



KAMUZU UNIVERSITY
OF HEALTH SCIENCES

Intellectual Property Policy

DECEMBER 2023

Approved by Senate

Policy Name	Intellectual Property Policy
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Council Approval Date:	
Stakeholders Subject to this Policy	Staff, students, consultants, vendors, contractors and/or any other parties with a business interest with the University.
Responsible Officer(s)	Director of Institute of Postgraduate Studies & Research, Head of Intellectual Property Management Unit
Responsible Office(s)	Vice Chancellor

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5. FOREWORD

Kamuzu University of Health Sciences (KUHeS) recognises the vital role of Intellectual Property (IP) in stimulating research, creativity, innovation, and entrepreneurship. It, therefore, views IP as a tool for achieving two of its strategic objectives, namely the enhancement of research, innovation, and consultancy and "be able to meet at least 50% of the University's operating expenses.

The University is also cognisant that to derive maximum benefit from IP, there is a need for a suitable framework for the generation, promotion, protection, and commercialisation of IP assets, products, and services. KUHeS also appreciates that it cannot effectively realise its strategic vision to "be a world-class University and a centre of excellence in health education, research and innovation" without a comprehensive and transparent policy on how the IP system should be harnessed towards the realisation of this vision. The KUHeS IP Policy is a critical instrument for creating a conducive environment for building innovation capacity that shall be responsive to Malawi's 2063 aspirations for economic transformation.

To demonstrate the level of commitment expected for the effective implementation of this policy, its coordination role has been vested in the office of the Deputy Vice Chancellor (DVC). This office shall work with other offices responsible for research and technology commercialisation or dissemination at the university. Through KUHeS IP Policy, the University places itself at a more strategic position in the global world from where to respond effectively to demands for self-sustenance, innovation, creativity, and entrepreneurship.

Professor Francis Moto
Chairman of Council

6. PREFACE

The protection of innovation through different forms of IP is a critical mechanism intended to facilitate the development of technologies and innovations.

Therefore, the University has formulated an IP Policy with two objectives. The first is to promote a culture of research, creativity, innovation, and entrepreneurship and to protect products, services, and assets generated at the university. This framework ensures that both the institution and those involved in generating such intellectual property are duly rewarded without sacrificing public value or jeopardising public interest regarding access to knowledge. Furthermore, the policy aims to protect IP created by staff, students, and research associates. The Policy covers patents, copyrights, trade secrets, trademarks, utility models, and industrial designs.

It is hoped that the Policy shall serve as a tool in raising general awareness of the value of intellectual property, the code of practice that needs to be pursued to ensure that 'potential' innovation in one's creative works can be protected, and the legal process involved in the protection of IP and commercialisation follow.



Professor MacPherson Mallewa
Vice Chancellor

7. ACKNOWLEDGEMENTS

Developing a policy for institutions of higher learning is in demand. This is more so when it involves a policy that seeks to balance diverse interests related to intellectual property in an academic setting, such as Kamuzu University of Health Sciences. Thus, we wish to express our gratitude and pride to the following team members who worked on the policy: Dr Kondwani Wella, Dr Peter Kumpalume, Dr Cecilia Maliwichi-Nyirenda, Dr Patrick Mapulanga, Ms Sthembiso Msisha, Mr Wilson Kumwenda, Mr Hubert Kanyoma, Mr George Namandwa, Mr Felix Chisoni, Mr Thomas Bello, Mr Apatsa Selemani, Mrs Diana Mawindo Chitimbe, and Ms Khumbo Ng'ong'ola with financial support from the NIH-funded Capacity Building for Health Professions Education and Research in Malawi (CHEER) project.

8. LIST OF ABBREVIATIONS AND ACRONYMS

ARIPO	African Regional Intellectual Property Organisation
AU	African Union
CBD	Convention on Biological Diversity
CHEER	Capacity Building for Health Profession Education and Research in Malawi
IP	Intellectual Property
IPMU	Intellectual Property Management Unit
IPP	Intellectual Property Policy
IPRs	Intellectual Property Rights
KUHeS	Kamuzu University of Health Sciences
MEAL	Evaluation Accountability and Learning
NDA	Non-disclosure Agreement
R&D	Research and Development
SMEs	Small and Medium Enterprises
TISC	Technology and Innovation Support Centre
TRIPS	The Agreement on Trade-Related Aspects of Intellectual Property Rights
UN	United Nations
UNCITRAL	United Nations Commission on International Trade Law
WIPO	World Intellectual Property Organisation

9. DEFINITIONS

Academic and artistic works

Personal artworks, books (including textbooks), education courseware, syllabi, lesson plans, works of nonfiction, novels, poems, musical works, dramatic works including any accompanying music, pantomimes and choreographic works, architectural drawings, design artefacts, pictorial, graphic and sculptural works, software, motion pictures and other similar audiovisual works and sound recordings

Background IP

Any pre-existing IP created before the execution of any Research Project or before a Creator becomes subject to this IP Policy under appointment in the case of a visitor, employment contract in the case of a staff member, or registration in the case of a student.

Benefits

Contribution to a society's socio-economic needs includes capacity development, knowledge and technology transfer, job creation, enterprise development, social empowerment and products, processes or services that embody or use the IP.

Copyright

The exclusive right of a creator/owner of an original creative work to prevent unauthorised copying. The owner of the copyright in the work has the exclusive right to copy the work, issue copies of the work to the public, rent or lend the

work to the public, perform, show, or play the work in public, communicate the work to the public and make an adaptation of the work or do any of the preceding acts in relation to an adaptation.

Copyrighted works

Literary, scientific and artworks, including academic publications, scholarly books, articles, lectures, musical compositions, films, presentations and other materials or works other than software, qualify for copyright protection.

Course material

Any material, whether electronic, digital, written or any other media format created by an employee specifically for use in or in connection with the course, subject or unit offered by the research institute/university, including, but not limited to, all lecture notes, lecture materials, including course outlines and reading materials, audiovisual works, online material, assessment and examination questions, any computer program written by an employee, any other copyright works created by an employee to teach a course of unit offered at the research institute/university

Commercialisation

Any form of exploitation of the IP, including assignment, licensing, or the disposal of any

other interests, whether in return for cash, payment in kind, or any other form of value.

Commercialisation costs

All expenses incurred for the following: protecting any research institution university IP; third party expenses in connection with developing, marketing or licensing any research institute/university IP; contractual obligations associated with any research institute/university IP such as distributing revenues to joint owners or joint inventors who are not research institute/university personnel through inter-institutional agreements.

Computer software

Any computer program including, and without limitation to, microcode, subroutines, and operating systems, regardless of the form of expression or object in which it is embodied, together with any user manuals, other accompanying exploratory materials, and any computer database.

Confidential information

Any written information communicated between participants in the framework of a project is identified as being confidential at the moment of its disclosure except for the information which the receiving party can prove (a) is, at the time of communication, in the public domain, (b) after the communication, becomes part of the public domain by publication or otherwise except by the breach

of this agreement by the receiving party, (c) is obtained from a third party not in breach of any obligation of confidentiality, (d) is known by the receiving party before the date of the communication and (e) is required to be disclosed by the receiving party pursuant to any applicable law or judicial or governmental order, provided that the receiving party shall give immediate written notice of the such requirement to the disclosing party to agree on the timing and content of such disclosure.

Creator/Inventor

Any person/s to whom this Policy is applicable who create, conceive, reduce to practice, author, or otherwise make a substantive intellectual contribution to the creation of IP and who meet the definition of "inventor" as generally defined in the patent acts and "author" as generally defined in copyright acts.

Dissemination

Disclosure by any appropriate means other than that resulting from the formalities for protection, including the publication in any medium.

Employee

A person who has entered into an employment relationship with the research institute/university, whether academic or professional, administrative or support staff, paid or unpaid, full-time or part-time, entire

appointment or joint appointment, affiliation appointments or assistantships.

Expenses

Costs assignable to the management of the research institute/university's IP, including those for achieving and maintaining patents or other IP protection, financing costs, loans, marketing, licensing, and other legal actions related to the enforcement of IP and contract rights, which do not include staff time or general administrative expenses.

Genetic resources

Genetic material is any material of plant, animal, microbial or other origin containing functional units of heredity. Some genetic materials are linked to traditional knowledge through their use and conservation by indigenous peoples and local communities, often over generations, and their widespread use in modern scientific research. Examples include medicinal plants, crops, and animal breeds.

In the course of their employment

This means any such duties of an employee as set out in and incidental to their employment contract with the university, including involvement in a university project.

Intellectual assets

All intellectual products are created by the personnel.

**Intellectual Property
(IP)**

- a) 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:
 - b) Literary works, including publications in respect of Research results, and associated materials, including drafts, data sets and laboratory notebooks.
 - c) Teaching and learning materials.
 - d) Other original literary, dramatic, musical or artistic works, sound recordings, films, broadcasts, typographical arrangements, multimedia works, photographs, drawings, and other works created with the aid of Institution resources or facilities.
 - e) Databases, tables or compilations, computer software, preparatory design material for a computer program, firmware, courseware, and related material.
 - f) Patentable and non-patentable technical information.
 - g) Designs, including layout designs (topographies) of integrated circuits.
 - h) Plant varieties and related information.
 - i) Trade secrets.
 - j) Know-how, information and data associated with the above.
 - k) 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 types of IP, should the statutory requirements for protection be met to result in a patent, trademark, registered design or plant breeders' right, respectively.
Intellectual Property Agreement	Any written contract entered between an employee, student, or third party and the university related to the ownership and use of any form of IP which may arise.
Intellectual Property Disclosure Form	The form is completed by a creator(s) to document their invention(s) and provide key information regarding the creator(s), funding used to develop the IP and the rights of third parties for submission to the IP committee for assessment of the IP.
Intellectual Property Management Unit	The unit in the University has responsibility for identifying, protecting, and commercialising IP.
Invention	A new, useful, and non-obvious discovery, process, composition of matter, article of manufacture, design, mask work, model, technological development, biological material, strain, culture or portion, modification, improvement, translation, or extension of these items. It includes any discovery, invention, or other development of a technical nature, whether or not patentable.

Net revenues	The gross revenue received by the research institute/university, in consideration for a commercial transaction.
Outside activity	The activity of a research institute/university employee occurs entirely outside of research institute/university employment and without the use of research institute/university resources.
Personnel	A person or a group of people employed by a research institute/University responsible for various organised undertakings of the research institute/university
Public disclosure	In the absence of a non-disclosure or confidentiality undertaking, the oral or written communication or information relating to IP to a person, or people, that are external to the research institute/university, for example, by email, web blog, news report, press release or interview, journal article, abstract, poster, conference presentation and through the submission of a thesis for examination and others. A thesis or dissertation placed in the library constitutes public disclosure.
Net revenue	The Gross Revenue received by the research institute/university, in consideration for a commercial transaction.

Outside activity	The activity of a research institute/university employee occurs entirely outside of research institute/university employment and entirely without the use of research institute/university resources.
Patent	Exclusive rights to commercially exploit 'the invention' for the patent's life. This is given for a product or idea that can be manufactured. A patent is granted for any device, substance, method, or process which is new, inventive, or useful.
Public domain	Works that do not qualify for protection under any IP title, either because the rights have expired or the rights have been forfeited, and as such, are held by the public at large and are available for anybody to use without permission from the original creator of the original right owner.
Registered design	An IP right that protects an article's ornamental or aesthetic aspect. An industrial design may consist of three-dimensional features, such as the shape of an article, or two-dimensional features, such as patterns, lines, or colour.
Research agreement	Refers to the Research Service Agreement, Cooperative Research and Development Agreement and any other type of agreement concerning research pursued by researchers

and/or IP created at the Research Institute/University.

Research data

Recorded factual material commonly accepted by the research and scholarly communities as necessary to validate research findings, but not any of the following: preliminary analyses, drafts of scholarly manuscripts, plans for future research, peer reviews or communications with colleagues.

university resources

include, but are not limited to, research university, office space, funds, financial or other administrative support, equipment, personnel, tangible research materials, information that is not freely available to the public, contract or other types of awards or gift, any form of funds, facilities, or resources, including equipment, consumables and human resources directly or indirectly provided by the research institute/university.

Researcher

Someone who carefully and comprehensively conducts an organised and systematic study or investigation ('research') into a subject to interrogate existing and discover new information that improves the understanding of the subject matter. A researcher may be:

- a. A person employed by the University may be a student, employee, or technical staff.

- b. a student (graduate or postgraduate) of the research institute/university.
- c. any person, including a visitor, who uses the research institute/university's resources and performs any research task at the research institute/university or otherwise participates in any research project administered by the research institute/university, including those funded by those external sponsors.

Research results

The results arising from research, including details of any IP, results, or source code.

**Scholarly
copyrightable work**

Copyrightable work created by any person subject to this Policy primarily to express and preserve scholarship as evidence of academic advancement or academic accomplishment. Such works may include but are not limited to, scholarly publications, journal articles, research bulletins, monographs, books, plays, poems, musical compositions, and other works of artistic imagination, and works of students of created in the course of the education, such as exams, projects, theses or dissertations, papers and articles.

Staff

Individuals who perform various roles and responsibilities in support of KUHeS's academic, administrative, and operational functions. Staff includes employees, volunteers and contractors.

If a student is also a Research employee, he or she is considered as staff regarding IP developed as a result of his or her employment.

Sponsored project

A research institute/university-sanctioned project or research institute/university-sanctioned work that arises out of or is supported by the contribution of funds, equipment, facilities, or other consideration by the research institute/University of an outside party facilitated through the research institute/university. Sponsored projects include, but are not limited to, company-sponsored student courses, projects funded by federal or private grants, work using special resources provided by a third party, and special projects or courses funded by the research institute/university and designated by the University as a Sponsored Project.

Stakeholders

Entities, both persons and organisations that have an interest in and/or investment in research and/or IP of the University and are impacted by and care about the outcomes of research and/or IP at the University.

Start-up

A company created by people outside the research institution built on a license from a university.

Student

Any full-time or part-time graduate or undergraduate student enrolled at the University. This includes persons:

- a. Who have been accepted for admission to or enrolled for any course or programme offered at or in conjunction with the University or;
- b. Whose body of work completed while so enrolled (e.g., a research dissertation or thesis), is still under examination.

**Substantial use of
research
institute/university
facilities**

Extensive unreimbursed use of a university's laboratory, studio or computational facilities, IP, Funds, or human resources. The use must be requisite or important to the creation of the IP; minimal use of a facility does not constitute substantial use. Extensive use of a facility or equipment commonly available to all faculty or professional staff, such as libraries, personal computers, and offices, does not constitute Substantial Use of the University's facilities for purposes of this Policy, nor does extensive use of a specialised facility for routine tasks. Whether use constitutes a substantial use of the University's facilities shall be determined at the reasonable discretion of management in consultation with the relevant department head[s]. While extensive use of a facility or equipment commonly available to all faculty or professional staff does not constitute

substantial use of a university's facilities under this Policy, other university policies may limit such use or require reimbursement to the University.

Teaching and learning materials

These include many different IP and IP rights forms. As well as traditional paper-based material, teaching and learning materials include digital media, web-based content, broadcasts, video and audio materials, and software. Teaching and learning materials also include copyright for printed materials and software. Further, IP Rights can include performing rights, design rights, database rights and trademarks. Moral rights for the creator of the materials also exist for the copyright materials.

Technology

Tangible and intangible results of research and scholarship and related IP rights, whether or not patentable or copyrightable, but excluding copyrightable works as defined above. Technology may include but is not limited to, Prototype devices; Novel biological materials; New Chemical Compounds; Materials having novel optical or electronic characteristics; and Software and programming code, where software is not excluded as a Copyrighted Work.

Third party	Any legal entity which is not a party to a contract or a transaction but has some involvement.
Traditional knowledge	Traditional Knowledge (TK) is a living body of knowledge passed on from generation to generation within a community. It often forms part of a people's cultural and spiritual identity. WIPO's program on TK also addresses genetic resources (GRs) and traditional cultural expressions (TCEs).
University resources	Any form of funds, facilities, including equipment and consumables, use/supply of heat, light or power otherwise purchased or paid for by the University or other university subsidiary, or another employee's contracted work hours.
Utility model	Any form, configuration or disposition of elements of some appliance, working tools and implements as articles of everyday use, electrical and electronic circuitry, instrument, handicraft, mechanism or other object or any part thereof in so far as they are capable of contributing some benefit or new effect or saving in time, energy and labour or allowing a better or different functioning, use, processing or manufacture of the subject matter or that gives utility advantages, environmental benefit, and includes micro-organism or other self-

replicable material, products of genetic resources, herbal as well as nutritional formulations which give new effects. (as stipulated in the Harare Protocol on Patents and Industrial Designs)

Visiting researcher	An individual or individuals associating with the University without being either employees or students. These include academic visitors, individuals with honorary appointments in the university and emeritus staff.
Visitors	Persons not affiliated with the University that visit, reside or are present with approval at research University premises for academic, research and other relevant approved purposes.

10. BACKGROUND AND SCOPE

The Kamuzu University of Health Sciences Intellectual Property (KUHeS IP) policy has been developed to stimulate a culture of creativity and innovation by encouraging the generation, protection, management, and commercialisation of intellectual assets, products, and services at the university. To achieve these goals, this Policy comprehensively addresses issues related to broad areas of ownership and protection of IP, disclosure, and access to IP, including benefit-sharing and commercialisation of intellectual property assets, products, and services created by KUHeS students, staff members, and collaborators. The Policy also provides guidelines for incentivising and rewarding creativity, as well as mechanisms for the enforcement of IP rights.

11. RATIONALE OF THE POLICY

The Policy provides a robust framework for the generation, protection, and commercialisation of IP. This Policy applies to the staff, students, researchers, collaborators, and industry partners. Almost every Policy in the University has some bearing on IP. Such policies include Research and Consultancy, Postgraduate, Quality Assurance and Enhancement, ICT, Postdoctoral Fellowship, Academic Integrity, ODeL, Affiliation, and Library policies. Instrumental as they are, these policies have tended to be out of sync because of the absence of a robust IP institutional policy. Therefore, the IP policy addresses this gap.

KUHeS can potentially commercialise its IP through coordinated knowledge transfer systems, dissemination of IP, and archiving of research findings. Further, the link between KUHeS and the industry entails the flow of income from the industry through research and commercialisation of inventions, innovations, and research findings.

The University has several unique strengths in IP generation, such as highly qualified human resources, specialised laboratories, libraries,

technologies, postgraduate courses, and other facilities that enable staff, students, and collaborators to generate IP. Without a formal mechanism of protection for such IP, exacerbated by the absence of a culture that encourages more innovation and creativity, the university stands out.

The Research Support Centre at KUHeS speaks volumes of the potential for IP generation at the university. KUHeS is engaging in more innovative ways of teaching and research, such as Open and Distance Learning and other virtual platforms, which have a significant bearing on IP. These developments also demonstrate KUHeS' readiness to take advantage of the power of globalisation and ICT in its research, consultancy, and public engagement endeavours.

Implementation of this Policy shall help stimulate a culture of innovation and creativity in universities. Consequently, exploitation and commercialisation of IP products and services from such innovation and creativity shall enhance the KUHeS brand as a generator of knowledge and cultivate the much-needed culture of self-dependency and self-sustenance in the institution.

12. KUHeS VISION

A world-class University and Centre of Excellence in health education, research, and innovation.

13. KUHeS MISSION

To advance knowledge, professional competencies, skills, and innovations in health sciences through high-quality student-centred and innovative education and research that responds to and influences global/national policy, health, and development needs in an efficient, sustainable, and result-oriented manner.

14. AIM OF THE POLICY

This Policy aims to ensure that discoveries, inventions, and creations generated by KUHeS members of staff, students, and collaborators are utilised in ways most likely to enhance Malawi's social, cultural, economic, scientific, industrial, and technological advancement.

15. OBJECTIVES OF THE POLICY

The objectives of the IP Policy are as follows.

- a. To promote a culture of innovation, creativity, and entrepreneurship.
- b. To protect the university's IP
- c. To define a framework for IP ownership, disclosure, and sharing of benefits accrued from IP in KUHeS.
- d. To develop criteria for rewarding and encouraging innovation, creativity, and entrepreneurship in the form of promotions, incentives, and other recognition.
- e. To establish a governance structure for IP coordination, management, translation, and dispute resolution in KUHeS.
- f. To build human, financial, and institutional capacity in IP within KUHeS; and
- g. To build a culture of protection first and publication later.

16. POLICY PRIORITY AREAS

16.1 Policy Priority Area 1: IP Awareness and Sensitisation

Policy Issue: Limited awareness of IP among members of staff and students

Policy statement: KUHeS shall foster a more comprehensive understanding of the importance of IP within universities.

Strategic objectives

As a way of educating and raising awareness among staff and students on IP and related issues, the university shall:

- a. Conduct training sessions for staff and students
- b. Amend the curriculum to incorporate IP-related issues
- c. Establish an office to manage and promote IP-related issues
- d. Increase the visibility of IP activities and promotions through brochures, seminars, and online promotions.

16.2. Policy Priority Area 2: Intellectual Property Generation

Policy issue: Limited innovations being produced by KUHeS faculties and students

Policy statement: The University shall promote a culture of innovation, creativity, and entrepreneurship.

Strategic objectives

To stimulate the creation of IP and Development (R&D), the University shall:

- a. Create rewards for people generating IP and research
- b. Weigh IP higher than journal publications for promotion purposes.
- c. Prioritise research areas with potential for IP generation.

16.3. Policy Priority Area 3: Intellectual Property Protection

Policy issue: Absence of protection mechanism for KUHeS-generated IP.

Policy statement: The University shall put in place measures to protect the IP generated by members of staff, students, and KUHeS collaborators.

Strategic objectives

To protect IP generated by staff members, students, and collaborators, the University shall

- a. Create an office to manage IP
- b. Encourage researchers to ensure IP clearance before submitting for journal publication.

16.4. Policy Priority Area 4: Ownership of Intellectual Property

Policy issue: There is a lack of clear guidelines for IP ownership generated within the university or in collaboration with other stakeholders.

Policy statement: The University shall create a framework for deciding ownership of IP created by faculty or staff or by students working on university research or other university projects.

- a. The University shall own the IP generated:
 - i. Within the scope of university employment, including work under university grants and contracts with third parties; or
 - ii. With the significant use of resources from Kamuzu University of Health Sciences.
- b. Further, the University shall define a framework for IP ownership in the following categories (see ownership rules in Section 3.1):
 - i. IP created by students, contractors, and other persons
 - ii. University Commissioned works
 - iii. Sponsored projects

16.5. Policy Priority Area 5: Disclosure of Intellectual Property

Policy issue: There are no procedures in place for the disclosure of IP by staff, students, and interns working within the university or its stakeholders.

Policy statement: The University shall formulate procedures for the formal disclosure of IP.

Strategic objective:

To facilitate the disclosure of IP, the University shall

- a. Create relevant forms for IP disclosure
- b. All staff, students, and interns signed IP-related forms before, during, and after conducting the research.

16.6. Policy Priority Area 6: Traditional Knowledge and Genetic Resources

Policy issue

Custodians of traditional knowledge and resources do not benefit from the commercialisation of knowledge

Policy statement: When research is conducted at KUHeS using traditional knowledge and/or genetic resources, provisions of national legislation must be observed, which may include prior informed consent, access, benefit-sharing, and the need to obtain any relevant permits.

Strategic objectives

The University shall:

- a. Recognise that all genetic resources belong to the community and the indigenous people therein.
- b. Formulate procedures and mechanisms for access to traditional knowledge/genetic resources to comply with national legislation.
- c. Make provisions in all research contracts concluded for the protection of any IP that may arise from using traditional knowledge and/or genetic resources.
- d. Conduct awareness campaigns for custodians of traditional knowledge to understand their rights to use and commercialise their know-how.

16.7. Policy Priority Area 7: Sharing of IP proceeds Policy issue

There is no procedure for sharing IP proceeds

Policy statements: The University shall create a fair and relevant procedure for sharing IP.

Strategic objectives

The University shall:

- a. Establish a framework for sharing benefits accrued from IP in KUHeS
- b. Ensure fair and equitable sharing of benefits from using genetic resources with indigenous communities.
- c. Set guidelines for access to genetic resources in indigenous communities

16.8 Policy Priority Area 8: Recognition, Rewards, and Promotions Policy Issues.

The University does not appropriately incorporate IP generation into its recognition of rewards and promotion criteria.

Policy statement: The University shall develop criteria for rewarding and encouraging innovation, creativity, and entrepreneurship in the form of promotion, incentives, and other recognitions.

Strategic objective:

The University shall update the policy on the promotion criteria.

16.9 Policy Priority Area 9: IP Commercialisation

Policy issue: The University does not have a mechanism, policy, or guidelines for the commercialisation of its IP.

Policy statement: The University shall commercialise IP research and innovation products and establish guiding principles.

Strategic objectives

- a. Capacitate IPMU to look for commercialisation partner
- b. Encourage and provide seed money/resources for start-ups and spin-offs

16.10 Policy Priority Area 10: Intellectual Property Governance Structure

Policy issue: The University does not have an established structure for the management and coordination of IP

Policy statement: The University shall establish a governance structure for IP coordination and management

Strategic objectives

The University shall:

- a. establish the University IP committee
- b. establishing an office to coordinate and manage IP in KUHeS

16.11 Policy Priority Area 11: Dispute Resolution

Policy issue: The University does not have procedures for IP dispute resolution

Policy statement: The University shall set up mechanisms for dispute resolution on IP matters

Strategic objectives

The University shall:

- a. Establish procedures for dispute resolution on all IP-related issues in KUHeS.
- b. Establish a University IP tribunal to adjudicate on IP issues.

16.12 Policy Priority Area 12: Capacity Building

Policy issue: There is a lack of expertise in and Management of IP-related issues

Policy statement: The University shall build human, financial, and infrastructure capacity in the IP within KUHeS. Furthermore, the University shall establish a technology and support innovation centre within the IPMU.

16.13 Policy Priority Area 13: IP Registration Policy Issue

Policy statement: The University shall, through IPMU, take responsibility for registering and maintaining IP partly or wholly owned by the university.

Strategic objectives

The University shall:

- a. Build capacity in IP drafting
- b. Set guidelines for sharing the costs associated with IP registration and maintenance.

17. MONITORING AND EVALUATION

17.5 Monitoring, Evaluation, Accountability and Learning (MEAL) of KUHeS IPR

The following shall guide the university.

- a. At every stage of the IP policy cycle, the appropriate players monitor and evaluate their activities. The purpose of monitoring and evaluation is to assess progress, keep track, and implement corrective measures to fulfil the IP policy and objectives of the implementation plan. Specifically, MEAL officers shall include a multi-sectoral evaluation of the IP system at Kamuzu University of Health Sciences.

- b. To ensure that an IP Policy meets its intended goals and objectives, its implementation should be monitored and evaluated for effectiveness and responsiveness. The elements of the MEAL framework include objectively verifiable indicators, means of verification, milestones, and the key responsibilities for each strategy.
- c. Monitoring shall be performed continuously, evaluation should be performed periodically, preferably every year, and the results shall be fed into the University's annual report.
- d. All IP disclosed on or after the effective date of such an amendment shall be governed by the policy as amended; and
- e. All IP disclosed before the effective date of the amendment shall be governed by the Policy before such an amendment, provided that the provisions of the Policy (as amended) shall apply to all IP licenced or otherwise commercialised on or after the effective date of any such amendment, regardless of when the IP is disclosed.

This Policy will be reviewed every five years or as need arises.

18. FINANCIAL IMPLICATIONS

Policy implementation has the following financial implications:

- a. Establishment of Intellectual Property Management Unit.
- b. Recruitment and remuneration of the Head of IPMU and other staff.
- c. Registration of the TISC with the Registrar General.
- d. Registration and maintenance of IP.