



# **National University of Modern Languages (NUML) Intellectual Property (IP) – Policy and Procedures**

**Year 2018**

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## 1. Intellectual Property (IP) Policy Statement

- 1.1. National University of Modern Languages (NUML) aspires to develop an environment that encourages creative work and disseminates it for public benefit while protecting rights of creators / innovators.
- 1.2. NUML values creativity and to get it recognized as intellectual property, understands its commercialization for financial return.
- 1.3. In commercialization process, creators / innovators will be shareholders in financial return.

## 2. Intellectual Property (IP) Rights

- 2.1. NUML designated Office of Research Innovation and Commercialization (ORIC) to process applications related to IP rights.
- 2.2. Intellectual Property (IP) rights discussed in this policy are:
  - a. Patents
  - b. Copyright *and*
  - c. Trademarks.
- 2.3. Members associated with the University can claim for recognition of IP; by members mean applicants who could be:
  - i. Faculty (permanent/contractual)
  - ii. Staff (permanent/contractual)
  - iii. Students
  - iv. Research Associates / Research Fellows
  - v. Incubatees.

### 2.1. Patents

- 2.1.1. *Patent is a set of exclusive rights granted by the government to an inventor or assignee for a limited period of time in exchange for detailed public disclosure of an invention (Guidelines for filing Patent Application in Pakistan, Intellectual Property Organization of Pakistan (IPO-Pakistan)).*
- 2.1.2. According to IPO-Pakistan, a Patent is valid for the term of 20 years from the date of filing in the territory (Country/Region) where the patent was granted. Patent confers the right to prevent third parties from making, using or selling the invention without owner's consent i.e. Patentee.

#### 2.1.1. Ownership

- 2.1.1.1. There are two scenarios' under which an IP comes under ownership of the University; IP created:
  - i. By utilizing university facilities or resources or funds.
  - ii. Through sponsored research programs or agreements (with the University).

#### 2.1.2. IP Agreement(s)

- 2.1.2.1. University may enter into an agreement which will override provision of this policy, in case an individual 'other than University employee' works on a University project.

Agreement will be signed before commencement of work about ownership rights related to IP created during the project.

2.1.2.2. If an agreement / assignment is in larger interest of NUML, it may maintain mutual-ownership of certain IP's with third parties.

### 2.1.3. Licensing

2.1.3.1. Under certain circumstances, NUML may provide non-exclusive, non-transferable, irrevocable license to a government or a third party, if required.

### 2.1.4. Procedure

2.1.4.1. The procedure as per guidelines of Intellectual Property Organization (IPO) - Pakistan to get an IP registered is depicted below (and in Figure-1).

2.1.4.2. When an IP is created, member has to notify ORIC within 45 days by filling Disclosure Form.

2.1.4.3. A patent can only be granted for an invention that has not yet been disclosed to the public, neither in writing nor orally, according to IPO-Pakistan.

2.1.4.4. ORIC will perform IP search in databases – if an IP has not been patented, an application will be filed along with the fee in Pakistan's Patent Office (PO). PO will publish results in gazette.

Following filing fees are applicable in the form of pay order or demand draft from scheduled bank in favor of Director General, IPO-Pakistan:

- a. In case of complete specification Rs. 4,500 and in case of provisional/incomplete specification Rs. 1,350.
  - b. For each additional page of specification beyond 40 pages Rs. 60.
  - c. For each additional claim beyond 20 claims Rs. 150.
- 2.1.4.5. Before end of time duration given by PO to claim the title, others can claim (the title) within thirty days. If a title is claimed, PO will send the reservations to ORIC. And ORIC will inform the applicant.
- 2.1.4.6. If a title is *not* claimed, PO will register IP and ORIC will update the applicant.

### 2.1.5. Distribution of Financial Returns

2.1.5.1. From the Commercialization of IP, there can be two cases under which financial returns will be distributed (unless otherwise specified in agreement):

2.1.5.2. Case-I: IP created by utilizing University facilities and/or resource person.

- i. To the Inventor / Creator = 60%
- ii. To University Fund = 30%
- iii. To ORIC = 10%

2.1.5.3. Case-II: IP created by without utilizing University facilities.

- i. To the Inventor / Creator = 75%
- ii. To University Fund = 15%
- iii. To ORIC = 10%

2.1.5.4. At any stage, NUML reserves the right to revise above mentioned distributions.

- 2.1.5.5. In case of more than one creator / inventor, creators / inventors will determine division of Net Revenue; they will inform ORIC about their decision within six months.
- 2.1.5.6. ORIC will communicate the decision in writing to the creators / inventors if they do not inform (in writing) by due date.
- 2.1.5.7. ORIC will distribute Net Revenue to the creator(s) / inventor(s) regardless of whether they remain employed by the University.
- 2.1.5.8. Distribution of Net Revenue will be paid to creator's / inventor's beneficiaries if s/he is deceased.
- 2.1.5.9. When ORIC believes the law requires to with-hold (any) payment – the office will do so.

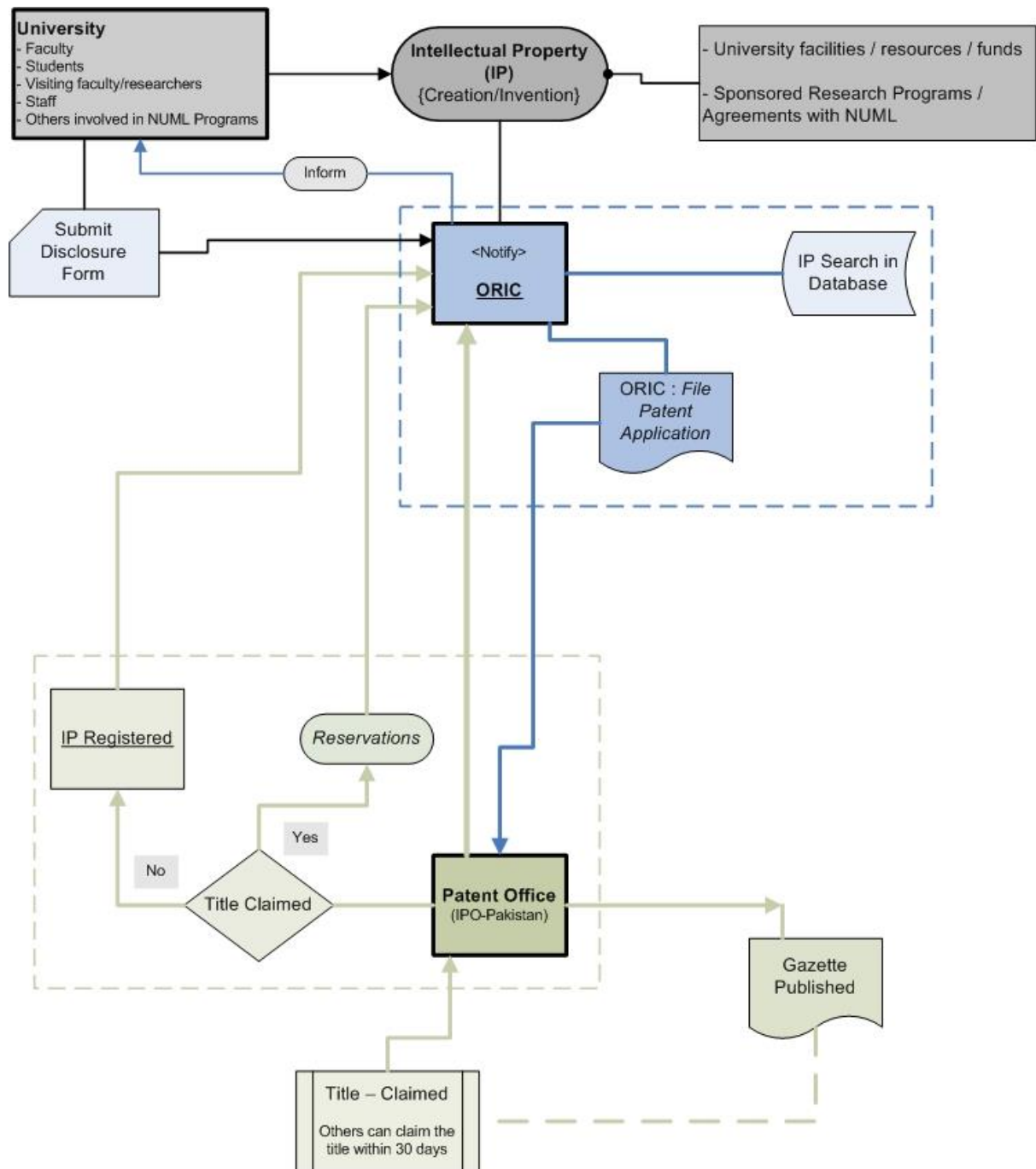


Figure 1: Registration of Intellectual Property (IP)

## 2.2. Copyrights

- 2.2.1. Copyright is *a set of exclusive rights granted to the owner for a limited time to protect the particular form, way or manner in which an idea or information is expressed* – Intellectual Property Organization of Pakistan (IPO-Pakistan).
- 2.2.2. Duration of copyright protection is life time of the author plus 50 years thereafter.
- 2.2.3. Copyright is moral and economic right(s) of authors / writers, publishers, performers and producers of sound recordings (phonograms).
- 2.2.4. Work which can be registered under copyright protection is categorized as:
  - 2.2.5. Literary, Dramatic, and Musical Work
    - 2.2.5.1. ‘Literary work’ includes works on humanity, religion, social and physical sciences, tables "compilations and computer programs, that is to say programs recorded on any disc, tape, perforated media or other information storage device, which, if fed into or located in a computer or computer-based equipment is capable of reproducing any information".
    - 2.2.5.2. ‘Dramatic work’ includes any piece for recitation, choreographic work or entertainment (in a show), scenic arrangement or acting form of which is fixed in writing or otherwise but does not include a cinematographic work.
    - 2.2.5.3. ‘Musical work’ means any combination of melody and harmony - printed, reduced to writing or otherwise graphically produced or reproduced.

Examples: books, novels, dramas, journals, magazines, lectures, sermons, computer programs and compilations.

### 2.2.6. Artistic Work

#### 2.2.6.1. Artistic work means:

- i. A painting, sculpture, drawing (including a diagram, map, chart or plan), an engraving or a photograph, whether or not any such work possess artistic quality.
- ii. An architectural work of art.
- iii. Any other work or artistic craftsmanship

Examples: Paintings, photographs, architectural works, drawings, calligraphies, sculptures, logos, label designs and monograms.

### 2.2.7. Cinematographic Work

- 2.2.7.1. Cinematographic work means any sequence of visual images including video films of every kind, recorded on material of any description (whether translucent or not), whether silent or accompanied by sound, which, if shown (played back, exhibited) conveys the sensation of motion.

Examples: motion pictures / documentaries (on VCD, DVD or video cassette).

### 2.2.8. Records

- 2.2.8.1. Record means any disc, tape, wire, perforated roll or other device in which sounds are embodied so as to be capable of being reproduced therefrom, other than a sound track associated with a cinematographic work.

Example: Voice / music (on CD or audio cassette).

## 2.2.1. Procedure of Registration of Copyright

2.2.1.1. Procedure of registration of Copyright as per guidelines of Intellectual Property Organization (IPO) - Pakistan is based on following steps (depicted in Figure-2):

- a. Creator will file 'application for registration' to ORIC.
- b. After preliminary examination, ORIC will send the material to Copyright Office (IPO-Pakistan).
- a. After examination, Copyright Office will register for Copyright (otherwise, it will inform ORIC).
- b. For registration, form to be submitted along with registration fee of Rs. 1,000 to be deposited in the form of a Demand Draft/Pay Order in the name of Director General IPO-Pakistan.
- c. Copyright Office will issue Certificate of Registration to ORIC.
- d. ORIC will present Certificate to the creator.

2.2.1.1.1. For Artistic Work (only)

- a. ORIC will publish an advertisement of the artistic work in daily newspaper (Urdu or English language).
  - i. If *no* objection on artistic work is recorded at ORIC within thirty days, it will file the case to Copyright office for registration (of copyright).
  - ii. If ORIC records an objection within thirty days, it will send the case to Plagiarism Committee.



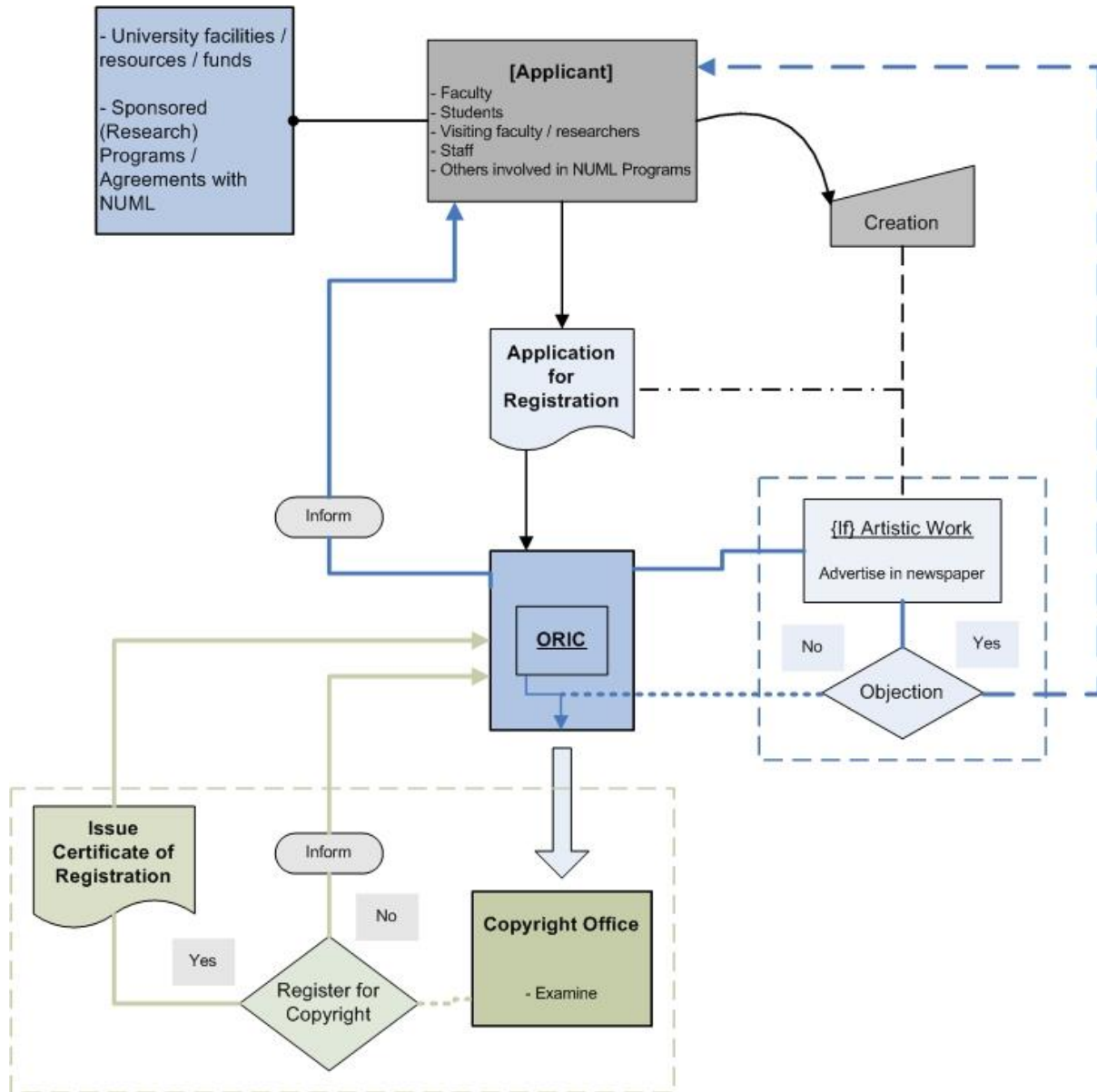


Figure 2: Registration of Copyright

## 2.3. Trademark

2.3.1. Trademark is *a word, phrase, symbol and/or design that identifies and distinguishes the source of the goods of one party from those of others* – Intellectual Property Organization of Pakistan (IPO-Pakistan).

2.3.2. The law considers a trademark to be a form of intellectual property. Trademark means any mark capable of being represented graphically and capable of distinguishing goods or services of one undertaking from those of other undertakings.

2.3.3. A trademark registration is valid for ten years counting from the date of filing in the territory of Pakistan. The registration can be renewed for an unlimited number of successive ten year periods. In principle, a trademark can be protected forever.

### 2.3.1. Procedure of Registration of Trademark

2.3.1.1. Procedure of registration of Trademark as per guidelines of Intellectual Property Organization (IPO) - Pakistan is based on following steps (depicted in Figure-3):

- a. Applicant will file ‘application for registration’ to ORIC.
- b. ORIC will file search request for the ‘mark’ to ‘Trademarks Registry’/IPO Regional Office; search is to be made to check whether there are any identical or similar marks present on the Register (database). There are two options:
  - i. Can opt for Personal Search Facility by visiting IPO-HQ or Regional Office. Personal Search Facility for quick information can be availed at office(s) of IPO on receipt of bank draft amounting to Rs. 200 for 15 minutes per client.
  - ii. Submit Application Form along with Rs. 1,000 in the form of Pay Order/ Bank draft made in the name of Director General IPO.
- c. If identical or similar mark is present in the Register, ORIC will inform the applicant. If identical or similar mark is *not* present in the Register, an application may be made in writing to the ‘Registrar of Trademarks’ for registration of a trademark. And Pay Order/Bank Draft amounting to Rs. 2,000 from scheduled bank to be submitted in the name of Director General, IPO-Pakistan for one mark in one class only. A trademark number is allotted to the applicant.
- d. ‘Registrar of Trademarks’ will generate Examination Report (after three months).
  - i. If there are any objections on the applied trademark, ORIC will be informed in the form of a Show Cause Notice (to applicant). Applicant is required to submit a reply within two months from the date of issue of Show Cause Notice.
  - ii. If there are *no* objections, application will be published in the Trademarks Journal.
- e. If oppositions are filed to the published application within two months from date of publication of the Trademarks – ORIC will be informed hence, the applicant.
- f. If *no* oppositions are filed to the published application within two months from date of publication of the Trademarks Journal, the application stands accepted and *Demand Notice* is issued to the applicant through ORIC.
  - i. Applicant will have to submit form along with registration fee amounting to Rs. 6,000 from scheduled bank in form of a pay order/ bank draft in the name of Director General IPO-Pakistan for issuance of the ‘Registration Certificate’.
- g. On the receipt of registration fee, ‘Registrar of Trademarks’ will issue *Registration Certificate* to ORIC.
- h. ORIC will present Certificate to the applicant.

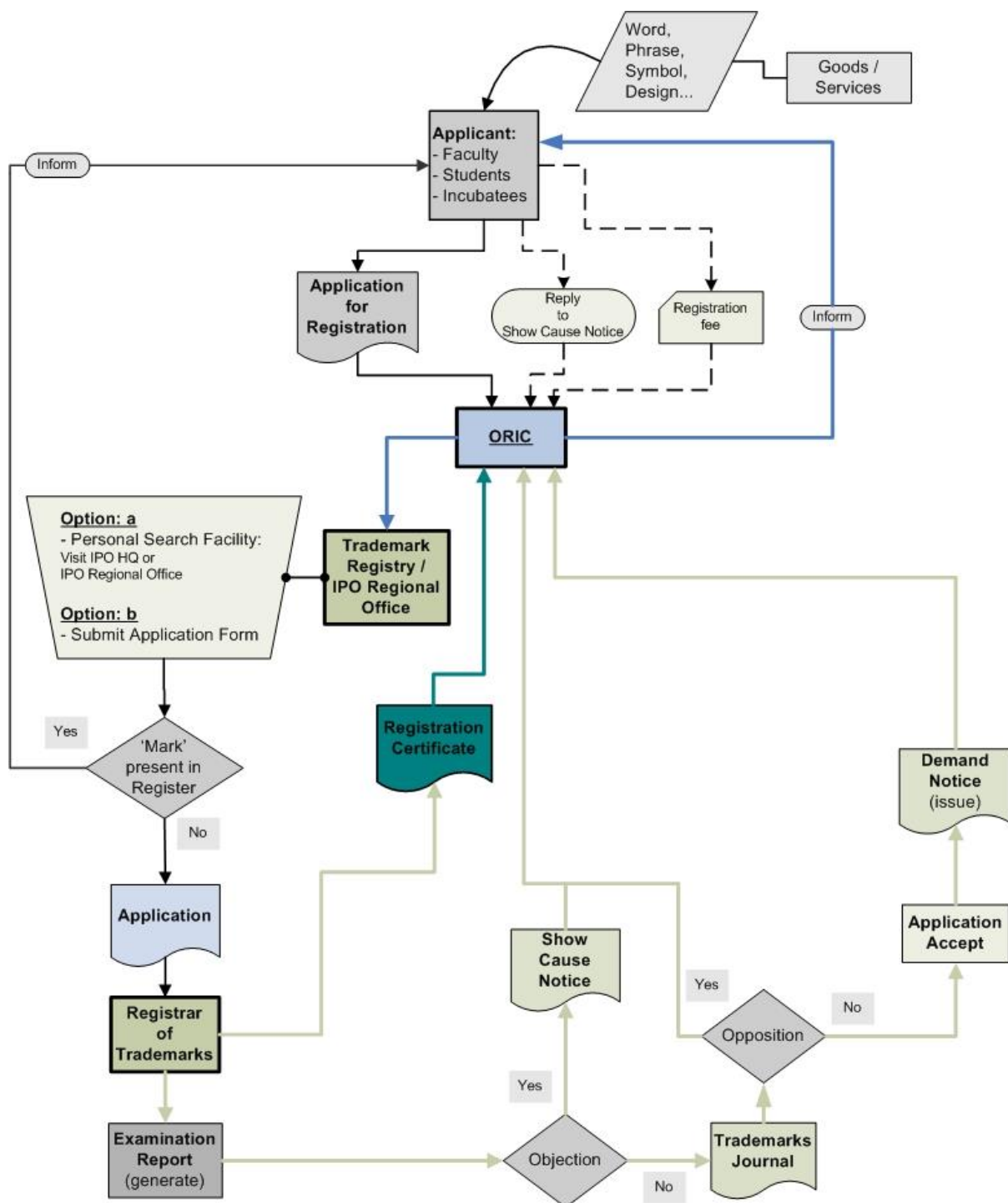


Figure 3: Registration of Trademark

References:

Intellectual Property Organization of Pakistan (IPO-Pakistan) < [www.ipo.gov.pk](http://www.ipo.gov.pk) >  
 World Intellectual Property Organization < [www.wipo.int](http://www.wipo.int) >

**Note:**

*NUML Intellectual Property (IP) – Policy and Procedures has been prepared by ORIC under supervision of Prof. Dr. Karamat Ali, Director ORIC.*

**(This policy is issued with the approval of the competent authority.)**

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

Registrar