

# **SOKOINE UNIVERSITY OF AGRICULTURE**



## **INTELLECTUAL PROPERTY POLICY**

**Second Edition, October, 2020**

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# Intellectual Property Policy

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**Directorate of Postgraduate Studies, Research,  
Technology Transfer and Consultancy (DPRTC)  
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## FOREWORD

Sokoine University of Agriculture (SUA) aims at creating a research culture that actively responds to the needs of Tanzania, whilst contributing to the global research community through its R&D outputs. SUA developed its first Intellectual Property (IP) policy in 2005 in keeping with its Corporate Strategic Plan (SUACSP) 1997-2005. A number of relevant stakeholders including students, researchers, administrators, industry, Government ministries, public and private organizations were involved. It is over a decade now since then, during which many developments have occurred locally and globally. It is therefore crucial to review the SUA-IP Policy in keeping with SUACSP 2016-2021, and to accommodate new developments.

This Intellectual Property Policy seeks to encourage an environment where useful ideas or creative works produced at SUA are used in ways that benefit the Creators, the University and the public interest. Whereas the Policy seeks to ensure legal protection and commercialisation of useful ideas and creative works, it also recognises the need not to unduly interfere with the academic right to publish.

SUA has developed and adopted this Intellectual Property Policy in order to establish a responsible manner for handling protected and non-protected intellectual properties, which belong to the University as well as those of others outside the University. This Policy shall serve as a guide to all members of the University in matters related to the management of intellectual properties.



Prof. Raphael T. Chibunda  
Vice Chancellor

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## ABBREVIATIONS AND DEFINITIONS

Certain terms are used in this document with specific meanings, as defined in this section. These definitions do not necessarily conform to customary usage.

- i. **Author** means any individual who creates a work that is protectable under the law governing copyright in Tanzania.
- ii. **Background IP** means IP that was generated before the commencement of R&D collaboration.
- iii. **Benefit** in regarding what this framework will or is intended to serve; benefits for the parties involved or stakeholders especially in terms of commercialization, licensing etc; the benefits received or are to be received in the exploitation of the invention itself.
- iv. **Commercialisation** means any form of exploitation of IP for the benefit of the SUA community and includes assignments, licensing and establishment of a Spin-Off, to offer the IP to the market as a product or service.
- v. **Copyright** means an original work of authorship which has been fixed in any tangible medium of expression, from which it can be perceived,

reproduced or otherwise communicated, either directly or with the aid of a machine or device, such as books, articles, journals, software, computer programs, musical works, dramatic works, videos, multimedia products, sound recordings, paintings, pictorial, sculpture or graphical works.

- vi. **Creator** means any person or persons to whom this Policy is applicable, who creates, conceives, reduces to practice, an author, or otherwise makes a substantive intellectual contribution to the creation of IP and who meets the definition of 'inventor' as implied in IP Law or the definition of Author as generally implied in copyright law.
  
- vii. **Creation** means the action or process of producing something that has not existed hitherto.
  
- viii. **Confidential Information** means all non-public information, designs, ideas, concepts, improvements, product developments, discoveries and inventions, whether patentable or not, that are conceived, made, developed or acquired by or disclosed to Employee, individually or in conjunction with others, during or prior to the Term that relate to the Company's or its subsidiaries businesses or properties,



products or services. All documents, videotapes, written presentations, brochures, drawings, memoranda, notes, records, files, correspondence, manuals, models, specifications, computer programs, e-mail, voice mail, electronic databases, maps, drawings, architectural renditions, models and all other writings or materials of any type including or embodying any Confidential Information shall be deemed Confidential Information and be subject to the same restrictions on disclosure applicable to Confidential Information pursuant to this policy.

- ix. **Employees** means all academic staff, research staff, administrative and support staff, and other persons receiving compensation from the University for services rendered, whether or not on full or part-time basis. This might also involve Adjunct Professors, Diaspora, and staff under contract, Honorary Professors, Professor Emeritus, Visiting Lecturers and Visiting Professors as defined in Up to the Ladder (2013).
  
- x. **Expenses** means (i) the University costs and fees associated with securing, maintaining and enforcing IP protection such as IP application or registration (patenting), IPR maintenance/renewals, dispute settlements and

litigation expenses; (ii) costs incurred by the University in the licensing of the IP including contract costs; and (iii) costs in making, shipping or otherwise distributing biological or other Tangible Research Property. Not included is staff time or general administrative costs.

- xi. **Indigenous Knowledge or Traditional Knowledge** means knowledge, know-how, skills and practices that are developed, sustained and passed on from generation to generation within a community, often forming, part of its cultural or spiritual identity.
- xii. **Innovation/Innovator** means the act of making changes to an existing process or product or an idea. Innovator means an individual covered by this policy who individually or jointly with others makes an innovation.
- xiii. **Innovation space/hubs** means a facility that supports interdisciplinary hands-on education and training, innovation and entrepreneurship to deal with complex societal and industrial challenges, create prototypes and develop innovations in collaboration with researchers, businesses and other stakeholders.
- xiv. **Intellectual Property (IPs)** means all outputs of creative endeavour in any field at the University for which proprietary rights may be obtained or enforced pursuant to any law, including the laws

of Tanzania, and includes, but is not limited to: Inventions (whether patentable or not), all forms of Copyrightable Works, designs (whether registered or unregistered), patents, trademarks, know-how, trade secrets, domain names, information, data, specifications, diagrams, expertise, techniques, research results, Computer Software, programming code, algorithms, compositions of matter and devices, techniques, processes, procedures, systems, formulations, databases and compilations of information, laboratory notebooks, business methods, institute's name, logo, and other marks associated with the operations of the University, Tangible Research Property, and such other items as specified in writing by the University.

- xv. **Invention/Inventor** means an idea of an inventor which permits in practice the solution to a specific problem in the field of technology, as defined in the IP Law. Inventor means an individual covered by this Policy who individually or jointly with others makes an invention and who meets the criteria for inventorship under the IP Law.
  
- xvi. **IP Disclosure Form** means the form which needs to be completed by the Creator(s) to document their Invention and provide key information regarding the Creator(s), funding

used to develop the product, and the rights of the Creator, party(ies), for submission to the Technology Transfer Office for assessment of the IP.

- xvii. **IP Rights** means ownership and associated rights relating to IP, including patents, rights in utility models, plant breeders rights, rights in designs, trademarks, topography rights, know-how, trade secrets, copyrights and all other intellectual property rights, either registered or unregistered, and including applications or rights to apply for them and together with all extensions and renewals of them, and in each and every case all rights or forms of protection having equivalent or similar effect anywhere in the world.
  
- xviii. **IP asset** means all generated research outputs or technologies (innovation/ invention) by the University, in collaboration or without collaboration in course of conducting research or incubating ideas.
  
- xix. **License:** a right to exploit University's IP is granted to a third party under certain conditions and for a pre-determined term, usually with the University receiving a royalty on the sales turnover of the product, and as University retains ownership of the IP, if the third party does not

fulfil its contractual obligations, the licence can be cancelled;

- xx. **Material Transfer Agreement (MTA)** means an agreement that governs the transfer of tangible research materials between two parties. Usually the recipient intends to use it for his or her own research purposes, but the material may also be transferred for commercial purposes. MTAs define the rights of the provider and the recipient with respect to the materials and any derivatives thereof.
  
- xxi. **Patent** means an exclusive right granted for an invention, for a limited period of duration (with exception to extension), which is a product or a process that provides a new, non-obvious way of doing something or offer a new innovative and useful technical solution to a problem in industry or commerce or public life.
  
- xxii. **Patentable Invention** means any Invention that meets the criteria for patentability, meaning that it is novel (i.e. where there has not been a Public Disclosure), involves an inventive step (not obvious to a person skilled in the technical discipline) and is useful (can be applied in trade or industry or agriculture).
  
- xxiii. **Plant Breeders' Rights**, also known as plant

variety protection, are a form of *sui generis* system of intellectual property rights designed specifically to protect new varieties of plants. Plant Breeders' Rights offers legal protection to plant breeders for the investment they make in breeding and developing new varieties of plants.

- xxiv. **Policy** means this Framework of Intellectual Property Policy namely or known as 'SUA IP Policy'
  
- xxv. **Publications** means Journal articles, books, manuals, textbooks, booklet, bulletins, policy briefs, guidelines, working and discussion papers, circulars, pamphlets, reports, information releases, exhibits, demonstrations and other scholarly writings regardless of medium.
  
- xxvi. **Public Disclosure** means, in the absence of a non-disclosure or confidentiality undertaking, the oral or written communication of information, relating to IP, to a person, or people, that are external to the University. For example, but not limited to, communication by email, web blog, news report, press release or interview, journal article, abstract, poster, conference presentation and through the submission of a report placed in the library, constitutes Public Disclosure
  
- xxvii. **Royalty (ies)** means payments of various types

to owners of intellectual property for the right to use that IP such as copyrights, patents, and trademarks.

- xxviii. **Spin-off** means a company established for the purpose of exploiting IP owned by the University.
- xxix. **Sponsored Research & Development (R &D)** means any R&D undertaken by the PRO which is funded by a third party and excludes Publicly Financed R&D.
- xxx. **Student** means any individual enrolled at the University, whether on a full-time or part-time basis. This Policy has implications for undergraduate students, graduate students, postgraduate students and post-doctoral students who (i) are co-supervised by a Researcher at the University (ii) whose R&D forms part of the University R&D projects; or (iii) make substantial use of the University Resources.
- xxxi. **Tangible Research Property (TRP)** means research products produced in the course of R&D projects that are not patented or otherwise protected by formal intellectual property, but that are difficult and/or expensive to create. TRP includes such items as: biological materials (including cell lines, organisms, proteins, plasmids, DNA/RNA, chemical compounds, transgenic animals),

integrated circuit chips, computer databases, prototype devices, circuit diagrams, equipment. TRP is separate and distinct from intangible (or intellectual) property such as inventions, patents, copyright and trademarks.

xxxii. **Technology Transfer** means a process of disseminating technology from its origin to wider distribution among more people and places. It is a subset of industrialisation and commercialisation where great emphasis is required to transform the technology or intellectual property into a sellable form ready for the market.

xxxiii. **Visitor** means a person who is neither an Employee nor a Student at SUA and who engages in work at the University



# CHAPTER ONE

## 1.0 BACKGROUND

### 1.1 INTRODUCTION

Sokoine University of Agriculture (SUA) was established by Act of Parliament No. 6 on 1<sup>st</sup> July 1984. Before then, it was a Faculty of Agriculture, Forestry and Veterinary Sciences of the University of Dar es Salaam. In 2005, the Universities Act No 7 repealed Act No. 6 and paved way to the establishment of University Charters. Since 2007, SUA has been operating under its Charter and Rules of 2007 signed by the President of the United Republic of Tanzania on 28/03/2007.

SUA has five campuses namely; Edward Moringe campus (2,376 ha) and Solomon Mahlangu Campus (1,050 ha) in Morogoro, Olmotonyi campus (840 ha) in Arusha, Mazumbai campus (320 ha) in Lushoto and Mizengo Pinda (264 ha) in Katavi. In addition, SUA has student field practical sites in Mbinga Madaba and Tunduru, Ruvuma Region; Mgeta, Morning site and Kitulangalo forest reserve in Morogoro Region.

SUA's main mandates are teaching, research, offering outreach and consultancy services to the community. The institution's academic business is guided by the University's vision and mission as well as its core values as stipulated in the 4th Corporate Strategic Plan (2016-2021).

## **1.2 Situational analysis**

Sokoine University of Agriculture (SUA) as a higher learning institution has a role to play in producing competent graduates in the fields of Agriculture, Veterinary Science, Forestry, Animal Science, Wildlife Management, Tourism Management, Environmental Science, Food Science, Natural Resources, Nutrition, Rural Development, Agricultural Economics and Agri-Business, Information Technology and Education. The major aim is to promote development in agriculture, natural resources and allied sectors through training, research and delivery of services. In addition, Sokoine University of Agriculture through its research does produce innovations and technologies that aim at improving agriculture and allied sectors for socio-economic development of Tanzanians, Africa and the world at large.

Prior to 2005, public universities in Tanzania never owned any Intellectual Property (IP) rights. Thus, protection of knowledge-based assets was not available for domestic investors working in public research and academic institutions. However, the enactment of Tanzania Universities Act (2005) made public universities semi-autonomous and the government strongly encouraged universities in receipt of public research funding or support from development partners to establish a technology transfer function and protect their discoveries and inventions. As a result, Sokoine University of Agriculture responded by

formulating its first IP Policy in 2006 and thereafter established the Technology Transfer Office (TTO) in 2007 that was later transformed to the Directorate of Intellectual Property Management and Linkages (DIPML). In July, 2017 the DIPML was merged with the Directorate of Research and Postgraduate Studies (DRPGS) to form the current Directorate of Postgraduate Studies Research Technology Transfer and Consultancy (DPRTC) following the restructuring of the University. Roles and activities of DIPML are now handled by the Technology Transfer and Consultancy section of DPRTC.

Since the establishment of the SUA IP Policy (2006), and the establishment of the Technology Transfer Office (2007), several IPs have been identified, protected and commercialized. Out of the many invention disclosures, SUA has been granted 11 patent certificates and 3 Plant Breeder's Rights. Moreover, the 3 Plant Variety Rights for *Mwangaza* (rice), *Mshindi* and *Pesa* (beans) have been commercialized through licensing. However, the number of invention disclosures and patents filed at SUA has decreased in the recent years, from 4 in the year 2010 to none since 2017.

Traditionally, monetization of knowledge has never been the norm in Tanzania. Many IP holders are unaware of the benefits of IP rights or of their own capabilities to create IP assets or the value of their

ideas. They are often discouraged by the complexities of the process of creating defensible IP rights.

Furthermore, it is now over a decade since Sokoine University of Agriculture developed its last IP Policy. In addition, many developments have occurred both locally and globally in the field of intellectual property management. It is therefore crucial to review the SUA-IP Policy in keeping with SUA Corporate Strategic Plan (SUACSP 2016-2021), and to accommodate new developments.

### **1.3 Scope of the IP Policy**

This Policy shall apply to all units of Sokoine University of Agriculture, including all SUA staff, students and any other persons who create or discover applicable intellectual property using university resources, or who receives funds or other rewards for their services (Work-for-Hire), work done through research federally funded, or those who voluntarily assign their Intellectual Property to the University.

### **Policy objectives**

#### **1.1.1. General objective**

The broad objective of the Intellectual Property Rights (IPR) Policy is to mainstream Intellectual property (IP) management aspects in all activities of the University.

#### **1.1.2. Specific objectives**

The IP Policy aims to:

- i. Create awareness about the economic, social

- and cultural benefits of IPRs among the SUA community;
- ii. Provide a framework for governing the rights and responsibilities of all stakeholders in relation to inventions, innovations and copyrightable works arising from their activities;
  - iii. Ensure recognition of employees', visitors' and students' activities that may result in creative outputs and legal protection for the creative outputs, and make them commercially viable;
  - iv. Ensure that the creators may benefit from wider dissemination of their works including financial returns from such dissemination or utilisation; the university may benefit from financial returns in addition to enhancement of its repute through association with works useful to society; and the public - which through its taxes typically contributes to funding the R&D leading to the works - may benefit from products and services associated with the works, which may improve socio- economic conditions and quality of life;
  - v. Provide for incentives for the innovative and creative contributions of employees, visitors and students and support mechanisms for commercialisation of IP owned by the University and
  - vi. Provide a framework that can enhance the transfer of SUA's IP products derived from the research and the dissemination of knowledge to

a wider community.

## **CHAPTER TWO**

### **2.0 POLICY FOCUS AREAS, ISSUES, STATEMENTS AND STRATEGIES**

#### **2. 1 IP Awareness Creation on the need for IP**

##### **Generation and Protection**

###### **Policy issue**

Sokoine University of Agriculture, like any other higher learning institutions, is mandated to undertake basic and applied research as one of its core activities. Through various research activities, SUA has produced, over the years, results in the form of technologies and other innovations some of which are patentable. Such innovations need to be registered and patented for possible commercial exploitation. Unfortunately, many such innovations that have been generated through research have gone unregistered and unnoticed, thus making SUA and the country in general fail to exploit the full benefits of the resources invested in research. The underlying reason seems to be the lack of awareness among researchers on the importance of exploiting fully the results of research through registering and patenting the significant results

from research. Considering that SUA has a large pool of scientific and technological talents in the different academic units it has a big potential to be a source of patentable innovations that can benefit SUA and the country at large. Therefore, effort is needed to make researchers aware and to motivate them to generate and protect research findings in different forms of IP.

### **Policy statement**

The University shall build and maintain institutional capacity on IP creation and shall vigorously create awareness among SUA researchers on the need to translate their research findings into commercialisable IPs.

### **Strategies**

- a) Strengthen the Technology Transfer Office by deploying more staff and allocating the necessary budget.
- b) Undertake a systematic awareness creation campaign among the SUA academic community on the importance of protecting IP emanating from research.
- c) Conduct regular training of SUA researchers on the procedures to be followed in protecting their inventions even before publishing.
- d) Organize regular well-publicized events to show case some of the IPs that have been developed or commercialized.

## **2.2 External Sponsorship, Research Collaboration with Third Parties**

### **Policy Issue**

Sokoine University of Agriculture recognizes the contribution and role of external sponsors as well as collaboration arrangements with third parties in the support to generate and create intellectual property. However, the University does not have well-structured and coherent guidelines to implement such collaboration and to share the research outputs in the form of IP, patents or commercial benefits.

### **Policy statements**

- i. The University shall institute mechanisms to guide collaborative research activities to protect the interests of both SUA and the collaborators with respect to any IP or patents that may have potential for commercial use.
- ii. Guidelines shall be publicized for adherence by all SUA researchers to facilitate collaboration and sharing of IPs and commercial benefits.

### **Strategies**

- a) The Technology Transfer Office will develop guidelines that will need to be adhered to by all researchers seeking sponsorship or collaboration for their research activities.
- b) Researchers will be responsible for ensuring that prior to commencing any research activity in



collaboration with any third party, the terms and conditions of cooperation are clearly stated in the written agreement (hereinafter referred to as Research Agreement/Contract) including *inter alia* provisions with respect to confidentiality requirements; terms of public disclosure and any other relevant provisions in line with the guidelines that will be developed and other relevant SUA policies.

## **2.3 IP Creation and Ownership**

### **Policy Issue**

While it is expected that the research conducted at SUA will contribute to the solution of practical problems facing the agricultural and other sector, too often research ends up in publications without clear strategy of how to translate the findings into usable innovations that can be widely adopted by the public. Furthermore, while the research results may have the potential for wide applicability, it is generally not clear who and how such results should be promoted for wider application. This is because there is no mechanism for such innovations to be protected and packaged in a usable form and eventually transferred to the users. Therefore, SUA needs to establish a system of protecting the Intellectual Property (IP) embodied in any innovation coming from research, and for facilitating the transfer of such innovation to end-users for wide application. The

University shall therefore manage its IP through the Directorate of Postgraduate Studies, Research, Technology Transfer and Consultancy. However, given that research may involve several actors, such as individual innovators/inventors, research sponsors and various departments, it will be necessary to recognize the ownership by the different actors depending on their contribution.

## **Policy statements**

### **Ownership by SUA employees**

- i. All IP devised, made or created by an employee of the Sokoine University of Agriculture in the course of his or her duties and activities of employment **shall be owned by the University if significant University resources were used** or if it is created pursuant to a research project funded through corporate, government or other external sponsors administered by the University.
- ii. The **University shall own any IP** that is made, discovered or created by any person, specifically hired or commissioned by the University for that purpose unless otherwise provided by written agreement between the person and the University.
- iii. All rights in IP created by a SUA employee during

an exchange visitor programme by this employee to another institution shall be **governed by the agreement** between the Sokoine University of Agriculture and the other institution.

- iv. Any IP that is made, discovered or created in the course of research funded by a sponsor pursuant to a grant or research agreement, or which is subject to materials transfer agreement, confidential disclosure agreement or other legal obligation affecting ownership, the **ownership shall be governed by the terms stipulated in the relevant University agreement forms**. If there are no such agreement(s) made prior to execution of the grant, the **University shall claim ownership**.

### **Ownership by a non-employee of SUA**

Visiting researchers are required to transfer to Sokoine University of Agriculture any intellectual property they may have created in the course of their activities arising from their association with the University. Such individuals will be treated as if they were employees of Sokoine University of Agriculture for the purposes of this Policy.

### **Ownership by students**

- i. **Students shall own any IP that they make, discover or create in the course of their research, unless:**

- The student received financial support from the University in the form of wages, salary, stipend or grant funds for the research; or
- The student has made significant use of the University resources (University-administered funds, University-funded time, facilities or equipment); or
- The research has been funded by a sponsor under a grant or sponsored research agreement, or is subject to materials transfer agreement, confidential disclosure agreement or other legal obligations that restricts ownership of the IP.

ii. The texts of all student theses and dissertation, and works derived from such works, are considered “Exempted Scholarly works”. The student will own copyright in the scholarly work subject to a royalty free license to the University to reproduce and publish.

## **Strategies**

- a) The Technology Transfer Office shall develop guidelines for guiding ownership and rights in IP between and among stakeholders including the University, employees, students and third parties
- b) The Technology Transfer Office shall ensure that agreements related to ownership and rights to IP are adhered to.
- c) SUA shall develop mechanisms for collection and

sharing of revenues related to IPR in line with the SUA Income Policy.

- d) The Technology Transfer Office shall develop guidelines for transfer of ownership and rights in IP among stakeholders and for release IP into public use.

## **2.4 Copyright**

### **Policy issue**

Research that is conducted at SUA often results into copyrightable works that need to be protected for the interest of SUA and individual researchers. While SUA has endeavoured to abide by international conventions on copyright, it currently lacks internal procedures to guide staff and students in protecting their copyrightable works. It is necessary therefore for SUA to provide clear guidelines that will be followed by researchers to ensure protection of their works.

### **Policy statements**

- i. SUA shall ensure ownership of copyrightable works created by employees, students, and third parties. The copyrightable works will include works created by an employee within the scope of employment; works created by students and third parties; works commissioned by the University from its employees, students, and visiting scholars, that fall outside the scope of normal R&D work.

- ii. In line with the SUA Research Policy, all publications by students and staff that emanate from research or training activities at SUA shall indicate SUA as an affiliate institution of the author(s).

## **Strategies**

- a) The Technology Transfer Office shall develop guidelines and mechanisms for governing ownership of copyrightable works created by employees, students and third parties.
- b) The Technology Transfer Office shall use different mechanisms to sensitize staff and students on the guidelines and mechanisms for governing ownership of copyrightable works.

## **2.5 Obligations of the Employees, Visitors and Students**

### **Policy issue**

While the SUA will endeavour to provide legal support to IP creators to defend and protect the interests of the University and creators of IP against third party claims or unauthorised use and other benefits accrued from IP generated, it will also be important for all actors to act in a manner that does not jeopardize the interests of the University or other researchers.

### **Policy statements**

- i. SUA shall provide legal support to IP creators to defend and protect the interests of the University and

- creators of IP against third party claims or unauthorised use and other benefits accrued from generated IP.
- ii. In line with the SUA Research Policy, SUA shall institute mechanisms for retention of appropriate research records of especially Patentable Inventions in the form of original research data.
  - iii. SUA shall demand from all researchers disclosure of the development of any IP and in particular Patentable Invention to the University.
  - iv. The Technology Transfer Office shall review the works prior to any Public Disclosure to assess whether it contains any potentially protectable IP, maintenance of confidentiality of protectable IP, among others

## **Strategies**

- a) The Technology Transfer Office shall develop guidelines which specify the obligations of stakeholders (IP creators) including the University, employees, visitors and students related to IP.
- b) The Technology Transfer Office shall use different mechanisms to sensitize staff and students on the obligations of all researchers to respect protection of generated IP.

## **2.6 Indigenous or Traditional Knowledge (IK/TK) Policy Issue**

SUA researchers sometimes source data and information from local communities. Such information may be classified as indigenous or traditional knowledge since it has evolved for generations in the local context and thus considered proprietary. In line with the international conventions, it is important to recognize and protect the local communities against unauthorized use of their indigenous or traditional knowledge. SUA researchers must therefore act in accordance with the international conventions to protect indigenous or traditional knowledge.

### **Policy statements**

- i. SUA shall ensure that rights of indigenous or traditional knowledge holders are respected.
- ii. SUA shall ensure protection of indigenous knowledge holders from any infringement of their rights and the misappropriation, misuse or exploitation of their knowledge.

### **Strategies**

- a) SUA shall develop mechanisms for guiding and enforcing employees, students, visitors and other IP creators to recognise and respect the rights of indigenous knowledge or traditional knowledge owners, including issues related to consent before accessing any IK/TK for R&D and appropriate



benefit sharing agreement with the indigenous knowledge holders.

- b) SUA shall require all researchers to observe all policies or laws of the United Republic of Tanzania as well as ratified international treaties or conventions pertaining to indigenous and/or traditional knowledge.

## **2.7 Tangible Research Property (TRP)**

### **Policy Issue**

The University encourages the distribution of Tangible Research Property that it owns that arises from R&D on appropriate terms, and provided that this distribution does not conflict with any existing obligations with the third parties.

### **Policy Statement**

SUA shall strive to ensure rational distribution/transfer of tangible research property between and among the stakeholders (IP creators) including the University, employees, students and third parties are established

### **Strategies**

- a) The Technology Transfer Office shall develop guidelines for transfer of tangible research materials among concerned stakeholders.
- b) An IP creator wishing to share/make such distribution must seek prior authorization from the University and ensure that an appropriate Material Transfer Agreement (MTA) that complies with the

requirements of relevant Government regulations, is put in place.

- c) Whilst scientific exchanges should not be inhibited by potential commercial considerations, Tangible Research Property may have potential commercial value and the University through the DPRTC may decide to make it available to a third party through a commercial license agreement.

## **2.8 Commercialisation**

### **Policy Issue**

It is the intention of the university to contribute, through its research, to the economic development of the country by way of generating innovations that will be commercialized for the benefits of the wider community. However, to achieve this will require a change in the way SUA researchers design and implement research with emphasis on 'research for innovation' where research is for generating usable innovations that can be commercialized. SUA will need to sensitize its staff and students, as well as put in place mechanisms that will facilitate the development of commercialisable innovations.

### **Policy statements**

- i. The University shall have the sole discretion regarding the commercialisation of IP owned by it, taking into account the interest of the University, public interest and benefits to the United Republic of Tanzania. Notwithstanding, the University will

- ensure that reasonable efforts are made to keep the creators and enablers informed and, where appropriate, involved in the commercialisation of the IP to which they contributed.
- ii. The following preference will guide the University's commercialisation efforts through licensing:
    - Non-exclusive license;
    - Citizen-owned entities and small enterprises;
    - Parties domiciled within any EAC and SADC Members State;
    - Parties that seek to use the IP in ways that provide optimal benefits to the economy and quality of life of the people of Tanzania;
    - Where an exclusive licence is granted, the University shall ensure that the agreement contains appropriate performance clauses in order to protect the creators' revenue share.
  - iii. The University will encourage staff and student researchers to establish innovation hubs including incubator programmes that will work towards developing and commercializing specific innovations.

## **Strategies**

- a) The Technology Transfer Office shall facilitate the establishment of innovation hubs involving SUA staff and students as well as external stakeholders

- for developing specific innovations for commercialization.
- b) The Technology Transfer Office shall develop guidelines for governing commercialization of IP while taking into consideration the interests of the University, creators (employers, students, public and third parties)
  - c) The University will, in appropriate circumstances, establish or participate in the establishment of spin-offs, where it is deemed to be the most appropriate mechanism for commercialization of the IP. In exceptional circumstances, the University may also assign the IP to a third party, including a Spin-off for Commercialization.

## **2.9 Distribution of Revenues**

### **Policy Issue**

To motivate researchers and other stakeholders to continue to invest their efforts in developing new innovations, it is important that any revenue accruing from their efforts is shared equitably according to their inputs.

### **Policy statements**

SUA shall strive to ensure that there is an equitable sharing of the revenues accrued from commercialisation of the revenues from intellectual properties, and also taking into consideration other relevant SUA policies.

## **Strategies**

- a) SUA shall develop and revise from time to time the guidelines governing the sharing of the revenues accrued from commercialisation of the intellectual property among the stakeholders including the University, employees, students and third parties, after deducting any expenses incurred by the University in connection with commercialisation of the IP.
- b) SUA shall also ensure that its Income Policy reflects commercialization of IP as a potential source of internally generated revenue.

## **CHAPTER THREE**

### **3.0 IMPLEMENTATION, MONITORING AND EVALUATION**

#### **3.1 Obligations of the University in Relation to IPR**

SUA shall encourage the development of inventions and technologies from research and facilitate the transfer of the inventions and technologies for the use and benefit of the public. Among other responsibilities, SUA shall:

- Raise awareness of the SUA staff on issues related to IPR and tangible research property and shall

ensure legal protection of the University IP, and facilitate the transfer of IP to public use.

- Defend and support the interests of creators of the IP and the University against the third party and ensure fair sharing of the income generated from IP with creators.
- Provide mechanisms for conflict resolution among the stakeholders including employees, third parties and students on issues related to IP.

### **3.2 Obligations of IP Creators**

The IP creators shall:

- Disclose all creations. Inventions and discoveries that belong to the University as stipulated in the policy.
- Cooperate, as may be required, in the process of protection and transfer of intellectual property rights to the University.
- Abide by agreements entered among the stakeholders including the University, sponsors, government and private organizations.
- Cooperate in the enforcements of mechanisms aimed at resolving existing and potential conflicts among the interested parties.
- Ensure retention of all records and documents necessary for protecting the university's interests in the IP.

### **3.3 Oversight of Technology Transfer Activities**

The Deputy Vice Chancellor (Academic) shall have an oversight role in the implementation of this Policy. The Directorate of Postgraduate Studies, Research, Technology Transfer and Consultancy (DPRTC) shall be responsible for monitoring the implementation of this policy. It shall provide advice to the Deputy Vice Chancellor (Academic) on various IP-related issues including disputes and income sharing between creators and the University, and on issues related to policy review.