research and development while remaining aware of the legal implications of their work in terms of Intellectual Property. The concept of Intellectual Property Rights (IPRs) was devised to protect the interests of those who are engaged in the generation of valuable, new knowledge. The University's IP policy is designed to extend that protection to those who are a part of this institution in order to cultivate a more fertile research culture at the University of Sri Jayewardenepura.

Therefore, while I thank the staff of the IIVCC for the initiative taken I also wish them luck in this profound journey they have begun.

Senior Professor Sudantha Liyanage
Vice Chancellor



MESSAGE FROM THE CO-CHAIR IIVCC

The Policy Document on Intellectual Property of the University of Sri Jayawardenepura is the result of a collective effort by the Innovation, Invention and Venture Creation Council (IIVCC) of the University of Sri Jayawardenepura, supported by the entire Japura Community to update the university's IP policy to reflect changes in national and international IP Laws, policies, and best practices. According to the dictionary meaning, IP rights are 'intangible rights protecting the products of human intelligence and creation'. A common issue currently faced by many researchers and innovators within universities and in the country as a whole is that they are not adequately rewarded and appreciated for their research findings and inventions. This is sometimes due to a lack of awareness regarding the nature of Intellectual Property Rights. Moreover, developing countries such as Sri Lanka face the adverse effects of the phenomenon known as 'brain drain' where the leading producers of valuable intellectual property are offered more enticing opportunities by institutions in developed countries and thereby claim both the inventor and their inventions. For decades, this has created an environment that does not actively encourage, and often even discourages, research and development in the Sri Lankan University system. Considering all the above, this Policy Document was carefully drafted in order to describe the regulatory framework pertaining to the ownership and protection of Intellectual Property associated with the university. It also provides clear guidance to the staff, students, and any third parties who deal with the University on Intellectual Property related matters. The IP Policy has been specifically designed to incentivise staff and students to produce useful Intellectual Property by utilising their academic and creative capabilities. Those who do so will be protected and rewarded for their innovation in accordance with this Policy. The policy will also guide researchers and inventors in the commercialisation of their work. Therefore, I, on behalf of the IIVCC sincerely hope that this motivates members of the University to explore new avenues in their respective fields and make their mark on the ever-growing body of knowledge that shapes human society.

Professor Shirantha Heenkenda
Co-Chairperson

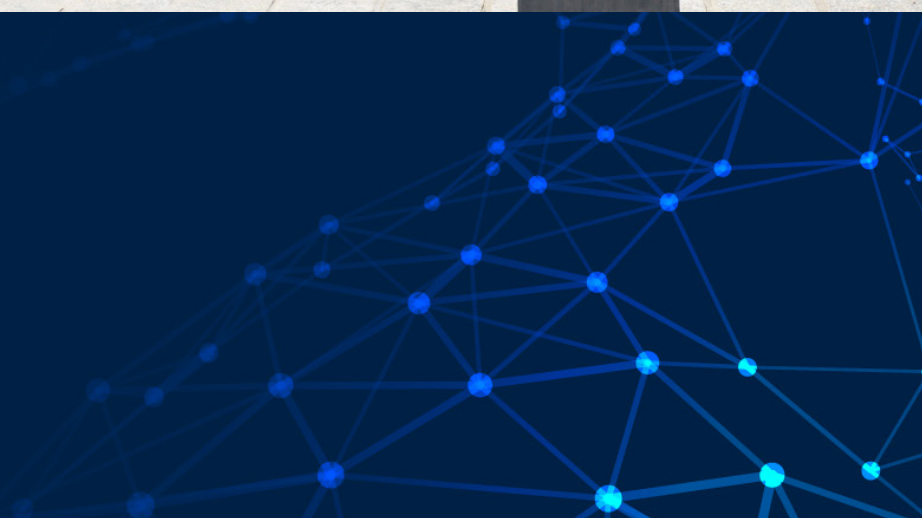


MESSAGE FROM THE CO-CHAIR IIVCC

The creation of valuable Intellectual Property is one of the primary functions of any University. Thus, it is extremely important to have a comprehensive framework in place to regulate the creation and use of intellectual property. The Policy Document on Intellectual Property of the University of Sri Jayewardenepura is aimed at achieving this goal. Since the inception of the University, the vibrant research culture at Japura has given birth to a multitude of useful creations which are a product of human intelligence. In drafting this policy document, the Invention, Innovation, and Venture Creation Council (IIVCC) has mainly focused on providing the creators of Intellectual Property with sufficient protection for the valuable results of their hard work. We hope that this framework of protection will encourage the members of the Japura community to pursue their research interests with greater vigour. The IIVCC is also aware that the staff and students of the University are also required to deal with the Intellectual Property of others during the course of their studies. With this in mind, the policy document which we have prepared also contains a set of clear and comprehensive guidelines to assist those who deal with matters relating to Intellectual Property. It is our firm belief that the contents of this document and the policies therein will serve to improve the University's contribution to the country and the world as a creator of knowledge.

Professor Nilmini Liyanage
Co- Chairpreson

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ஸ்ரீ ஜயவர்தனபுர பல்கலைக்கழகம்
UNIVERSITY OF SRI JAYEWARDENEPURA



Intellectual Property Policy (IP Policy) of University of Sri Jaywardenepura

First Version
January 2020

T This IP Policy was prepared by a sub-committee of the Innovation, Invention and Venture Creation Council (IIVCC) of the University of Sri Jaywardenepura based on the guidelines on Developing Intellectual Property Policy for Universities and R&D Organizations (WIPO, Geneva)

Sub Committee Members

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Approved by the Council of USJ on 13.02.2020 at 496th Council Meeting

Abbreviations

IIVCC	-	Innovation, Invention and Venture Creation Council
IP	-	Intellectual Property
NRC	-	National Research Council
NSF	-	National Science Foundation
UBL	-	University Business Linkage
USJ	-	University of Sri Jaywardenepura

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Policy Title	:	Intellectual Property Policy (IP Policy)
Policy Number	:	20
Functional Areas	:	Recording and Safeguarding creative work Transferring of Intellectual Property Rights and Commercial aspects Commercialization Dispute handling
Effective Date	:	1st January 2020
Approving Authority	:	The Council, University of Sri Jayewardenepura
Administrative Responsibility	:	The executive chairman of Innovation, Invention and Venture Creation together with the board of members through the University Business Linkage Cell of the University of Sri Jayewardenepura

1. Introduction

The University of Sri Jayewardenepura recognizes the need for encouraging the practical application and economic and moral use of the results of research carried out at the University for the benefit of the general public; therefore it adopted the following Policy on Intellectual Property.

The present Policy relates to the ownership, protection and commercial exploitation of Intellectual Property created by Researcher(s)/Creator(s) in the course of their duties, responsibilities or activities or by using university properties at the University of Sri Jayewardenepura. The document sets out the rules of the University for cooperation with industrial and business organizations and any other organizations/institutions provides guidelines on the sharing of the benefits arising from the commercialization of Intellectual Property.

This Policy aims to:

- i) Promote, encourage and aid scientific investigation, creative works and research;
- ii) Provide legal certainty in research activities and technology-based relationships with third parties;
- iii) Set out the University's procedures on the identification, assistance, ownership, protection and commercialization of Intellectual Property;

- iv) Ensure the timely and efficient protection and management of Intellectual Property;
- v) Facilitate the recording, monitoring and maintenance of the University's Intellectual Property portfolio;
- vi) Ensure that economic benefits arising from the commercialization of Intellectual Property are distributed in a fair and equitable manner recognizing the contributions of the Researcher(s)/Creator(s), the University as well as any other relevant stakeholders;
- vii) Enhance the reputation of the University as an academic research institution and a member of society as well as the reputation of the Researcher(s)/Creator(s) through bringing the research results to public use and benefit.

Nothing in this Policy overrides provisions of prevailing national laws.

2. Definitions

“Commercialization” means any form of exploitation of Intellectual Property, including assignment, licensing, publication, internal exploitation within the University and commercialization.

“Copyrighted works” means literary, scientific and art works, including academic publications, scholarly works, books, articles, lectures, musical compositions, films, presentations and other materials or works, which qualify for protection under the copyright law.

“University resources” means any form of funds, facilities or resources, including equipment, consumables and human resources provided by the University either in a direct or indirect way.

“Intellectual Property” means presentation of creations in mind, inventions, innovations, technologies, developments, improvements, materials, compounds, processes and all other research results and tangible/intangible research properties, including software and other copyrighted works.

“Intellectual Property Rights” (IP Rights) means ownership and associated rights relating to Intellectual Property, including patents, rights in utility model, plant breeders rights, rights in designs, trademarks, topography rights, know-how, trade secrets and all other intellectual or industrial property rights as well as copyrights, either registered or unregistered and including applications or rights to apply for them and together with all extensions and renewals of them, and in each and every case all rights or forms of protection having equivalent or similar effect anywhere in the world.

“Research Agreement” may refer to Research Service Agreement, Cooperative Research and Development Agreement, Material Transfer Agreement, Confidentiality Agreement, Consultancy Agreement and any other type of agreement concerning research pursued by Researcher(s)/Creator(s) and/or Intellectual Property created at the University.

“Researcher(s)/Creator(s)” means:

the Researcher(s)/Creator(s)/Inventor(s)/Author(s) who “significantly” contributed to the creation of the Intellectual Property. Nothing in this interpretation overrides the terms of prevailing contracts. Further this term means:

- i) persons employed by the University, including student employees and technical staff
- ii) students, including graduate and postgraduate students of the University
- iii) Person/s in any capacity employed by the University, including visiting scientists

who use the University resources and who perform any research task at the University or otherwise participate in any research project administered by the University, including those funded by external sponsors.

“Spin-off” means a company established for the purpose of exploiting Intellectual Property originating from the University.

“Visiting Researcher(s)/Creator(s)” means individuals having an association with the University without being either employees or students. “Visiting Researcher(s)/Creator(s)” includes academic visitors, individuals with honorary appointments in the University and emeritus staff.

3. Scope of the Policy

- 3.1. This Policy shall apply to all intellectual Property created on or after [date] and all IP Rights associated with them.
- 3.2. This Policy shall apply to all Researcher(s)/Creator(s) who have established legal relationship with the University based on which the Researcher(s)/Creator(s) is bound by this Policy. Such a legal relationship may arise pursuant to the provision of law, collective agreement or individual agreement or any other law applicable.
- 3.3. The present Policy shall not apply in cases in which the Researcher(s)/Creator(s) entered into an explicit arrangement to the contrary with the University before the effective date of the Policy, or the University previously entered into an agreement with a third party concerning rights and obligations set out in this Policy.

4. Legal issues concerning the status of Researcher(s) / Creator(s)

- 4.1. The person exercising the authority of employment on behalf of the University shall ensure that the employment contract or other agreement establishing any type of employment relationship between the University and the Researcher(s)/Creator(s) includes a provision placing the Researcher(s)/Creator(s) under the scope of the Policy.
- 4.2. Students of the University are bound by this Policy before commencing any research activity.
- 4.3. Postgraduate students enrolling in post-graduate programme with research component shall be required to sign an agreement to be bound by this Policy upon registration.
- 4.4. The person authorized to enter into an agreement on behalf of the University shall ensure that Researcher(s)/Creator(s) not employed by the University, including Visiting Researcher(s)/Creator(s) shall sign an agreement to be bound by this Policy and an assignment agreement in respect of ownership of IP created by them in the course of their activities that arise from their association with the University before commencing any research activity at the University.
- 4.5. Notwithstanding Paragraph 4.4., special arrangements may be needed to meet prior obligations of Visiting Researcher(s)/Creator(s). Any such requested special arrangements shall be assessed and decisions shall be taken on a case-by-case basis by the IIVCC of the University.
- 4.6. Special arrangements may be needed for research activities pursued by a Researcher(s)/Creator(s) employed by the University, but working in another institution as academic visitor. In such cases the Researcher(s)/Creator(s) may be required by a third party to sign any document which might affect the University's IP Rights. In order to avoid any subsequent disputes, the Researcher(s)/Creator(s) is not permitted to sign any such documents without the written approval of the IIVCC of the University. The approval shall not be denied if no University IP Rights are being affected. If such a document affects the University's IP Rights, the University shall initiate negotiations to enter into an agreement with the third party, as described in Section 5.
- 4.7. Rights and obligations under this Policy shall survive any termination of enrollment or employment at the University.

5. External sponsorship, research collaboration with third parties

- 5.1. It is the responsibility of the Researcher(s)/Creator(s) to ensure, that prior to commencing any research activity in collaboration with any third party, the terms and conditions of cooperation be set forth in a written agreement (hereinafter referred to as Research Agreement).
- 5.2. Researcher(s)/Creator(s) shall not have the right to enter into a Research Agreement with third parties on behalf of the University unless they are authorized to do so by the Vice Chancellor of the University.
- 5.3. Persons acting for, and on behalf of, the University shall exercise all due diligence when negotiating agreements and signing contracts that may affect the University's IP Rights.
- 5.4. In certain cases, with the IIVCC approval, it may be beneficial to the University to enter into Research Agreements that are exceptions to the provisions of this Policy with external sponsors of research and other third parties.
- 5.5. Depending on the relative intellectual and financial contributions of the University and the third party to the conception of the Intellectual Property, it may be appropriate for either cooperating party to obtain certain IP Rights and/or share in the revenue generated from its commercialization.
- 5.6. In the absence of such an agreement defined in Paragraph 5.1., it is the policy of the University that IP Rights shall be distributed among the cooperating parties in the proportion that reflects the proportions of contributing to the creation of the Intellectual Property.
- 5.7. In order to enable the cooperating parties to establish such proportions defined in Paragraph 5.6. and to prevent subsequent disputes, it is expedient that the parties maintain regular, well-documented records of the research activities pursued, signed by all of them.
- 5.8. The agreement set forth in Paragraph 5.1. shall include, *inter alia* provisions with respect to the following:
 - 5.8.1. IP and associated rights already existing at the University prior to entering into the agreement;
 - 5.8.2. IP and associated IP Rights arising from research activities set out in the agreement, after entering into it;
 - 5.8.3. Confidentiality requirements;
 - 5.8.4. Terms of public disclosure;
 - 5.8.5. Other relevant provisions.

- 5.9. Any confidentiality provision of a Research Agreement aiming at the delay of public disclosure for the purpose of protection should not usually have effect for no longer than 90 days from the time the concerned party is notified of the intent to publish.
- 5.10. Before signing, the full copy of the proposed agreements and other legal statements concerning the University's IP Rights shall be submitted to UBL Cell of the IIVCC for advice and approval.

6. Ownership of Intellectual Property

6.1. Employees of the University

- 6.1.1. All rights in Intellectual Property devised, made or created by an employee of the University in the course of his or her duties and activities of employment shall generally belong automatically to the University.
- 6.1.2. If an employee of the University creates Intellectual Property outside the normal course of his or her duties of employment, with the significant use of University Resources he or she will be deemed to have agreed to transfer the IP Rights in such Intellectual Property to the University as consideration for the use of University Resources¹.
- 6.1.3. Intellectual Property as defined in Paragraph 6.1.1., created in the course of, or pursuant to a sponsored research or other type of agreement with a third party, shall initially belong to the University and then ownership shall be determined according to the terms of such agreements (in accordance with Section 5).
- 6.1.4. Section 6.1. shall apply to student employees of the University.

6.2. Employees pursuing research activities at other institutions

- 6.2.1. Rights related to Intellectual Property that is created during an academic visit by the employee of the University to another University shall be governed by an agreement between the University and the other University (in accordance with Paragraph 4.6.). If the University's IP Rights are not affected, the IP created during the visit shall belong to the other University unless otherwise provided in an agreement.

6.3. Non-employees

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1. Generally, use of library facilities, facilities available to the general public and occasional use of personal office equipment and office staff may not be considered significant use.
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6.3.1. Visiting Researcher(s)/Creator(s) are required to transfer to the University any Intellectual Property they create in the course of their activities arising from their association with the University. Such individuals will be treated as if they were University employees for the purposes of this Policy.

6.4. Students

6.4.1. Students who are not employed by the University shall own all Intellectual Property and associated IP Rights they create in the normal course of their studies. However, the following exceptions shall apply.

6.4.1.1. If a student is offered a studentship sponsored by a third party under a separate agreement, under which the third party has a claim on Intellectual Property arising from the studentship, the student must agree that the Intellectual Property shall initially belong to the University and ownership will then be determined in accordance with the terms of the agreement concluded with the third party.

6.4.1.2. Intellectual Property created by students in the course of, or pursuant to, a sponsored research or other agreement with a third party shall initially belong to the University and ownership will then be determined in accordance with the terms of the agreement concluded with the third party.

6.4.1.3. If a student creates Intellectual Property with the significant use of University Resources in connection with his or her research activity, he or she will be deemed to have agreed to transfer the IP Rights in such Intellectual Property to the University as consideration for the use of University Resources.

6.4.1.4. The University shall claim ownership of all Intellectual Property created in the course of postgraduate (doctorate) students' research activity.

6.4.2. Students shall be given the option to assign IP Rights to the University and shall then be granted the same rights as any employee Researcher(s)/Creator(s) as set out in this Policy. In such cases students should follow the procedures set out in this Policy.

6.5. All rights in Copyrighted Works are owned by their creators regardless of the use of University Resources. Copyrighted Works specifically commissioned by the University or developed in the performance of a sponsored research or other third party agreement shall constitute an exception where the provisions of such agreements shall be taken into account.

6.6. If the University cannot, or decides not to, exploit any Intellectual Property to which it lays claim, it shall forthwith notify the Researcher(s)/Creator(s). The notification shall be

made at least one month prior to any act or any intentional omission liable to prevent the obtainment of protection. In such cases the Researcher(s)/Creator(s) shall have the option to acquire related IP Rights; however, the University may claim a share from the income of any subsequent exploitation of the Intellectual Property to the extent equaling the verified expenditures of the University incurred in connection with the protection and commercialization of such IP. The University may also claim for a perpetual non-exclusive royalty-free license for research purposes without the right to business exploitation and without the right to sub-license. The University may also claim for a (5-20%) percentage of any net income generated by the Researcher(s)/Creator(s) from the commercialization of the Intellectual Property. The University shall not unreasonably withhold or delay an assignment of the IP Rights to the Researcher(s)/Creator(s); however it reserves the right to delay exploitation where it is in its interests to do so.

- 6.7. Requests for any transfer of rights from the University to the Researcher(s)/Creator(s) or any other third party should be made in the first instance to UBL Cell of the IIVCC.

7. Conflict of interest and confidentiality

- 7.1. A Researcher(s)/Creator(s)'s primary commitment of time and intellectual contributions as an employee of the University should be to the education, research and academic programs of the University.
- 7.2. It is the responsibility of each Researcher(s)/Creator(s) to ensure that their agreements with third parties do not conflict with their obligations to the University or this Policy, in any capacity. This provision shall apply in particular to private consultancy and other research service agreements concluded with third parties. Each Researcher(s)/Creator(s) should make his or her obligations to the University clear to those with whom such agreements may be made, and should ensure that they are provided with a copy of this Policy.
- 7.3. Researcher(s)/Creator(s) shall keep the University's business secret in confidence. In terms of this Policy, inter alia, every fact, information, solution or data related to the research carried out at the University, whose public disclosure, or its acquisition or exploitation by unauthorized persons could damage or endanger the University's lawful financial, economic or market interests shall qualify as business secret. Researcher(s)/Creator(s) shall, when communicating with third parties, exercise all due diligence regarding confidentiality provisions².
- 7.4. Should any doubt arise concerning conflict of interest or confidentiality issues Researcher(s)/Creator(s) are advised to consult with the IIVCC of the University.

2. A Confidential Disclosure Agreement form should be made available for the Researcher(s)/Creator(s)

- 7.5. Researcher(s)/Creator(s) shall promptly report all potential and existing conflict of interest to the IIVCC in order to reach solution satisfactory to each concerned party.

8. Identification, disclosure and commercialization of Intellectual Property

- 8.1. The University encourages its Researcher(s)/Creator(s) to identify research results with potential commercialization value and which may enhance the reputation of the University through bringing them to public use and benefit.
- 8.2. The UBL Cell of the IIVCC is responsible for the protection and commercialization of the University's Intellectual Property. The Researcher(s)/Creator(s) however, shall be consulted in each phase of the procedure as may be the case or where and when appropriate.
- 8.3. Researcher(s)/Creator(s) shall be required to inform the UBL Cell of IIVCC in writing that, to the best of their knowledge, publishing of their works do not contain any results for which protection may be obtained or which can be exploited in any way.
- 8.4. Researcher(s)/Creator(s), including employees, students and Visiting Researcher(s)/Creator(s) are obliged to disclose all Intellectual Property falling within the scope of Paragraph 6 to the UBL Cell of the IIVCC.
- 8.5. Copyrighted Works shall be excluded from the disclosing obligation set out in Paragraph 8.3., except for those which were developed in the performance of a sponsored research or other third party agreement.
- 8.6. Since protection and successful commercialization of Intellectual Property might depend on prompt and efficient administration, Researcher(s)/Creator(s)s are required to disclose all potentially exploitable Intellectual Property as soon as they become aware of them. The disclosure must be made in writing by completing the Intellectual Property Disclosure Form available from³ the UBL Cell of the IIVCC.
- 8.7. Researcher(s)/Creator(s)s shall fully disclose all research activities and results relevant to the Intellectual Property and provide information about themselves, in particular the percentage of their contribution to the creation of the Intellectual Property and the circumstances under which it was created. The detailed description of the Intellectual Property shall be presented in such a manner that the inventive activity involved and its novelty as well as its susceptibility of industrial application become explicit and clear-cut for a person skilled in the art.

3. The University should introduce an Intellectual Property Disclosure Form to facilitate the disclosure. A model form is available as part of the model policy (please see Annex).

- 8.8. In case of incomplete disclosure, the form may be sent back to the Researcher(s)/ Creator(s) requesting for additional information. The date of disclosure shall be the day on which the UBL Cell of the IIVCC receives the full disclosure signed by all Researcher(s)/ Creator(s)s.
- 8.9. If a Researcher(s)/Creator(s) is in any doubt whether an Intellectual Property falls within the scope of Paragraph 6 or it is potentially commercially exploitable, then the Researcher(s)/ Creator(s) should submit a disclosure to the UBL Cell of the IIVCC for consideration prior to making public disclosure of the Intellectual Property.
- 8.10. Premature disclosure may compromise the protection and commercialization of Intellectual Property. To avoid any loss of potential benefits, Researcher(s)/Creator(s) are required to make reasonable efforts to identify Intellectual Property early in the development process and consider the consequent impacts of any public disclosure.
- 8.11. After full disclosure of all relevant information the UBL Cell of the IIVCC shall record the Intellectual Property in its register.
- 8.12. The UBL Cell of the IIVCC shall determine whether any agreements provide for the sharing of IP Rights or other obligations overriding those set out in this Policy. Provisions of related Research Agreements may require the assignment of certain IP rights in full or in part. In case of assignment, the procedure for protection and commercialization shall be governed by a separate agreement concluded between the University and other concerned parties. In all other cases the procedure set out in this Policy shall apply.
- 8.13. The UBL Cell of the IIVCC shall notify the relevant Head of Department/ Center about all disclosures. The notification involves a short abstract of the Intellectual Property and the name of the Researcher(s)/Creator(s).
- 8.14. After the date of disclosure, the UBL Cell of the IIVCC shall immediately commence the evaluation of the Intellectual Property. As a first step, a pre-evaluation shall be carried out to identify any major obstacles, which could hinder the protection and commercialization of the Intellectual Property. Based on the results of the pre-evaluation a recommendation on whether to protect and exploit the Intellectual Property shall be forwarded to the person or committee taking the final decision on behalf of the University. Such a recommendation shall be forwarded within 60 days from the date of disclosure. The final decision shall be taken within 30 days from the date of disclosure.
- 8.15. The Researcher(s)/Creator(s) shall be informed of the decision within 30 days from the date of decision in writing. If the University decides not to commercialize the disclosed Intellectual Property, then the provisions of Paragraph 6.6. shall apply.
- 8.16. The UBL Cell of the IIVCC shall carry out a complete evaluation of the Intellectual Property with particular attention on possible methods of the protection of the Intellectual Property and its business opportunities.

- 8.17. The Researcher(s)/Creator(s) shall closely cooperate with UBL Cell of the IIVCC, the patent attorney or any other professional experts involved by the University. Researcher(s)/Creator(s) are required to give reasonable assistance in protecting and commercially exploiting the Intellectual Property by providing information, attending meetings and advising on further development.
- 8.18. The UBL Cell of the IIVCC shall, within reasonable time, commence the process for acquiring legal protection, if needed, and UBL Cell shall proceed with all due diligence to obtain protection. Public disclosure of research results made before obtaining the right of priority concerning a specific Intellectual Property application, highly jeopardizes the proper protection of the related IP Rights. Therefore Researcher(s)/Creator(s) are requested to avoid any public disclosure of research results prior to filing such applications. The University shall endeavor to avoid undue delays in publications.
- 8.19. The UBL Cell of the IIVCC and the Researcher(s)/Creator(s) shall jointly determine an appropriate commercialization strategy as part of the evaluation process within 2 months from the date of University's decision. The strategy will outline the tasks of each concerned party in the commercialization process and establish deadlines for the specific actions. If there are disparities, the appropriate commercialization will be finalized by the UBL Cell of the IIVCC
- 8.20. The UBL Cell of the IIVCC shall be responsible to carry out the commercialization plan and it shall submit specific proposals, such as draft agreements or business plans, to the person or committee appointed by the University for decision.
- 8.21. Commercial decisions, such as the ones concerning the terms of an assignment/licensing agreement or establishment of a spin-off enterprise, shall be taken on a case-by-case basis by the person or committee designated by the University, giving due consideration to all circumstances.
- 8.22. The University may decide not to apply for registered industrial property protection or may withdraw an unpublished application, if it is more appropriate for the purposes of commercialization to treat the Intellectual Property as a confidential know-how. In such cases Researcher(s)/Creator(s) shall be requested in writing to refrain from any public disclosure of the Intellectual Property. When choosing this option, however, the University shall take the Researcher(s)/Creator(s)' freedom to publish as well as public interest into account.
- 8.23. If the University decides to discontinue an application, to withdraw it, or not to maintain a granted or registered right, the provisions of Paragraph 6.6. shall apply. Such decisions shall be taken by the person or committee designated by the University.
- 8.24. Intellectual Property not falling within the scope of Paragraph 6 may also be disclosed to the University by Researcher(s)/Creator(s) under the terms of this Policy. In such cases the University shall decide, within 60 days from the full disclosure of all relevant information, whether to exploit the Intellectual Property. If the University decides to undertake the

protection and commercialization of the Intellectual Property, the rules set out in this Policy shall apply.

- 8.25. Expenses incurring in connection with the protection and commercialization of Intellectual Property shall be borne by the University.
- 8.26. During the evaluation and commercialization period the full description of the Intellectual Property shall be disclosed to third parties under a confidentiality agreement.

9. Recording and maintenance of the University's Intellectual Property portfolio

- 9.1. The University Business Linkage Cell of the University shall maintain records of the University's Intellectual Property in an appropriate form and in sufficient detail. It shall monitor the deadlines for the payment obligations related to the maintenance of protected Intellectual Property, and shall, within reasonable time, inform the UBL Cell of the IIVCC.
- 9.2. The University Business Linkage Cell of the University shall maintain accounting records on each Intellectual Property. The Cell shall ensure that the Intellectual Property be recorded in the accounting records, that any costs incurred be paid in due course and that the revenues from exploitation be distributed.

10. Distribution of revenues, motivation of Researcher(s)/ Creator(s)

- 10.1. The University provides an incentive to Researcher(s)/Creator(s) by distributing revenue generated from the commercialization of the Intellectual Property.
- 10.2. The expression 'Net income' shall mean all license fees, royalties and any other monetary gain received by the University, arising from the commercialization of Intellectual Property less all the expenses incurred in connection with the protection and commercialization of the Intellectual Property at the University.
- 10.3. The share of revenues from Net income shall be as follows⁴ :

4 The principle of sharing revenues should be defined individually for each University, taking into account all the stakeholders with whom the University's income shall be shared, as well as general economic factors. It is a general principle that the University's share increases as the Net income increases.

Funding Source	Researcher(s)/ Creator(s)	Department/ Center	University	Other Institute of Funding Source*
University Funding (100%)	70%	**	30%	-
Other Finding (NRC, NSF Etc..)	X%***		20%	Y%***
Private Sector Funding (100%)	P%***		20%	Q%***

* Subject to the Policies of the Funding Institute

** Can be decided by the parties with based on the contract between Researcher(s)/ Creator(s)/s and Department/Center

*** P/Q/X/Y% Can be decided by the parties, based on the contract between Researcher(s)/ Creator(s)/s and Funding Source

above table shows only the minimum share and the maximum share shall be decided case by case.

10.4. In cases where there is more than one Researcher/Creator, the Researcher(s)/Creator(s)'s share is divided between the Researcher(s)/Creator(s)s in a proportion which reflects their respective contributions as provided in the signed Invention Disclosure Form.

10.5. In certain cases the University reserves its right to negotiate special terms concerning revenue distribution, in particular when income is generated through sale of shares or payment of the dividend of shares in cases where shares have been allocated to the University in an entity to which the Intellectual Property is licensed or assigned but which is not a spin-off enterprise.

10.6. In case of establishing a spin-off enterprise, an individual agreement between the University and the Researcher(s)/Creator(s) shall be applicable regarding the share of equity. The conditions of the agreement shall be negotiated on a case-by-case basis having due regard to the contribution of the Researcher(s)/Creator(s)s to any further development and the exploitation beyond the creation of Intellectual Property and to any funding provided by the Researcher(s)/Creator(s), the University or any third parties acquiring a share of equity in the new enterprise. The decision concerning the conditions of a spin-off establishment shall be taken by the person or committee designated by the University on behalf of the University.

10.7. In case of exploitation of trademarks and other indicators, the Researcher(s)/Creator(s), taking into consideration the proportion of their contribution to the exploitation, may benefit from the revenue as set forth in an individual agreement. The person or committee designated by the University shall decide on such issues on a case-by- case basis.

11. Breach of the rules of this Policy

- 11.1. Breach of the provisions of this Policy shall be dealt with under the normal procedures of the University in accordance with the relevant provisions of law.

12. Dispute and appeals

- 12.1. In the first instance, disputes shall be dealt with by the person or body designated by the University. A decision shall be taken within 60 days from the submission of the concern. Over and beyond the above, with respect to any legal dispute arising in connection with the rules of this Policy, the relevant provisions of law shall be applicable.

13. Entry into force of the Policy

- 13.1. This Policy shall come into effect on 1st January 2020
- 13.2. All agreements concluded by the University and the Researcher(s)/Creator(s) at an earlier time shall be governed by the provisions of the Policy in effect at the time of the signing of such contracts.

Invention Disclosure Form (IDF)

Department/ Center:		Registration number:	
Contact person:			
Phone number:		Date of submission:	
E-mail:			

This form shall be submitted by the each Researcher(s)/Creator(s) once there is an invention was found.

I. DESCRIPTION OF THE TECHNOLOGY

1. Title of the technology *(Non-confidential information)*
2. Brief description of the technology *(Non-confidential information, 3-4 sections, given in a language easily understandable by investors and other persons not skilled in the art)*
3. Detailed description of the technology *(Confidential information, 10-15 sections)*
4. Novelty and advantages of the technology *(Please, refer to publications to help understand the novelty of the technology through the present state of the art and provide an insight into the general development of the technology.)*
5. Areas of exploitation. Please, refer to all potential fields of application. *(Who may be interested in the exploitation of the technology? Please, introduce the uniqueness of the product or service, which could be developed by using this specific technology.)*
6. Phase of development and proof of concept *(Please, present any practical application of the technology.)*
7. Keywords

II. PUBLICATIONS AND COMPARABLE TECHNOLOGIES

1. Has the technology been published in any abstract, paper, presentation, thesis, speech, article or any other form of publication in full or in part? *If yes, please list the relevant publications and attach all available copies to this form.*
2. When do you plan to publish research results related to this specific technology?

3. Please, list the most relevant published scientific works in the field of the technology.
4. Please, list all known pending patent applications and granted patents in the field of the technology.
5. Are you aware of any academic research groups or business enterprises conducting research in the field of the technology?
6. Please, list any known enterprises engaged in the development and/or exploitation of comparable technologies in the field of this specific technology.

III. RESEARCHER(S)/CREATOR(S)S

1. Who are the Researcher(s)/Creator(s)s of the technology? *(Please, list all Researcher(s)/Creator(s), who made intellectual contribution to the creation of the technology.)*

Name	Type of legal relationship between the Researcher(s)/Creator(s) and the University	Percentage of contribution (%)	Department/Center/organization	Contact data (address and phone)
1.		%		
2.		%		
3.		%		
4.		%		
5.		%		

2. Please, list all Researcher(s)/Creator(s), who participated in the development of the technology in addition to the Researcher(s)/Creator(s)s.

Name of the Researcher(s)/Creator(s)	Type of legal relationship between the Researcher(s)/Creator(s) and the University	Department/Center/organization	Contact data (address and phone)

IV. RESEARCH FUNDING AND COLLABORATION

1. Please, specify the financial resources used for the research and development of the technology.

Type of fund	Duration of the relating contract	Name of the organization providing financial contribution

2. Please, list all third parties collaborating during the research work.
3. Please, attach a copy of all agreements or other legal statements relating to the research activity to this form.
4. Have any materials (reagent, cell line, antibody, plasmid, chemical compound, computer software, etc.) been transferred to a third party during the development of the technology? If yes, please give details of it.
5. Have you ever disclosed the technology in full or in part to any third party? If yes, please give details of it and attach a copy of all relevant confidentiality agreements to this form.

All information provided in this form shall be treated confidentially by the University.

I, the undersigned Researcher(s)/Creator(s), hereby declare that I am aware of the provisions of the IP Policy of the University of Sri Jayawardenepura and I agree to be bound by the rules set out in it.

[Name of Researcher(s)/Creator(s)1]

Date

Signature

[Name of Researcher(s)/Creator(s)2]

Date

Signature

[Name of Researcher(s)/Creator(s)3]

Date

Signature

[Name of Researcher(s)/Creator(s)4]

Date

Signature

[Name of Researcher(s)/Creator(s)5]

Date

Signature

Members of the IIVCC

Senior Prof. Sudantha Liyanage

Vice Chancellor

Prof. Shirantha Heenkenda

Co-Chairperson

Dean

Faculty of Humanities and Social Sciences

Prof. Nilmini Liyanage

Co-Chairperson

Dean

Faculty of Technology

Dr. Lasith Gunawardena

General Secretary

Department of Information Technology

Faculty of Management Studies and

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Coordinator, Legal Affairs

Legal Studies Unit

Faculty of Management Studies and

Commerce

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Coordinator, IICE 2020

Department of Human Resources

Management

Faculty of Management Studies and Commerce

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Director

World Class University Project

Dr. P.K.P. Perera

Director

University Business Linkage Cell

Department of Forestry and

Environmental Science

Faculty of Applied Sciences

Dr. R.N. Weerasinghe

Director

Center for Entrepreneurship and Innovation

Department of Entrepreneurship

Faculty of Management Studies and

Commerce

Dr. Chitra Jayathilake

Director

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Department of English and Linguistics

Faculty of Humanities and

Social Sciences

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Faculty of Humanities and Social Sciences

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Department of Physics

Faculty of Applied Sciences

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Medicine

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*Co-Chairperson
Dean
Faculty of Graduate Studies*

Prof. Pradeepa Jayawardana

*Co-Chairperson
Department of Pharmacology
Faculty of Medical Sciences*

IIVC Council Representation

Ms. Wasundara Premathilaka

Research Assistant

Ms. P.M.U. Liyanage

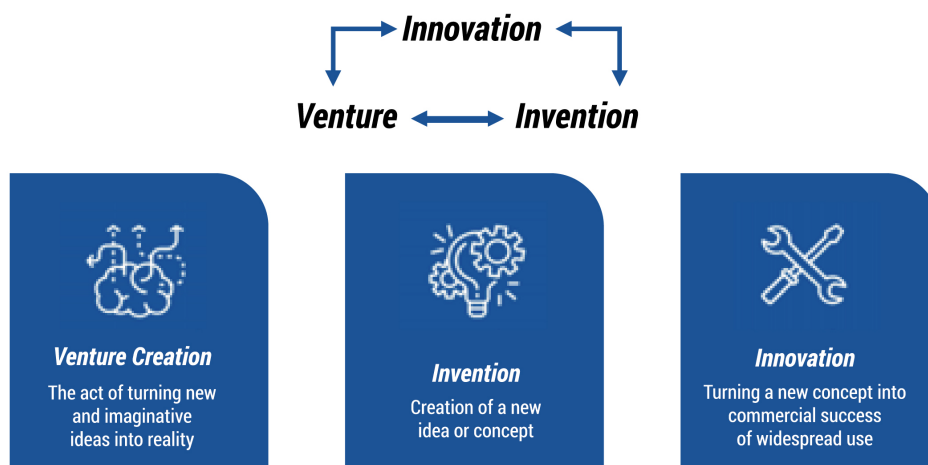
Research Assistant

Innovation Invention and Venture Creation Council

The Innovation, Invention and Venture Creation Council (IIVCC) of the University of Sri Jayawardenepura is an enterprise which affords a space for academia and industry to work concertedly and collaboratively for the betterment of the parties concerned, as well as the nation. Inventions and innovations lead to venture creations that serve as the bedrock for the prosperity of a nation. Inventions mean the physical creations based on new ideas/concepts without precedents, while innovations refer to significant changes that add value to existing products or service: setting-up new actions in business is identified as venture creations. Interdependent of each other, innovation, invention, and venture creation play a dominant role today against a backdrop of globalization where everyone is vying for competitive advantages in their business domains.

An initiative of Senior Professor Sampath Amaratunge, the IIVCC was set up in 2018 as the University's contribution to a dire national need, while following the University Grant Commission (UGC)'s directive to work on themes of national importance. Over its short period of existence, IIVCC has left a mark on the industry by recording several significant achievements.

The IIVCC functions under three main principles.



Mission

To promote innovations, inventions and venture creations in collaboration with the industry, business and the public sector.

In accordance with the mission of the University, developing globally competent citizens through education for sustainable future, and along the lines of its Strategic Plan (2017-2021), IIVCC was set up to promote innovations, inventions and venture creations with the industry covering both the public and private sectors, and thereby to contribute to the nation's development. In the process, it aims to achieve the following objectives.

- Create a positive nexus between the university initiated research and the needs and challenges of the industry.
- Extend and deepen the existing body of knowledge on innovation, invention and venture creation.
- Encourage inventors and innovators to work together, leading to commercialization of their endeavors.
- Assist entrepreneurs, both start-ups and established businesses, to transform their promising concepts into prosperous ventures.
- Recognize, utilize and protect innovations and inventions through complying with copyright and patent regulations.

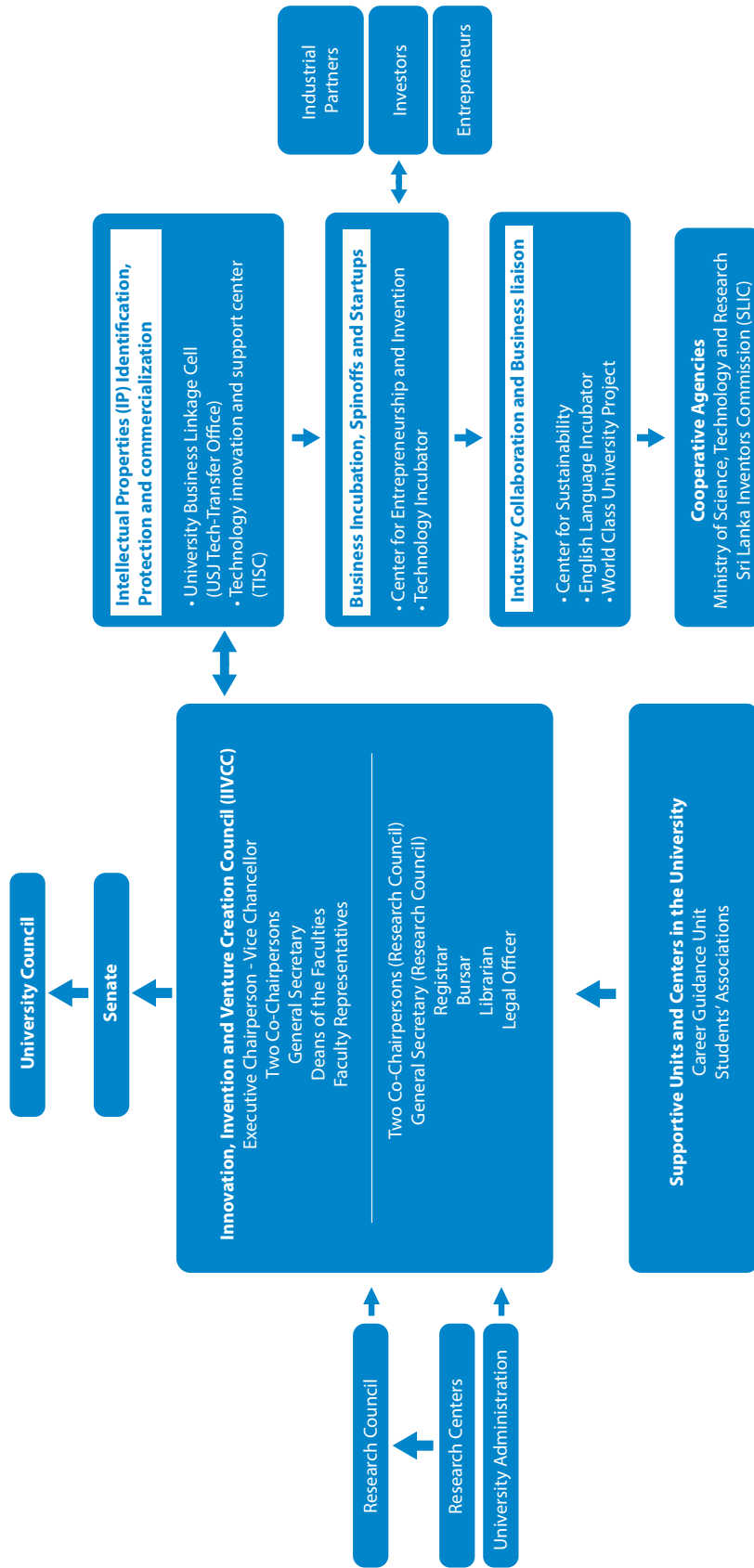
Thus, the activities of IIVCC are multi-faceted, and spread over a wide spectrum which requires a robust structure for implementation. The IIVCC is accountable to the University Council via the University Senate and consists of an Executive Chairperson (Vice Chancellor), Co-Chairpersons, a General Secretary and senior academic and non-academic staff members, of some are ex-officio and others are elected. IIVCC has two main areas, Business Incubation and Industry Collaboration, that serve as links between the University and its beneficiaries with industry partners, investors and entrepreneurs.

Further, IIVCC maintains close relations with the Ministry of Science, Technology and Research and the Sri Lanka Investors' Commission while the Career Guidance Unit and students' associations interact with it closely.

Contact website: <http://innovation.sjp.ac.lk>

Business Incubation and Industry Collaboration aspects are supported by several centres/arms of the University as outlined below.

Cooperative Structure





Intellectual Property (IP) Identification, Protection and Commercialization



University Business Linkage Cell (USJ Tech-transfer Office)

Identification of IPs arising from University research, Technology transfer and commercialization is one avenue through which research universities engage in economic development. The University Business Linkage Cell (USJ Tech-transfer Office) is the specialized entity for this task, linking the inventions and innovations, to the needs of the industry. Managed by a Director and a dedicated staff, it provides following services to the research and industrial community.

- Nurturing potential products and technologies through facilitating technical and funding support, and setting up a procedural framework for collaborative work.
- Facilitating consultancy and advisory services to industry on a broad spectrum of activities including business management, marketing and market research, legal advice, insurance matters, taxation issues, consultation innovation and technologies and technical consulting services.
- Providing research and development facilities for the benefit of client organizations from industry as well as promoting collaborative research.
- Enabling the university research community as well as industry the facility of making use of high-end (sophisticated) instruments and equipment housed in the Instruments Centre and the Polymers Centre in Excellence. This facility is provided to budding entrepreneurs and industry at reasonable rates.

<http://ubcell.sjp.ac.lk/>

Technology Innovation and Support Center (TISC)

This is a joint project that IIVCC has set up with the World Intellectual Property Organization (WIPO) and National Intellectual Property Office (NIPO) of Sri Lanka. The TISC of USJ is operated under the UBL Cell, and provides university staff and inventors with access to locally based, high quality technology information and related services, helping them to exploit their innovative potential and to create, protect, and manage their intellectual property (IP) rights.

Business Incubation, Spinoffs and Startups

Center for Entrepreneurship and Invention (CEFENI)

Set up within the Department of Entrepreneurship of the Faculty of Management Studies and Commerce, CEFENI provides a platform for the development of an entrepreneurial culture through promoting entrepreneurship and innovation. It provides an exposure to budding entrepreneurs from the inception to the fulfillment of their ultimate aim of becoming successful entrepreneurs through provision of a range of services including the following:

- Facilitating business incubation for the aspiring entrepreneurs and new starters.
- Contributing to national level policy planning.
- Operating an information hub for relevant parties.
- Creating a link between academia (researchers) and entrepreneurs.
- Conducting national level fora, conferences and exhibitions on entrepreneurship related themes.
- Promoting entrepreneurship at secondary and tertiary level education.
- Promoting entrepreneurship among youth through provision of information, conducting workshops and assisting in enterprise development.
- Facilitating development of ideas and prototypes for investors and innovators via a free idea laboratory/ idea incubator.





The CEFENI sets up a platform for the development of an entrepreneurial culture through promoting entrepreneurship and innovation via providing a range of services.

CEFENI caters to the entrepreneurial needs of a wide range of beneficiaries ranging from university students to members of the general public and has initiated no less than fifty successful start-ups to date. CEFENI, now housed in its own premises at Pannipitiya, is in a position to provide enhanced facilities to its clientele. Dr. R.N.Weerasinghe , Dept. of Entrepreneurship serves as the current Head of this unit.

Contact website <http://innovation.sjp.ac.lk/incubation/>

Industry Collaboration and Business liaison



Center for Sustainability (CFS)

The CFS is an environmental extension, industry research and community outreach unit, linked to the Department of Forestry and Environmental Science, Faculty of Applied Sciences. The CFS promotes environmental protection and sustainable development in the country through industry support and productive University-Industry partnerships.

English Language Incubator

English Language Incubator (ELI) is a space where the English Language needs of the entrepreneurial community are fulfilled. The services provided include editing of documents (incremental/substantive, copy-editing, proof-reading and formatting) as well as translations. This incubator is of immense value to those who have received their basic education in their mother tongue but are compelled to use the English Language effectively in their business documentation.

World Class University Project

This also supports the IIVCC through the links that are developed through the MoUs entered into with foreign bodies as well as the series of workshops conducted with foreign experts.

Improving the Innovation Culture of the University

Invention and Innovation Policy: updating inventions and innovations policy and regulations with the support of the Inventors Commission.

Publicity: launching a propaganda to attract university academics and students for inventions and innovations.

Patent License: creating awareness of the patent license process through workshops, by explaining its benefits and processes, and the means to grant patency.

Identification: identifying the current ongoing projects and their capacity to get patent license and making the researchers aware of the workshops.

IP Policy: approving IP modified policy to keep the patent license at the end of each project.

Systematization: maintaining a system to proceed with the project concept to patent application.

Private Patents: maintaining a private patent application process with the control of the university, under the IIVCC.

Database: creating a database of the University patent holders and activating a promotion plan for their innovation.

Venture Creation

Promote the number of startups and facilitate for the startups

- Company registration.
- Company identifications and expansions.

Evaluate the Business Startups and their activation:

- Improving the student rate in each faculty to facilitate startups and to maintain the database of each faculty startups.
- Creating an innovation culture on the University premises: establishing faculty-based startup discussion centers as resource centers.
- Registering all the university startups under IIVCC Council in accordance with relevant agreements

- Promoting startup activities and encouraging researchers to participate in Innovate Sri Lanka Exhibition
- Obtaining official support from a lawyer/law firm of IP policy to achieve long term objectives.
- Encouraging and maintaining a rapport with patency holders for further inventions and innovations.
- Holding Innovate Sri Lanka Exhibition in every two years.
- Creating and expanding a culture for innovation among the public: establishing start-up innovation clubs in the selected schools in Colombo District.
- Encouraging university students and academia to participate in global exhibitions while promoting their inventions.
- Implementing business incubators and updating them according to the industry requirements.
- Establishing IIVCC committees in each faculty to support and connect directly with the IIVCC.



Innovation Invention
and Venture Creation Council
INNOVATE SRI LANKA

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