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| GENERAL INFORMATION |   |                        |               |                   |
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## 1. Introduction

The Malta College of Arts, Science and Technology (MCAST) values the importance of having an Intellectual Property (IP) Policy based on the need for safeguarding rights on practical application and economic use of the results generated through Research and Innovative (R&I) work carried out at the College.

Through this Policy, MCAST seeks to address ownership, protection and commercial exploitation of IP generated by Researchers while carrying out their duties at the College.

This Policy shall apply to all Researchers at MCAST as per definition of this Policy.

In essence, this IP Policy aims to:

- Develop the foundations and instigate, encourage and support Research and Innovation (R&I) initiatives within MCAST;
- Create awareness on the importance of IP within MCAST;
- Promote, sustain and provide guidelines on identification, generation, ownership, protection and commercial exploitation of IP;
- Ensure adequate sharing of benefits arising from the exploitation of IP.

Rights and obligations under this Policy shall survive any termination of enrolment or employment of the Researcher.

## 2. Definitions

**“Intellectual Property”** refers to know-how and products of intellectual or creative activity including but not limited to innovations, patentable and non-patentable, registered or unregistered inventions, designs, technologies, improvements, developments, materials, compounds, processes and all other research results and tangible research properties, including software and other copyrighted work.

**“Commercialisation”** refers to any form of exploitation of Intellectual Property including but not limited to royalties and licensing, provision of services and consultancies, commercialisation and spin-off company formation.

**“Researcher”** refers to the following categories of people and who use MCAST resources and carry out research within MCAST:

- a) Lecturers employed at MCAST on a full time or part time basis;
- b) Visiting Lecturers;
- c) Students registered at MCAST including those studying at Satellite Institutes;
- d) Other Professionals employed by MCAST to carry out research work.

## 3. Ownership of IP

3.1 Ownership of IP shall be determined according to the nature and location of the activities performed as follows:

### 3.1.1 *Activities within normal duties*

IP generated by Researchers in the course of employment (in case of employees) or registration (in case of students) shall be owned by MCAST as per provisions of this Policy and be subject to a Non Disclosure Agreement (NDA) and an IP Agreement.

### 3.1.2 *Activities outside normal duties*

IP generated through activities by Researchers outside normal duties where such activities are wholly unconnected with MCAST shall belong to the person performing that activity.

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On the other hand, any IP generated outside normal duties but with significant use of MCAST Resources, including but not limited to library facilities, office equipment and specialised equipment, shall be owned by MCAST.

### 3.1.3 Collaborative Projects

Any collaborative project research shall be backed up by an IP Agreement. IP of any projects performed by Researchers in collaboration with third parties, shall be shared between the partners according to the co-operation/contribution ratio/proportion of the third parties involved and as negotiated and agreed to through the separate IP Agreement between all the parties involved.

### 3.1.4 Sponsored Research

Any sponsored research shall be backed up by an IP Agreement. Any IP generated from sponsored research shall initially belong to MCAST and then transferred to respective parties according to the conditions negotiations and agreements of the separate IP Agreement.

### 3.2 Access to IP

Where appropriate, MCAST shall seek to obtain access to IP belonging to other parties for the purpose of Knowledge Transfer including, but not limited to Researchers and industrial third parties.

3.3 Notwithstanding the provisions of Section 3.1, MCAST may opt to negotiate and enter into an individual IP agreement with the Researcher, that will allow the latter to be assigned part-ownership of the IP that is ultimately generated.

3.4 Additionally, should MCAST, decide not to retain a particular piece of IP created by a Researcher, the latter, as the originator of the IP, shall be duly notified and offered the opportunity to be assigned that particular IP or acquire related IP Rights. Such notification and assignment shall be done through the R&I Department.

## 4. Identification, Protection and Exploitation of IP

4.1 MCAST is committed both for its own sake and the interests of its Researchers, to maximising the potential benefits deriving from the exploitation of IP. Development and exploitation of IP shall be built in all relevant activities within MCAST.

4.2 MCAST encourages its Institutes and Researchers to amplify their research output which may result in potential commercialisation.

4.3 Researchers shall be made aware of the importance of IP identification, evaluation, generation, protection and exploitation.

4.4 Researchers shall inform the R&I Department of all research output related to their work at MCAST including but not limited to designs, publications and products.

4.5 In the eventuality of possible valuable IP creation, Researchers shall immediately notify in writing the R&I Department so that appropriate is taken. This shall be done through the *Intellectual Property Disclosure Form* (Refer to Reference Documents below).

4.6 Regular IP Audits shall be carried out in order to identify potential IP arising from R&I activities within the College.

4.7 All identified IP shall be recorded and filed in an appropriate IP Register by the R&I Department.

4.8 Once a potential IP is identified, all parties involved, including but not limited to the Researchers, shall sign a Non Disclosure and Confidentiality Agreement and eventually an IP Agreement.

4.9 Any potential publications by Researchers containing scientific results shall first be presented in writing as drafts to the R&I Department before publication.

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- 4.10 It is pertinent to note that not all identified and generated IP will be worth taking through the protection and exploitation process.
- 4.11 Protection of IP shall be explored by the R&I Department, taking into consideration internal and external funding mechanisms and shall be sought with the aim of facilitating and maximising knowledge transfer between the parties involved without limitation to their rights.
- 4.12 Exploitation of IP shall be explored together with MG2i through different routes including but not limited to royalties and licensing, provision of services and consultancies, commercialisation and spin-off company formation.
- 4.13 No action that could compromise the potential development and/or exploitation of IP shall be taken without prior authorisation of the R&I Department.
- 4.14 IP Contractual negotiations with third parties shall be affected through MG2i.
- 4.15 Researchers shall not enter into any agreement with third parties without the consent of MCAST.
- 4.16 Should Researchers seek the exploitation of IP owned by MCAST, they should do so through MG2i.
- 4.17 MCAST reserves the right to publish details of any output produced by Researchers and wherever practicable, give full acknowledgement to the authorship of material. Similarly, Researchers shall give full acknowledgement to MCAST in any output produced on duty at MCAST.
- 4.18 In order to encourage full participation of Researchers, the latter shall be entitled to a share of the net income<sup>1</sup> generated through IP. Details of such share of net income shall be discussed on a case by case basis depending on the project. Such details shall form an integral part of the separate IP Agreement.

## 5. Resolution of Disputes

- 5.1 Any concerns regarding this policy should be raised with the R&I Department.
- 5.2 Any disputes arising from the sharing of benefits or other aspects related to the commercial exploitation of IP shall be dealt with in accordance with the separate IP Agreement.

MCAST acknowledges and accepts that in the case of any inconsistency, it is legally bound through responsibilities and obligations as set by the Law that cannot be changed by these conditions.

### Reference Documents

Document 087 : Intellectual Property Disclosure Form

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<sup>1</sup> Net Income shall be calculated after reducing all direct costs paid by MCAST to protect and exploit the IP. Such costs include but are not limited material, travel, insurance, any legal and agency fees, marketing and other related fees directly attributable to the relevant IP.