

# **DAR ES SALAAM INSTITUTE OF TECHNOLOGY (DIT)**



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## **INTELLECTUAL PROPERTY RIGHTS OPERATIONAL POLICY AND PROCEDURES (IPR OPP)**

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## LIST OF ACRONYMS

|      |                                         |
|------|-----------------------------------------|
| DIT  | Dar es salaam Institute of Technology   |
| IP   | Intellectual Property                   |
| IPR  | Intellectual Property Right             |
| IPMO | Intellectual Property Management Office |
| KPI  | Key Performance Indicator               |

## ABBREVIATIONS AND DEFINITIONS

Without prejudice to any applicable laws, in this policy the definitions set out below shall apply.

**Commercialization:** Any form of utilisation of IP intended to generate value, which may be in the form of a marketable product, process or service, commercial returns, or other benefit to society.

**Commercialization Entity:** A company that has access to the IP of the Institution, through any one or more of the available commercialization modes, to produce new products, processes or services. This can be a spin-off or start-up.

**Conflict of Commitment (COC):** Any situation in which an individual staff member or visitor's primary professional loyalty is not to the institution because the time devoted to outside activities adversely affects their capacity to meet their responsibilities as set out in their employment contract of appointment.

**Conflict of Interest (COI):** Any situation in which real or perceived interests of an individual staff member, visitor or student may run counter to the interests of the institution or negatively affect their employment or duties.

**Course Materials:** All materials used in, or in connection with, and for the purpose of, teaching an education course through the provision of lectures, tutorials, seminars, workshops, field or laboratory classes, assessments, practicum and other teaching activities conducted by the Institution, and all IP in such materials.

**Creator:** Any person who creates, conceives, reduces to practice, authors, or otherwise makes a substantive intellectual contribution to the creation of IP and who meets the definition of 'inventor', 'author' or 'breeder' as generally implied in the IP laws of Tanzania.

**Gross IP Revenue:** All revenue received by the institution on commercialization of institution IP before any deductions for IP Expenses.

**Institution IP:** IP owned or co-owned by the Institution.

**Intellectual Property (IP):** All outputs of creative endeavour in any field at the institution for which legal rights may be obtained or enforced pursuant to the law. IP may include:

- i. Patentable and non-patentable technical information;
- ii. Plant varieties and related information;

- iii. Databases, tables or compilations, computer software, preparatory design material for a computer programme, firmware, courseware, and related material;
- iv. Designs including layout designs (topographies) of integrated circuits;
- v. Know-how, information and data associated with the above; and
- vi. Literary works, including publications in respect to research results, and associated materials, including drafts, data sets and laboratory notebooks;
- vii. Teaching and learning materials;
- viii. Trade secrets;
- ix. Other original literary, dramatic, musical or artistic works, sound recordings, films, broadcasts, and typographical arrangements, multimedia works, photographs, drawings, and other works created with the aid of institution resources or facilities;
- x. Any other Institution-commissioned works not included above.

**Intellectual Property Rights (IPRs):** The proprietary rights that may be granted for an invention, mark, design, plant variety, or other type of IP, should the statutory requirements for protection be met to result in a patent, trade mark, registered design or plant breeders' right.

**Invention:** A creation of IP which did not exist previously. More specifically the conception and reduction to practise a useful, novel and non-obvious product or process or improvement thereon, for which a patent may be obtained.

**Inventor:** Any person to whom this policy is applicable, who individually or jointly makes an invention and who meets the criteria for inventorship under the Tanzania Patent Act No. 7 of 1987.

**IP Assignment:** the transfer of IP rights and title in writing with the result that the assignee is vested with rights of ownership. IPR may be assigned to the university/institution, or other parties pursuant to a research or licence agreement.

**IP Disclosure Form:** The form to be completed by creators and submitted to IPMO to document their creation.

**IP Expenses:** All expenses incurred by the Institute in the management and commercialization of IP for which gross IP revenue has been received.

**IP Management Office (IPMO):** The administrative unit responsible for day-to-day management of all IP-related activities of the Institute.

**Net IP Revenue:** Gross IP revenue minus IP expenses.

**Open Educational Resources (OER):** Teaching, learning and research materials that reside in the public domain and that have been released under an open license that permits their free use or modification by others.

**Public Disclosure:** The communication of information relating to IP to external parties. Public disclosure includes, but not limited to disclosure in written or oral form, communication by email, posting on a web blog, disclosure in a news report, press release or interview, publication in a journal, abstract, poster or report, presentation at a conference, examination of a thesis, demonstration of an invention at a trade fair or the industrial application of an invention.

**Public Domain:** The freely accessible public realm in which works that are not protected by IPRs, either because the rights have been forfeited or because the rights have expired, are thereby held by the public at large and available for all to use without permission from the creator or owner.

**Research Contract:** Any type of agreement between the Institute and an external party or research sponsor, concerning research, which could result in IP being created at the Institute. This shall include, but not limited to, all sponsorships, donorships and collaborations with the external party or research sponsors.

**Research Project:** Any project that forms the basis of research undertaken by the Institute including projects undertaken by a student under the supervision of a staff member or a visitor, as part of a research degree programme.

**Research:** Any creative work undertaken on a systematic basis in order to increase stock of knowledge and its use to devise new applications. It comprises three activities: basic research, applied research and experimental development.

**Scholarly Works:** All copyright works which are the outputs of academic staff members, students or visitors, including research, creative and other outputs in area(s) of their expertise. The works do not include course materials.

**Staff Member:** Any person who is under a contract of employment with the Institute including academic, research, technical, administrative and adjunct staff, whether full-time or part-time or on a temporary basis.

**Student:** Any student registered for an approved course at the Institute.

**Substantial Use:** Extensive use of the Institute's resources which include but not limited to facilities, equipment, human resources or funds. A routine use of libraries and/or office space is not included.

**Trade Secret:** Confidential information not publicly available that has commercial value because of its confidential nature, and which the owner has taken reasonable efforts to keep secret.

**Visitor:** Any person who is neither a staff member nor a student of the Institute who works at the Institute, including visiting professors, adjunct and conjoint professors, teachers, researchers, inventors/innovators, scholars and volunteers; and who concludes an appointment agreement with the Institute.

# 1.

## INTRODUCTION

### 1.1. Background

The Dar es Salaam Institute of Technology (DIT) was established by Act of Parliament No. 6 of 1997 as a higher learning technical institution in Tanzania. DIT's core functions include teaching, research, consultancy, and providing community services. The key resources for these functions are human capital, tools and equipment, and information. These resources must be managed well for maximizing effectiveness and efficiency.

DIT is committed to promoting innovation, research, and technological advancement. As a leading technical institution in Tanzania, DIT recognizes the importance of protecting intellectual property rights (IPR) to encourage creativity, ensure fair recognition of contributions, and promote responsible dissemination of knowledge.

This IPR Operational Policy and Procedures is designed to provide a clear framework for the management, protection, and utilization of intellectual property created by the students and staff. The purpose for the policy is to encourage creativity and innovation, provide clear guidelines on the ownership, protection, and commercialization of intellectual property, and facilitate the transfer of technology and knowledge to benefit the public. By establishing these procedures, DIT aims to create an environment that supports and rewards innovative efforts, enhances academic and research collaborations, and contributes to the economic and social development of our community and beyond.

### 1.2. Vision

The vision of Dar es Salaam Institute of Technology is to become a leading technical education institution in addressing societal needs.

### 1.3. Mission

The mission of Dar es Salaam Institute of Technology is to provide competency-based technical education through training, research, consultancy and development of appropriate innovative technologies and entrepreneurship.

#### **1.4. Rationale for developing the IPR Operational Policy and Procedures**

The institute encourages researchers and students to be innovative and creative. A strong IPR policy ensures their inventions, designs, and creative works are safe, which motivates them to do important research and development. Clear guidelines on IPR help maintain academic and research integrity by ensuring proper recognition and credit for intellectual contributions. This creates a culture of respect for intellectual property and ethical behaviour within the institute.

An effective IPR framework enables the efficient transfer of technology and knowledge from the Institute to industry and society. This not only enhances the impact of our research but also opens up opportunities for commercialization, collaboration, and partnerships, contributing to economic growth and societal advancement. The IPR policy serves to protect the interests of both the Institute and its members. It provides a clear mechanism for determining the ownership of intellectual property, ensuring that both the Institute and the inventor benefit from their innovations.

The developed IPR operational policy and procedures has complied with national and international intellectual property laws and regulations. Tanzania, as a member of both the African Regional Intellectual Property Organization (ARIPO) and the World Intellectual Property Organization (WIPO), ensures the protection of intellectual property rights in accordance with its constitution and enacted laws. The Copyright and Neighbouring Rights Act regulates copyrights, with the Copyright Society of Tanzania (COSOTA) overseeing registration. Tanzania ratified the Berne Convention for the protection of literary and artistic works, granting territorial copyright protection. Trademarks are governed by the Trade and Service Marks Act, with registration administered by the Business Registration and Licensing Agency (BRELA). Patents are protected under the Patent (Registration) Act, requiring novelty, utility, and inventiveness. This compliance is important for getting patents, copyrights, and trademarks, which in turn facilitates international collaboration and protects the intellectual assets globally.

Innovations in engineering, technology, and related fields can be used to address societal challenges, improve quality of life, and promote sustainable practices. A well-defined IPR policy enhances the institute's competitive edge by establishing a strong intellectual property portfolio. This can attract investment, top-tier talent, and strategic partnerships, further elevating DIT's reputation and influence in the academic and research communities.

## **1.5. Benchmarking**

This IPR Operational Policy and Procedures benchmarked the related policies from the other universities/institutions, which include: Sokoine University of Agriculture (SUA), Open University of Tanzania (OUT), and National Institute for Medical Research (NIMR). The content was adapted from the Institutional Intellectual Property Policy Template published by COSTECH in 2023.

## **1.6. Objectives of the Policy**

### **1.6.1. General objective**

The general objective of the Intellectual Property Rights (IPR) Policy and procedures is to manage, promote and protect the intellectual property generated within the Institute.

### **1.6.2. Specific objectives**

#### **The IPR Policy aims:**

- i. To establish clear guidelines on the ownership of intellectual property created by staff members, students, and visitors ensuring that rights and responsibilities are well-defined;
- ii. To balance the promotion of academic freedom and the dissemination of research and innovation results with the protection of intellectual property (IP) and trade secrets;
- iii. To commercialize IP in a manner that encourages and fosters entrepreneurship by staff members, students and visitors.
- iv. To ensure fair distribution of revenues from the commercialization of intellectual property and fostering research with significant socio-economic impact.
- v. To increase awareness about conflicts of interest and commitment, outline clear disclosure requirements, and establish effective procedures for identifying, avoiding, or properly managing such conflicts, including addressing intellectual property rights issues.
- vi. To ensure effective resolution of internal disputes and questions of interpretation arising from this policy through structured mediation and arbitration processes.

## **1.7. Scope of the IPR Operational Policy and Procedures**

This Intellectual Property Rights (IPR) Operational Policy and procedures applies to all DIT employees, non-employees (including visiting staff, affiliate and adjunct staff, industrial personnel, and researchers), and students involved in engineering, technology, and other research projects at DIT. It covers all aspects of intellectual property, including patents, copyrights, industrial designs, trade and service marks, trade secrets, and utility models. The Policy provides guidelines on IP rights and obligations, including ownership, exploitation, technology transfer, and confidentiality. It aims to safeguard academic freedom, ensure fair benefit sharing, and encourage research and technology transfer for substantial benefits.

## 2.

## POLICY ISSUES

### 2.1 Introduction

This section identifies issues that will be implemented by the policy, objectives of each identified issue, statement and strategies to be employed for implementation. The policy addresses critical issues, defines clear objectives, and establishes robust strategies to ensure that IP rights are appropriately recognized, protected, and utilized to their fullest potential. Such issues are ownership of IP and rights of use, publication, non-disclosure and trade secrets, commercialization of IP, incentives and distribution of revenues, traditional knowledge and genetic resources, conflicts of interest and conflicts of commitment, and dispute. This policy is designed to balance the interests of the Institute, staff, students, and external collaborators. By clearly defining ownership and rights of use, this policy aims at promoting transparency, fairness, and respect for individual contributions.

### 2.2 Ownership of IP and Rights of Use

The Institute lacks a formal Intellectual Property Rights (IPR) policy, creating uncertainty and potential conflicts regarding the ownership and rights of use for intellectual property (IP) created within the Institute. DIT is mandated to conduct research and innovation, as one of its core activities. Research and innovations at DIT often end up as publications and exhibitions without a clear strategy for translating findings into practical solutions for the public. Many of innovations remain unregistered due to a lack of mechanisms to protect and package innovations for wider adoption, leading to underutilization. DIT should establish a system to protect the intellectual property (IP) of innovations and facilitate their transfer to end-users for broader application. DIT possesses a significant potential contributing to patentable innovations beneficial to both the institute and the country.

#### 2.2.1. Policy Statement

The institute shall own all IP created by staff members, students, and visitors when the IP is created in the course and scope of the staff member's employment with the Institute; when the IP is developed by making substantial use of the Institute's resources; when the research/innovation carried out by the student/staff/visitor forms part of the Institute's research/innovation projects; or created in the course and scope of visitor's appointment at the institute.

#### 2.2.2. Policy Objective

To establish a clear guidelines on the ownership of intellectual property created by staff members, students, and visitors, ensuring that rights and responsibilities are well-defined.

### **2.2.3. Policy Strategies**

#### **The institute shall:**

- (i) Develop operational procedures outlining the conditions under which the institute claims ownership of intellectual property created by staff members, students, and visitors.
- (ii) Create awareness through training, seminars and workshops to staff members, students, and visitors on the institute's IP policy, including rights, obligations, and procedures for IP ownership and assignment.
- (iii) Establish robust systems for documenting and tracking IP ownership, including agreements, deeds of assignment, and IP disclosure forms ensuring they comply with legal requirements.
- (iv) Ensure effective communication of ownership rights and responsibilities to all stakeholders through staff and student handbooks, orientation programs, and formal media channels.

### **2.3 Publication, Non-Disclosure and Trade Secrets**

As the Institute continues to grow and its research outputs increase, it faces significant challenges related to the management and protection of IP. Currently, DIT lacks a formal Intellectual Property Policy, which leaves creators (students, staff and visitors) without clear guidance on how to manage issues related publication, non-disclosure, and trade secrets. This gap poses a risk to both the creators and the institute, potentially leading to the loss of valuable IP rights and competitive advantages. The publication process can inadvertently lead to the loss of IP rights if not managed properly. Premature public disclosure of research findings can invalidate patent claims and other forms of IP protection, which is a significant concern for both creators and the institute.

#### **2.3.1. Policy Statement**

The Institute shall foster an environment that supports academic freedom and the dissemination of knowledge while ensuring the protection of intellectual property and trade secrets.

#### **2.3.2. Policy Objective**

To balance the promotion of academic freedom and the dissemination of research and innovation results with the protection of IP and trade secrets.

#### **2.3.3. Policy Strategies**

##### **The institute shall:**

- (i) Develop and distribute operational procedures on the publication process, including timelines and best practices for balancing publication with IP protection and trade secrets.

- (ii) Create awareness for creators to identify potential IP early in their research process.
- (iii) Conduct training sessions on the importance of IP protection and the risks associated with premature public disclosure.

## **2.4 Commercialization of IP**

For quite some time, research results, inventions, and innovations by staff, students, and visiting researchers at DIT, with potential for large-scale commercial exploitation, have been shelved due to lack of a well-defined commercialization guidelines. This gap has led to missed opportunities for both the Institute and the researchers, resulting in lack of financial and professional benefits. Consequently, researchers have been demoralized and disincentivized to pursue further research, inventions, and innovations. The Institute has also been unable to fund these critical activities adequately. The absence of documented guidelines for research commercialization has hindered the potential of innovations that could address societal problems, as researchers and innovators often lack the necessary financial and technical resources to bring their creations to market independently.

### **2.4.1. Policy Statement**

The Institute shall develop commercialization guidelines for research results and innovations; initiate incubators, start-ups, and spin-off companies, and establish innovation hubs with DIT staff, students, and external stakeholders.

### **2.4.2. Policy Objective**

To commercialize IP in a manner that encourages and fosters entrepreneurship by staff members, students and visitors.

### **2.4.3. Policy Strategies**

The Institute shall:

- (i) Develop guidelines for governing commercialization of IP while taking into consideration the interests of the Institute and creators;
- (ii) Promote establishment of incubators, start-ups, innovation hubs and spin-off companies for commercialization of the IPs;
- (iii) Establish IP Management Office (IPMO) responsible for day-to-day management of all IP-related activities for the Institute.

## **2.5 Incentives and Distribution of Revenues**

DIT has been a hub for research and innovation, with significant contributions from students, staff, and visiting researchers. However, lack of clear guidelines governing incentives and revenue distribution has led to uncertainties and inefficiencies in recognizing and rewarding IP creators. As a result, potential

revenue streams from commercialized IP remain underutilized, discouraging further innovation efforts and hindering the institute's capacity to fund research initiatives. Additionally, financial and technical limitations of individual researchers or innovators often impede the successful market entry of their creations, further underscoring the necessity for a comprehensive IP policy framework that addresses these challenges and promotes a conducive environment for innovation, entrepreneurship, and sustainable development at DIT. It is important that any incentives and revenue accruing from the efforts is shared equitably.

### **2.5.1. Policy Statement**

The institute shall strive to ensure that there is an equitable sharing of incentives and revenues accrued from commercialization of intellectual properties.

### **2.5.2. Policy Objective**

To ensure fair distribution of revenues from the commercialization of intellectual property and foster research with significant socio-economic impact.

### **2.5.3. Policy Strategies**

The institute shall:

- (i) Create a clear and fair process for distributing revenues generated from commercialization of institute IP;
- (ii) Establish agreements for governing sharing IP revenue ensuring fair distribution according to contributions.

## **2.6 Conflicts of Interest and Conflicts of Commitment**

Staff members and visitors are expected to prioritize their time and intellectual contributions to the institute's educational, research, and academic programs. It is essential to ensure that these primary commitments are honoured to foster a productive and ethical academic environment. When external interests divert away from the institute significant time and intellectual energy, it can undermine the quality and integrity of its academic programs.

It is a fundamental expectation to all staff members and visitors to maintain a professional obligation to act to the best interests of the institute. This involves avoiding situations where personal or external interests could negatively impact their work ethics and research integrity. When external commitments overshadow institutional responsibilities, it can lead to compromised decision-making and potential ethical breaches. Staff members and visitors frequently engage in activities with external parties, such as private consultancy and research services. It is critical that these external agreements do not conflict with their duties and responsibilities at DIT.

Clear communication and adherence to institutional policies are necessary to prevent conflicts that could arise from these external engagements. Ensuring that all parties involved understand the primary commitments and responsibilities to the institution helps maintain transparency and integrity.

### **2.6.1. Policy Statement**

Staff members, students and visitors shall promptly report all potential and existing Conflict of Interest (COI) or Conflict of Commitment (COC) to the appropriate institutional authority.

### **2.6.2. Policy Objective**

To increase awareness about conflicts of interest and commitment, outline clear disclosure requirements, and establish effective procedures for identifying, avoiding, or properly managing such conflicts, including addressing intellectual property rights issues.

### **2.6.3. Policy Strategies**

The Institute shall:

- (i) Develop and disseminate clear standard operational procedures (SOPs) outlining the steps for managing conflict of interest (COI) and conflict of commitment (COC), including how to identify, disclose, and resolve potential conflicts.
- (ii) Establish specific requirements for timely and transparent disclosure of all external activities and financial interests that may lead to COI or COC.

## **2.7 Dispute**

The institute acknowledges that disputes among stakeholders are inevitable during the generation, commercialization, and sharing of intellectual property benefits. To maintain a conducive environment for innovation and research, the institute emphasizes the necessity of an effective, efficient, cost-effective, and flexible dispute resolution mechanism. Such a system minimizes financial burdens and delays, ensuring that conflicts do not hinder the progress of new inventions and innovations. By providing a structured yet adaptable approach to resolving IP disputes, the institute fosters continuous technological advancement and collaborative research efforts.

### **2.7.1. Policy Statement**

The Institute shall address any violation of this policy through established procedures and in compliance with applicable laws and regulations.

### **2.7.2. Policy Objective**

To ensure effective resolution of internal disputes and questions of interpretation arising from this Policy through structured mediation and arbitration processes.

**Policy Strategies**

The institute shall:

- (i) Develop operational procedures to resolve internal disputes and to clarify questions of interpretation in line with the policy;
- (ii) Implement measures to streamline the mediation process ensuring efficient handling of disputes.

**3. GOVERNANCE AND OPERATIONS**

**3.1. Organization Structure**

The Intellectual Property activities will be coordinated and administered by the Research, Publication and Innovation Unit which is under the Directorate of Research, Consultancy and Publications. The actual implementation of research activities will be done at each academic department under the coordination of the Head of Research, Publication and Innovation Unit. Figure 3.1. shows the Institute Organization Structure and Figure 3.2 shows the Organization Structure that governs Intellectual Property activities.

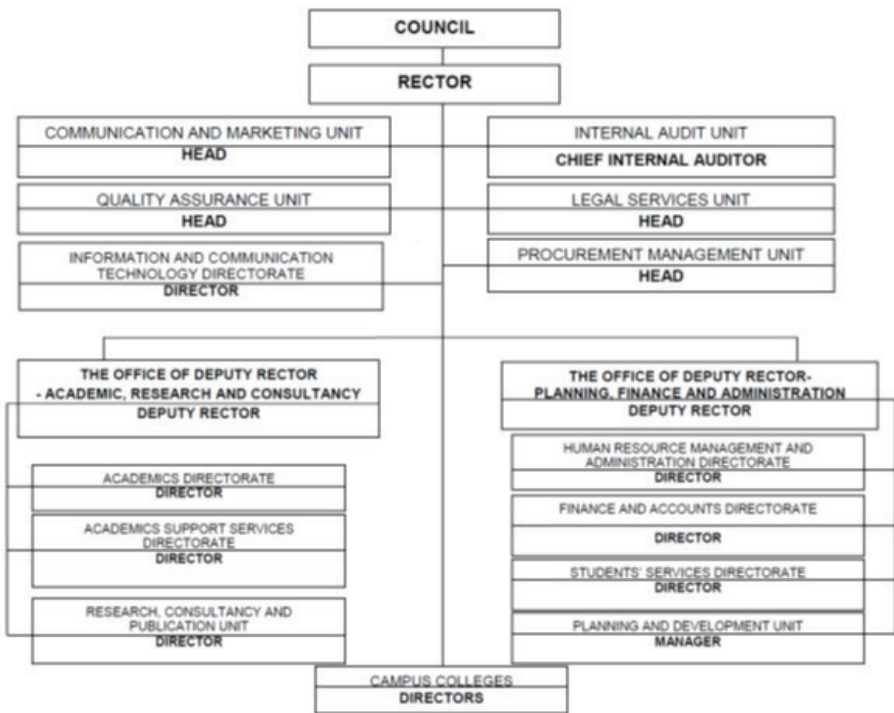
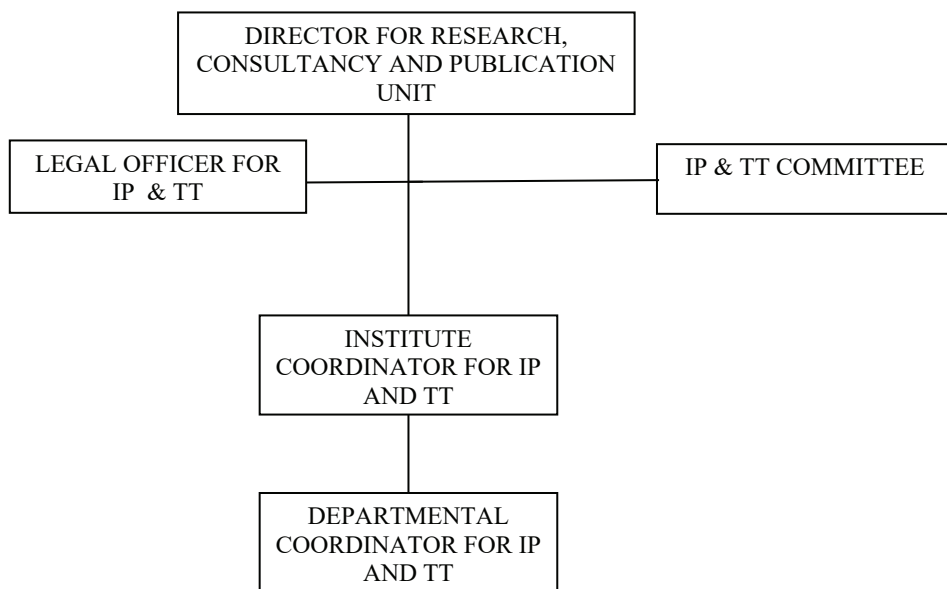


Figure 3.1. Institute Organization Structure



*Figure 3.2. Organization Structure to govern Intellectual Property (IP) activities*

### **3.2. Responsibilities, Qualifications and Appointment of Personnel**

#### **3.2.1. Director for Research, Consultancy and Publication Unit**

The Director for Research, Consultancy and Publication Unit shall be a Senior Academician who is a holder of Masters/Doctorate (PhD) Degree preferably in the field related to the Institute. Other appointment criteria, tenure and appointment authority shall be as per Institute Guidelines and Regulations.

In relation to Intellectual Property activities, the director shall be responsible for the following:

- (i) To advise the Deputy Rector (Academic, Research and Consultancy) on all matters related to Intellectual Property Rights;
- (i) To evaluate current progress of Intellectual Property activities in the Institute and recommend future programmes;
- (ii) To prepare appropriate budget for Intellectual Property activities;
- (iii) To oversee Intellectual Property activities of the Institute;
- (iv) To initiate, oversee and promote the implementation of Intellectual Property policies, plans and programmes of the Institute and ensure that they are consistent with the mission, vision and objectives of the Institute;
- (v) To serve as the key link between the Institute, Government and International community and coordinate effective marketing of Institute's innovations;

- (vi) To chair the Intellectual Property Committee meetings; and
- (vii) To perform any other related duties as may be assigned by the supervisor(s).

### **3.2.2. Intellectual Property Committee (IPC)**

The IP Committee is the ultimate decision-making body in the determination of an IP management and commercialization strategy for a particular IP. The IPC members who are not appointed by virtue of their positions shall be appointed by the Rector to serve for a duration of three (3) years, renewable once upon satisfaction with their performance. The Intellectual Property Committee shall constitute the following:

- (i) Director of Research, Consultancy and Publication Unit Chairperson
- (ii) Two academic staff with outstanding performance in innovations, representing academic staff Members
- (iii) Head Legal Services Unit Member
- (iv) Coordinator responsible for IP and Technology Transfer (TT) Secretary

The Intellectual Property Committee shall meet as frequently as need arises with at least one meeting per each quarter in order to expedite the processing and approval of issues related to Intellectual Property Rights. The specific duties of the Intellectual Property Committee shall include the following:

- (i) Evaluate the products to determine their potential for IP protection;
- (ii) Approve the documents for submission to the responsible authority for the application of the IP protections;
- (iii) Recommend to the higher institutional organs the approval of commercialization strategy for a particular IP;
- (iv) Resolve disputes or uncertainty regarding IP rights at the institute level;
- (v) Recommend to the higher institutional organs the approval of developed or reviewed policies or guidelines governing IP rights at the Institute;
- (vi) Any other duties as may, from time to time, be assigned by the top management.

The remuneration of the Intellectual Property Committee members shall comply with the Institute financial regulations as stipulated in the Government circulars and guidelines.

### **3.2.3. Institute Coordinator for Intellectual Property and Technology Transfer**

The Institute Coordinator for Intellectual Property and Technology Transfer shall be responsible for day-to-day management of all IP-related activities of the Institute and shall be a senior academic staff with a Masters/Doctorate (PhD) degree preferably in the field related

to the Institute. Appointment criteria, tenure and appointment authority shall be as per Institute Guidelines and Regulations for the appointments of Heads of Academic Departments and Heads of Administrative Sections. The Institute Coordinator for IP and TT shall report to the Director for Research, Consultancy and Publication. Specifically, the coordinator shall perform the following responsibilities:

- (i) Oversee IP creation and development;
- (ii) Coordinate patent drafting and application;
- (iii) Keep records of IP assets;
- (iv) Implement IP commercialization strategies;
- (v) Coordinate technology transfer processes;
- (vi) Any other related duties as may be assigned by immediate supervisor.

### **3.3. Ownership of IP and Rights of Use**

The Institute undertakes to exercise its ownership over any patent on an invention or discovery which it acquires under this policy for the good of the public, the Institute and the inventor(s). To this end, every invention or discovery or part thereof that is made by an employee within the scope of his or her employment, or by a covered student or a visiting researcher with the scope of his or her activities as such, or by any other person who is aided by the Institute facilities or staff, or by funds administered by the Institute, or is working at the Institute by virtue of a grant from, or a contract with an outside body, whether governmental or private, shall be the property of the Institute.

#### **3.3.1. IP Created by Staff Members**

- (i) The Institute owns all IP created by a staff member:
  - a. in the course and scope of his/her employment; or
  - b. making substantial use of the Institute's resources.
- (ii) Staff members will own the IP they have created when such IP:
  - a. is outside the course and scope of their employment and without substantial use of the institute's resources; and
  - b. when the institute has no interest in protecting and developing further the IP; this should be communicated to the staff member in writing.
- (iii) The terms of the research/innovation contract will regulate ownership of IP created by staff members in the course of a research project that forms part of a research/innovation contract where there is no substantial use of the institute's resources.

### **3.3.2. IP Created by Students**

(i) The Institute owns all IP created by a student:

- a. in the course of study at the Institute (including theses, dissertations and final year projects);
- b. making substantial use of the Institution's resources;

(iii) The terms of the research/innovation contract will regulate ownership of IP created by students in the course of a research/innovation project that forms part of a research/innovation contract where there is no substantial use of the institute's resources.

### **3.3.3. IP Created by Visitors**

(i) Unless otherwise agreed to in writing by the Institute and the visitor's home institution prior to the tenure at the Institute, visitors shall assign to the Institute any IP:

- a. created in the course and scope of their appointment at the institute; or
- b. created by making substantial use of the institute's resources.

(ii) On departure from the institute, a visitor must sign and submit to IPMO an IP Disclosure form disclosing any IP created, whilst at the Institute.

### **3.3.4. Special Rules for Course Materials**

(i) The Institute shall own the IP in course materials created by a staff member or a visitor, with the exclusion of course material that is created from or for open educational resources; and

- (ii) The Institute grants the creators of course materials a royalty-free, non-exclusive license to use the course materials created by them for teaching and research purposes at the Institute. With prior written permission of the Institution, such license may be utilized for commercial purposes outside the Institution.

### **3.3.5. Special Rules for Scholarly Works**

(i) The Institute recognizes and endorses the rights of staff members, students and visitors to publish their scholarly works, provided that any scholarly work which may disclose any possible Institute IP shall first be cleared by the office responsible for Intellectual Property Management (IPMO) after having an opportunity to protect such Institute IP.

(ii) Staff members, students and visitors should endeavour to obtain publishers' permission to include published scholarly works in the institutional repository whether as a published edition or in prepublication form.

(iii) Staff members, students and visitors shall grant to the Institute a non-exclusive, royalty free license to use their scholarly works for the Institute's administrative, promotional, research and teaching purposes.

### **3.4. IP Protection and Commercialization**

(i) The office responsible for Intellectual Property Management (IPMO) shall analyze the information disclosed in the IP Disclosure form. The analysis shall include: whether or not the subject matter is protectable as IP; an assessment of economic viability or marketability; and determination of any rights of external parties such as a funder or collaborator. After evaluation, IPMO shall prepare a preliminary report with findings that enable the Institute to decide if it will proceed with IP protection and commercialization. IPMO shall share the preliminary report with the creator(s) and seek for their input.

(ii) The Institute shall decide, as soon as reasonably practicable, whether or not it wishes to protect and/or commercialize the IP. IPMO will use all reasonable efforts to notify the creator(s) of the Institute's decision of formal receipt of the IP disclosure. IPMO shall also determine in relation to the validity of any claim made by a staff member, a visitor or a student that they are the true creator(s) of that IP and in relation to their rights under this policy.

(iii) IPMO shall notify the creator(s) of the decision of whether the Institute will or will not pursue IP protection and commercialization of their IP disclosure.

(iv) The Institute reserves the right not to protect or commercialize IP that it owns if after consultation with the creators:

- a. There is no reasonable prospect of commercial success;
- b. It is not deemed to be in the best interest of the Institute; or
- c. It is not deemed to be in the public interest.

(vi) If the Institute is unable to or decides not to protect or commercialize the Institute IP, it should notify the relevant creator(s) of its decision in writing.

(vii) The Institute shall determine, with input from the creators, the most appropriate commercialization strategy for a particular invention to protect or commercialize.

(viii) Creators of IP which has been selected for IP protection and commercialization by the Institute must provide IPMO with all reasonable support in the assessment, protection (including preventing premature disclosure and execution of any documents including deeds of assignment and deeds attesting to creatorship), and commercialization of the IP.

(ix) The Institution shall have the sole discretion regarding the commercialization of IP it owns. Notwithstanding, the Institute shall ensure that reasonable efforts are made to keep the creators informed and, where appropriate, involved in the commercialization of the IP to which they contributed. The commercialization of Institute IP shall be planned, executed, and monitored by IPMO.

(x) Modes of IP commercialization may include:

- a. license;
- b. assignment (sale);
- c. formation of a commercialization entity such as a start-up or spin-off company to which the IP is licensed or assigned in terms of this Policy;
- d. non-profit use or donation;
- e. joint ventures;
- f. royalty free access on humanitarian or other grounds; or
- g. Various combinations of the above.

(xi) Regardless of the mode of IP commercialization, the transaction shall be executed in a contract which:

- a. protects the interests of the Institute, its staff members, students and visitors;
- b. retains rights for the Institute to use the IP for educational and research;
- c. ensures that the IP is utilized in a manner which will serve the public good;
- d. ensures that the IP is developed and brought to the marketplace as useful goods and services; and
- e. prohibits the “shelving” or “mothballing” of the IP or its use in any illegal or unethical manner.

### 3.5. Ownership Benefits

i) The owners and inventor(s) shall participate in the net patent revenues (i.e., net revenues including royalties from licensing, proceeds from sale, and/or recoveries from enforcement) realized by the Institute from the sale, licensing and/or enforcement of their patented invention or discovery; such participation shall be at a total level in the aggregate for all inventors and all patents associated with a particular patented invention or discovery and any improvements therein as presented in Table 3.1.

**Table 3.1 Ownership distribution from IP creation**

|                                                                                                                                                   | <b>Inventor (s)</b> | <b>Institute</b> |
|---------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|------------------|
| (a) Income derived from patents or discoveries by the students or employees fully supported through institute own fund or project grants          | 40%                 | 60%              |
| (b) Income derived from patents or discoveries conducted by the students or employees out of support through institute own fund or project grants | 90%                 | 10%              |

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

(iii) The ownership distribution may vary from what is presented in Table 3.1 upon request from either party involved. However, any changes to this distribution shall require approval from the Rector, and both parties shall sign an agreement to formalize the new terms.

### **3.6. Dispute**

- (i) Breach of the provisions of this Policy shall be dealt with under the normal procedures of the Institute, and in accordance with the relevant provisions of laws and regulations in force.
- (ii) Any internal disputes or questions of interpretation arising under this Policy shall in the first instance be referred to the office responsible for IPMO for consideration and mediation by the IP Committee.
- (iii) If the matter cannot be resolved by the IP Committee, then the dispute or question of interpretation must be referred to the Deputy Rector Academic, Research and Consultancy (DR ARC).
- (iv) The DR ARC may at his/her sole discretion refer the matter to Institute Academic Board for arbitration as final arbiter of any disputed issues or for final determination.
- (v) Individuals covered by this Policy shall have the right to appeal the application of any aspect of this Policy to the Council.

## **4. MONITORING AND EVALUATION**

Following approval of this policy, an implementation plan shall be developed. Monitoring and evaluation shall be an integral component of the implementation of the Policy. The IPMO shall conduct Monitoring and Evaluation (M&E) based on the implementation strategy activities to ensure close follow-up of the policy implementation. Relevant key performance indicators as presented in Table 4.1 shall be considered during M&E and be made available to enable stakeholders at all levels to monitor and assess IP activities on a regular basis. The IP Committee shall meet at least quarterly to evaluate the achievements in IP initiatives against IPR Policy, Strategic Plan, and Rolling Strategic Plan through evaluating the quarterly reports submitted by the IPMO.

**Table 4.1: Policy strategies, activities, targets and key Performance Indicators (KPIs)**

| Strategy number | Strategy Description                                                                                                                                                                                           | Activities                                                                                                                                                          | KPI                                                | Target                                            | 2025/2026 | 2026/2027 | 2027/2028 | 2028/2029 | 2029/2030 |
|-----------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|---------------------------------------------------|-----------|-----------|-----------|-----------|-----------|
| 2.2.3. (ii)     | Create awareness through training, seminars and workshops to staff members, students, and visitors on the institute's IP policy, including rights, obligations, and procedures for IP ownership and assignment | Conduct training programmes that cover various aspects on the institute's IP policy, including rights, obligations, and procedures for IP ownership and assignment. | Number of training programs conducted on IP policy | Five (5) training programs delivered on IP policy |           |           |           |           |           |
|                 |                                                                                                                                                                                                                | Conduct seminars that cover various aspects on the institute's IP policy, including rights, obligations, and procedures for IP ownership and assignment.            | Number of seminars conducted on IP policy          | Five (5) seminars conducted on IP policy          |           |           |           |           |           |
|                 |                                                                                                                                                                                                                | Conduct workshop programmes that cover various aspects on the institute's IP policy, including rights, obligations, and                                             | Number of workshops conducted on IP policy         | Ten (10) workshops conducted on IP policy         |           |           |           |           |           |

| Strategy number | Strategy Description                                                                                                                                                                | Activities                                                                                                             | KPI                                                                | Target                                                             | 2025/2026 | 2026/2027 | 2027/2028 | 2028/2029 | 2029/2030 |
|-----------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------|--------------------------------------------------------------------|-----------|-----------|-----------|-----------|-----------|
| 2.2.3. (iii)    | Establish robust systems for documenting and tracking IP ownership, including agreements, deeds of assignment, and IP disclosure forms ensuring they comply with legal requirements | procedures for IP ownership and assignment.                                                                            |                                                                    |                                                                    |           |           |           |           |           |
|                 |                                                                                                                                                                                     | Prepare templates for IP agreements form                                                                               | Standardized IP-agreement form                                     | Approved IP-agreement form                                         |           |           |           |           |           |
| 2.2.3. (iv)     | Ensure effective communication of ownership rights and responsibilities to all stakeholders through staff and student handbooks, orientation programs, and formal media channels    | Prepare templates for deeds of assignment form                                                                         | Standardized IP- deeds of assignment form                          | Approved IP-deeds of assignment form                               |           |           |           |           |           |
|                 |                                                                                                                                                                                     | Prepare detailed content explaining ownership rights and responsibilities for inclusion in staff and student handbooks | Detailed content for staff and students' orientation and handbooks | Approved content for staff and students' handbooks and orientation |           |           |           |           |           |
|                 |                                                                                                                                                                                     | Prepare detailed content explaining ownership rights and responsibilities to                                           | Detailed content to be communicated through media channels         | Approved contents for media channels                               |           |           |           |           |           |

| Strategy number | Strategy Description                                                                                                   | Activities                                                                                                                                                                                                             | KPI                                                                                                  | Target                                                                                                | 2025/2026 | 2026/2027 | 2027/2028 | 2028/2029 | 2029/2030 |
|-----------------|------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------|-----------|-----------|-----------|-----------|-----------|
| 2.3.3 (ii)      | Create awareness for creators to identify potential IP early in their research process                                 | be communicated through formal media channels<br>Organize regular workshops and seminars for researchers and creators on identifying potential IP, the IP lifecycle, and the benefits of early IP identification       | Number of workshops and seminars conducted                                                           | Five (5) workshops/seminars                                                                           |           |           |           |           |           |
| 2.3.3 (iii)     | Conduct training sessions on the importance of IP protection and the risks associated with premature public disclosure | Create and make available online training modules that researchers can complete at their convenience, focusing on IP identification and protection<br>Conduct training programs that cover importance of IP protection | Online training modules on IP identification and protection<br>Number of training programs delivered | Accessible online training modules on IP identification and protection<br>Five (5) trainings programs |           |           |           |           |           |

| Strategy number | Strategy Description                                                                                                                                        | Activities                                                                                                                                                    | KPI                                   | Target                                    | 2025/2026 | 2026/2027 | 2027/2028 | 2028/2029 | 2029/2030 |
|-----------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------|-------------------------------------------|-----------|-----------|-----------|-----------|-----------|
|                 |                                                                                                                                                             | Conduct training programmes on the risks associated with premature public disclosure                                                                          | Number of training programs delivered | Five (5) trainings programs               |           |           |           |           |           |
| 2.4.3 (i)       | Develop guidelines for governing commercialization of IP while taking into consideration the interests of the Institute, creators, public and third parties | Organize consultations with stakeholders, including institute staff, students, and external partners to gather input and perspectives on IP commercialization | Consultative stakeholders engagement  | Consultative stakeholders Report prepared |           |           |           |           |           |
|                 |                                                                                                                                                             | Create awareness through seminars for staff, students, and external stakeholders to ensure understanding and proper implementation of the guidelines.         | Number of seminar sessions conducted  | Five (5) seminars conducted               |           |           |           |           |           |
| 2.4.3(ii)       | Promote establishment of incubators, start-                                                                                                                 | Establish strategic partnerships with                                                                                                                         | Number of partnerships established    | Five (5) partnerships established         |           |           |           |           |           |

| Strategy number | Strategy Description                                                                             | Activities                                                                                                                     | KPI                                                                                                        | Target                                  | 2025/2026                   | 2026/2027 | 2027/2028 | 2028/2029 | 2029/2030 |
|-----------------|--------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------|-----------------------------------------|-----------------------------|-----------|-----------|-----------|-----------|
| 2.5.3 (i)       | Create a clear and fair process for distributing revenues generated from commercialization of IP | ups, innovation hubs and spin-off companies for commercialization of the IP                                                    | industry, investors, academic institutions, and government bodies to support the commercialization efforts | Number of challenges/com petitions held | Five (5) awareness seminars |           |           |           |           |
|                 |                                                                                                  | Organize innovation challenges and competitions to identify and support promising ideas and technologies for commercialization |                                                                                                            | Five (5) challenges/competitions        |                             |           |           |           |           |
|                 |                                                                                                  | Create awareness through seminar on the framework for distribution of revenues from commercialization of IP                    |                                                                                                            | Number of awareness seminars conducted  |                             |           |           |           |           |

| Strategy number | Strategy Description                                                                                                                                  | Activities                                                                                                                                                                                                                                                                                                                                                                                                                                               | KPI                                                                                                                                                                     | Target                                                                                                                                                                               | 2025/2026 | 2026/2027 | 2027/2028 | 2028/2029 | 2029/2030 |
|-----------------|-------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|-----------|-----------|-----------|-----------|
| 2.6.3.(ii)      | Establish specific requirements for timely and transparent disclosure of all external activities and financial interests that may lead to COI or COC. | <p>Prepare formal agreements template for IPR transfer</p> <p>Engage with key stakeholders, including staff, faculty, and external partners, to gather input on disclosure requirements.</p> <p>Develop disclosure requirements detailing the types of external activities and financial interests that must be disclosed.</p> <p>Organize training sessions for staff and faculty on the new disclosure requirements to ensure proper understanding</p> | <p>IPR transfer agreement template prepared</p> <p>Consultative stakeholders engagement</p> <p>Disclosure requirements document</p> <p>Number of seminars conducted</p> | <p>Approved IPR transfer agreement template</p> <p>Consultative stakeholders report prepared</p> <p>Approved disclosure requirements document</p> <p>Five (5) seminars conducted</p> |           |           |           |           |           |

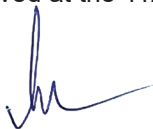
|                    |  |                         |  |                                      |  |     |  |        |  |           |  |           |  |           |  |           |  |           |
|--------------------|--|-------------------------|--|--------------------------------------|--|-----|--|--------|--|-----------|--|-----------|--|-----------|--|-----------|--|-----------|
| Strategy<br>number |  | Strategy<br>Description |  | Activities<br>and<br>implementation. |  | KPI |  | Target |  | 2025/2026 |  | 2026/2027 |  | 2027/2028 |  | 2028/2029 |  | 2029/2030 |
|--------------------|--|-------------------------|--|--------------------------------------|--|-----|--|--------|--|-----------|--|-----------|--|-----------|--|-----------|--|-----------|

## **5. APPLICATION AND REVIEW OF THE INTELLECTUAL PROPERTY RIGHTS OPERATIONAL POLICY AND PROCEDURES**

This Intellectual Property Rights Operational Policy and Procedures shall be reviewed every five (5) years when deemed necessary, but it can be amended when need arises subject to the approval of the Council. The reviewed policy shall revoke the previous edition and shall become effective from the date it is approved by the Council.

## **6. APPROVAL OF INTELLECTUAL PROPERTY RIGHTS OPERATIONAL POLICY AND PROCEDURES**

This Intellectual Property Rights Operational Policy and Procedures was approved at the 112th Council meeting held on 15th May, 2025.



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Prof. Preksedis M. Ndomba  
RECTOR

## ANNEX-1: INTELLECTUAL PROPERTY DISCLOSURE FORM

### SECTION 1: GENERAL INFORMATION

1. **Title of the Invention/Innovation:**  
*(Provide a clear and concise title for your invention or innovation)*
  2. **Date of Disclosure:**  
*(Enter the date when this disclosure form is completed)*
  3. **Names of Inventor(s)/Innovator(s):**  
*(List all individuals who contributed to the conception and development of the invention. Include their full names, affiliations, and contact details (email and phone number, including percentage of the contribution of every individual).*
  4. **Department/Organization:**  
*(Indicate the department, institution, or organization with which the inventor(s) are affiliated)*
  5. **Corresponding Address**  
*(Provide the address where official communications should be sent)*
- 

### SECTION 2: INVENTION DETAILS

6. **Abstract of the Invention:**  
*(Provide a brief summary (150-200 words) of the invention, including its purpose, main features, and potential applications)*
7. **Description of the Problem Addressed:**  
*(Explain the problem or need that the invention addresses. Include background information, existing solutions, and the limitations of those solutions)*
8. **Description of the Invention:**  
*(Provide a detailed description of the invention. Include technical aspects, working principles, and key features that distinguish it from existing solutions)*
9. **Advantages and Novelty:**  
*(Explain why the invention is unique and novel. Highlight the key benefits and improvements over existing technologies)*
10. **Current Development Stage:**  
*(Indicate the current status of the invention (e.g., idea, prototype, pilot testing, fully developed). Specify any ongoing work or future development plans)*

### SECTION 3: PRIOR ART SEARCH AND RELATED INFORMATION

**11. Prior Art Search Results:**

*(Describe any prior art searches conducted. Include information on existing patents, publications, or products that may be relevant to the invention)*

**12. Relevant Publications/References:**

*(List any publications, articles, or research reports related to the invention. Attach copies if available)*

**13. Potential Competitors:**

*(Identify any companies or organizations that may be developing similar technology)*

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### SECTION 4: POTENTIAL APPLICATIONS AND COMMERCIALIZATION

**14. Potential Applications:**

*(Describe potential applications of the invention across different sectors or industries).*

**15. Target Market:**

*(Specify the target audience or market for the invention. Include demographic, geographic, and industry-specific details).*

**16. Commercial Viability:**

*(Explain the potential for commercial success. Include details of market demand, competitive advantage, and expected profitability).*

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### SECTION 5: FUNDING AND SUPPORT

**17. Funding Sources:**

*(List any sources of funding or financial support received for the development of the invention. Include grants, contracts, or investments, along with the names of funding organizations).*

**18. Collaborations/Partnerships:**

*(Mention any collaborations or partnerships with external organizations or individuals related to the invention. Include details of their role and contributions).*

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SECTION 6: INTELLECTUAL PROPERTY PROTECTION

19. Proposed IP Protection:

(Specify the type of intellectual property protection being sought (e.g., patent, trademark, copyright, trade secret)).

20. Proposed Title for IP Filing:

(Suggest a title for the patent or other IP application).

21. Patentability and IP Strategy:

(Discuss the patentability of the invention and any existing or planned IP strategy. Include considerations for filing in multiple jurisdictions).

SECTION 7: DECLARATION

22. Declaration of Inventor(s):

I/We declare that the information provided in this disclosure form is accurate to the best of my/our knowledge. I/We agree to assist in the preparation of any patent or IP application and assign all rights, titles, and interests in this invention to (Your Organization/Institution).

Signature(s): \_\_\_\_\_ Date: \_\_\_\_\_

Witness: \_\_\_\_\_ Date: \_\_\_\_\_

For Official Use Only:

Date Received: .....

Name: .....

Position: .....

Signature: .....

