



UNIVERSITI PUTRA MALAYSIA
AGRICULTURE • INNOVATION • LIFE

*Kursus Penyelidikan dan Khidmat Sosial bagi
Kumpulan Pengurusan dan Profesional (Akademik) Siri 1/2018*

Intellectual Property Rights

by

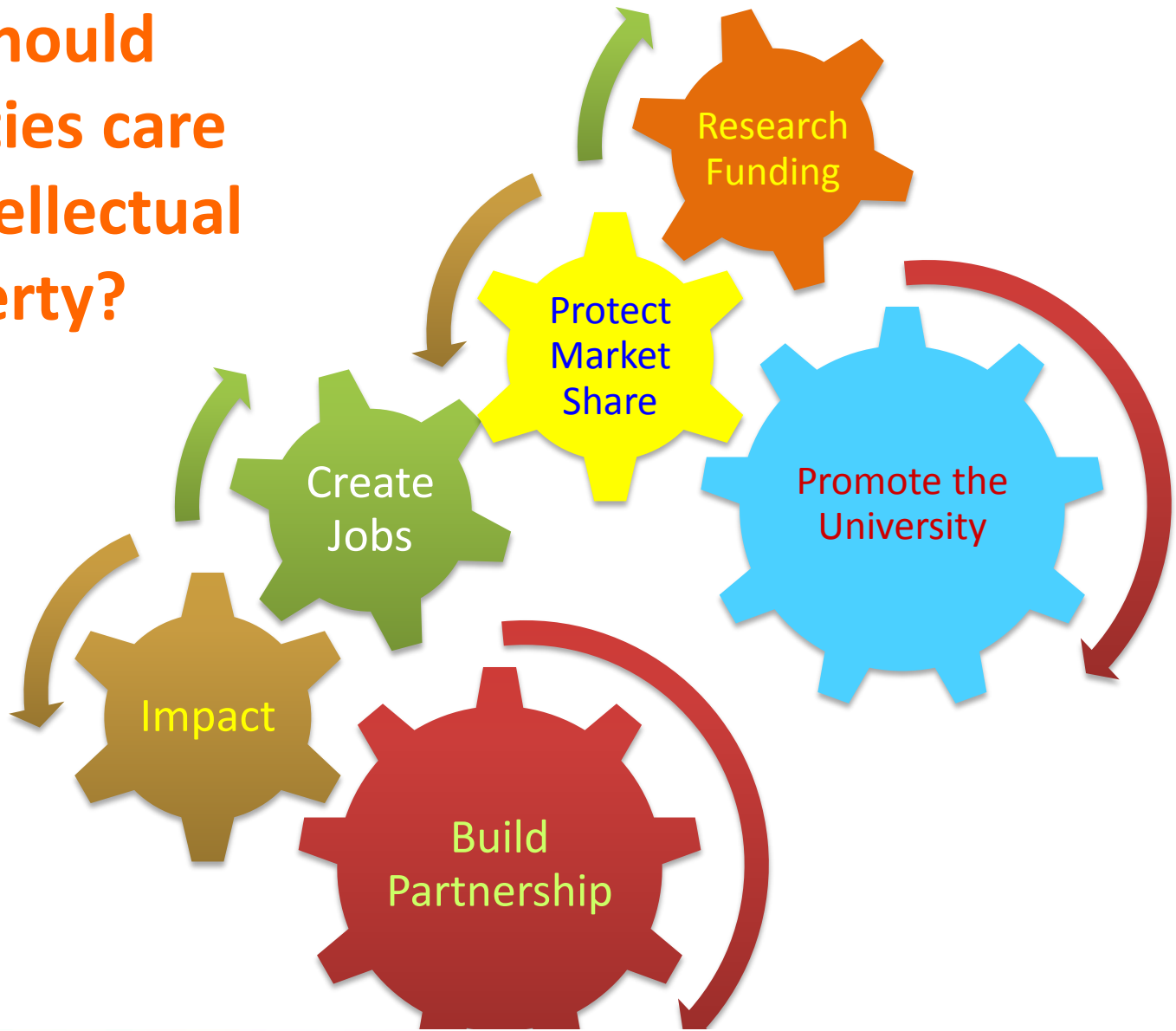
Dr Zahira Mohd Ishan

Dewan Kolej Canselor, UPM Serdang

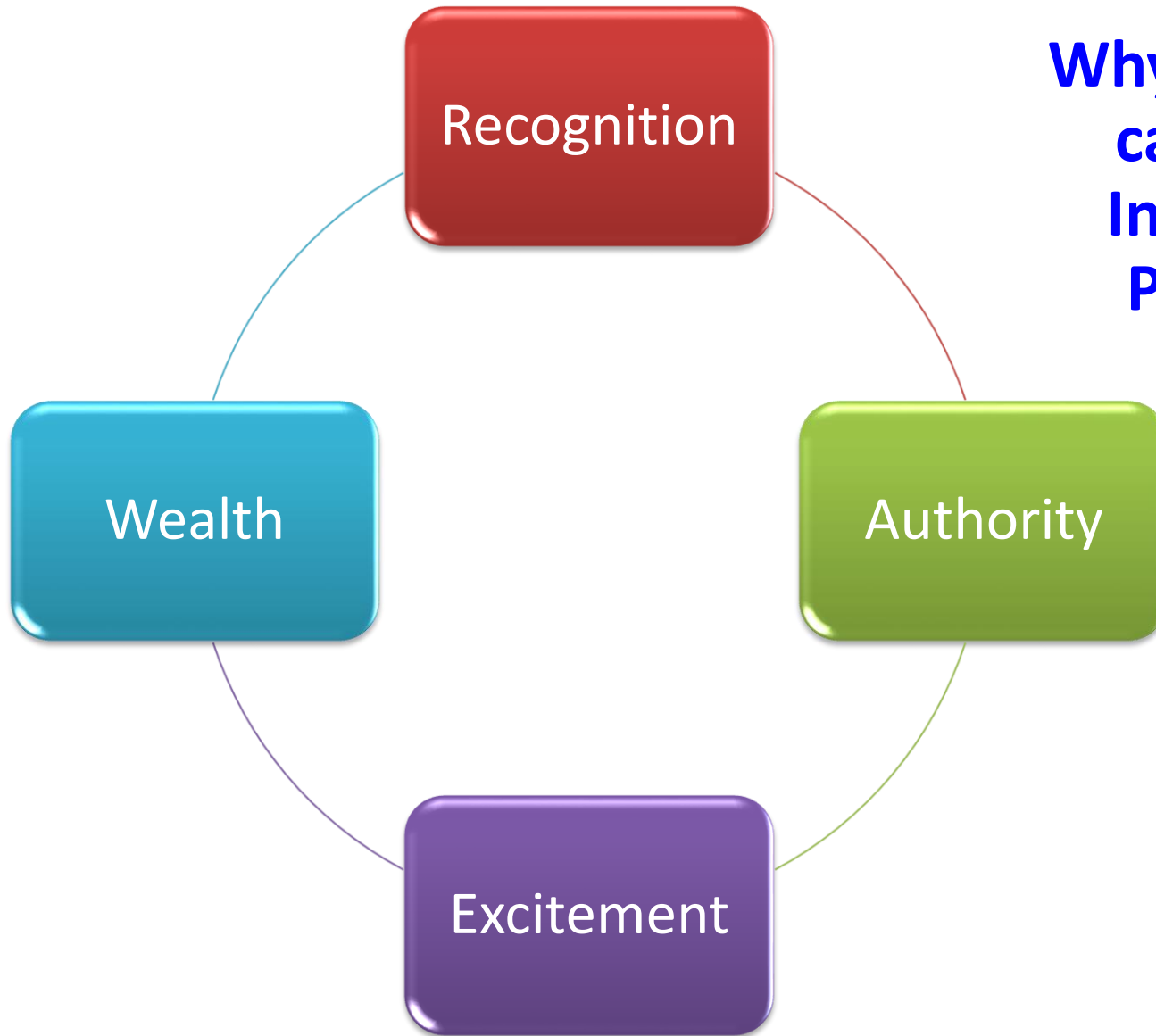
23 January 2017

11.00 a.m – 1.00 p.m

Why should Universities care about Intellectual Property?



Why should we care about Intellectual Property?



Intellectual Property: Acknowledgement

MODUL PENERBITAN (PRIMS)

Bagi pensyarah FEM mereka boleh memasukkan Modul yang berkaitan contohnya :
Fakulti Ekologi Manusia
 • Recorded Music, Music Score dan Concert

Bagi pensyarah FRSB mereka boleh memasukkan Modul yang berkaitan contohnya :
Fakulti Rekebentuk dan Senibina
 • Arts & Design Catalogue, Arts & Design Catalogue Chapters dan etc.

| | | | Penyelia Bersama | CV | Supervision of Student |
|-----------------------|------|--|---|----|--|
| Penyelidikan - Input | 1. | Kuantiti Penyelidikan | Kuantiti Penyelidikan | KM | Research Grant |
| Penyelidikan - Output | 1-2. | Kuantiti Penerbitan dan Kualiti Penerbitan | Jurnal Berwasiat Terujuk | KM | Publication - Citation-indexed Journals |
| | | | Jurnal Berwasiat Tidak Terujuk | KM | Publication - Non Citation-indexed Journals |
| | | | Buku | KM | Publication - Books |
| | | | Bab dalam Buku | KM | Publication - Book Chapters |
| | | | Penulisan Popular | KM | Publication - Popular Writing |
| | | | Penerbitan Makalah Akademik dan Profesional | KM | Publication - Academic or Professional Magazines |
| | | | Polisi | KM | Publication - Unpublished Material |
| | | | Classified Report | KM | Publication - Unpublished Material |
| | | | Movie Directed, Drama Directed, Movie Script, Drama Script, Musical | KM | Other Publications |

| | | | | | |
|----------------------|----|---------------------------|---|----|-----------------------------------|
| | | | Score, Concert, Artistic Work | | |
| | | | Modul, Manual, Nota, Buku Kerja | KM | Other Publications |
| | | | Patent | KM | Intellectual Property Patent |
| Khidmat Klinikal | 1. | Kuantiti Khidmat Klinikal | Wad, Klinik, Rawatan bedah/Prosedur, Makmal dan Radiologi | CV | Clinical Services |
| Khidmat Professional | 1. | Penglibatan | Perundingan | CV | Consultancy |
| | | | Pengembangan | CV | Professional Services Involvement |
| | | | Penasihat Projek | CV | Professional Services Involvement |
| | | | Pakar Rujuk | CV | Professional Services Involvement |
| | | | Pemeriksa Dalam (Projek) | CV | Professional Services Involvement |
| | | | Pemeriksa Dalam (Tesis) | CV | Examiner to Students |

IPRs

Definition,
type of IP and
relevant laws

- Patent
- Industrial Design
- Copyright
- Trademark
- New Plant Variety
- Trade secret

How the
Rights exist?

- Sole research
- UPM's institutionalized research
- Commission
/Consultancy work

Intellectual Property: Concept & Overview

Intellectual Property refers to “*all rights resulting from intellectual activity in the industrial, scientific, literary or artistic fields*” (WIPO).

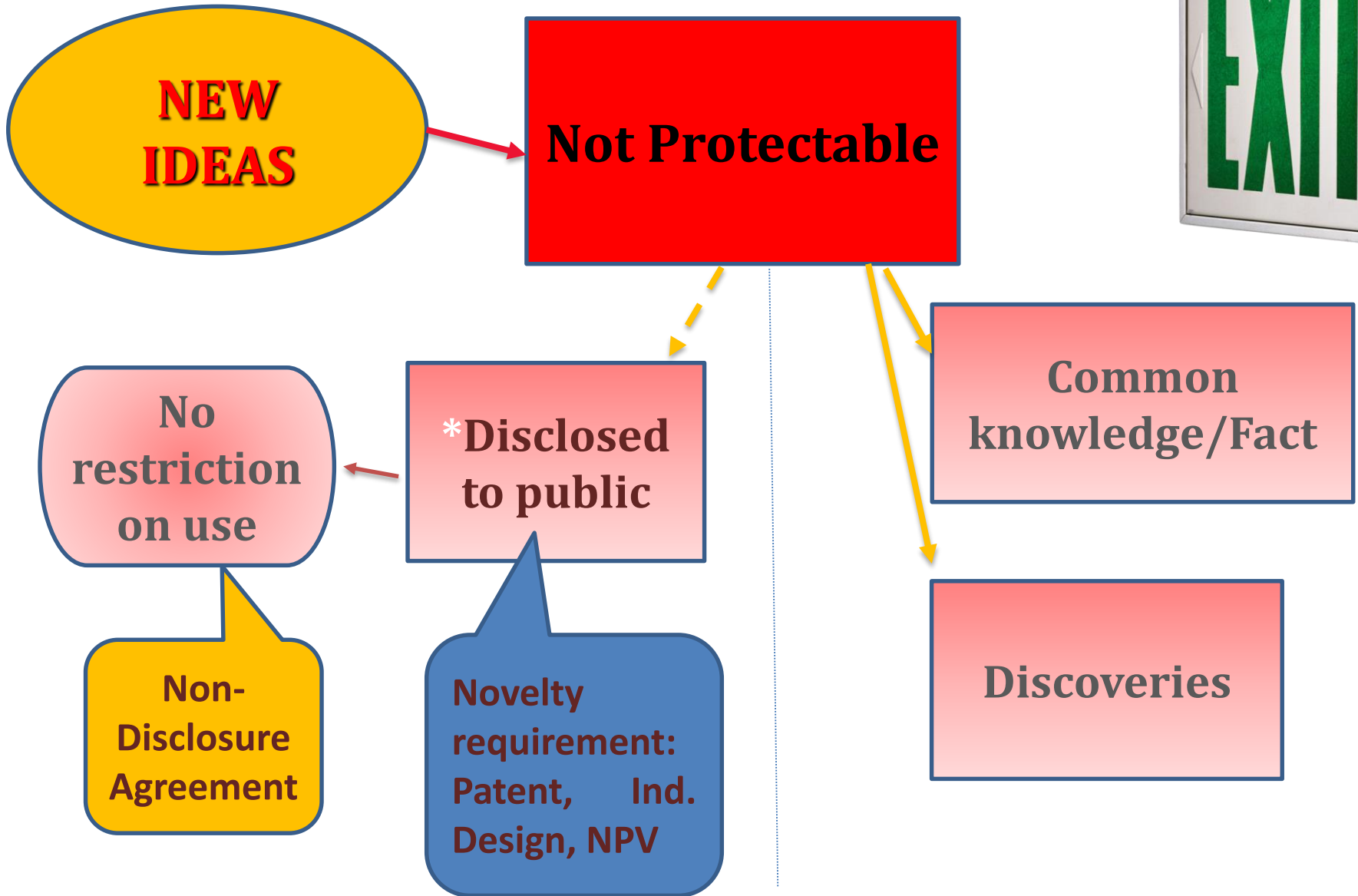
Intellectual Property

- IP refers to creation of the **minds**: incl. inventions; literary & artistic works; designs; and symbols, names & images used in commerce (source: WIPO)
- An intangible asset

Intellectual Property Rights

- Rights given to persons over the creations of their minds
- Creators get exclusive rights over the use of his creation
- Only for a certain period of time

(WTO,2015)



**NEW
IDEAS**

Not Protectable

**No
restriction
on use**

**Non-
Disclosure
Agreement**

***Disclosed
to public**

**Novelty
requirement:
Patent, Ind.
Design, NPV**

**Common
knowledge/Fact**

Discoveries

Patent

Technology that solve specific problem

Industrial design

Outer appearance of article with aesthetic value

Trademark

Sign, symbol @ expression use in course of trade

New Plant Variety

Clearly distinguishable

Copyright

Artistic creations in material form

Geographical indication

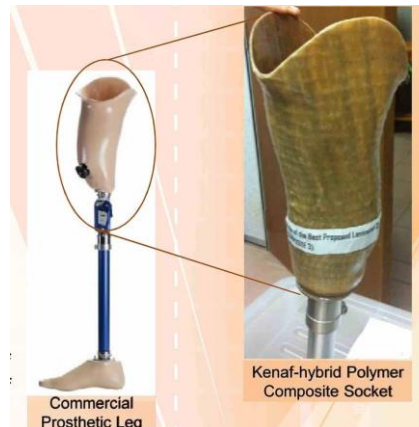
Quality, reputation, characteristics of goods attributable to geographical origin

Integrated Circuit of Layout-Design

3D disposition of elements of an IC



Floor Gully/Trap



Commercial Prosthetic Leg

Kenaf-hybrid Polymer Composite Socket



Intellectual Property Protection

**Comes into existence
upon REGISTRATION**

- Patents
- Industrial Designs
- Trademarks
- Geographical Indications
- New Plant Varieties

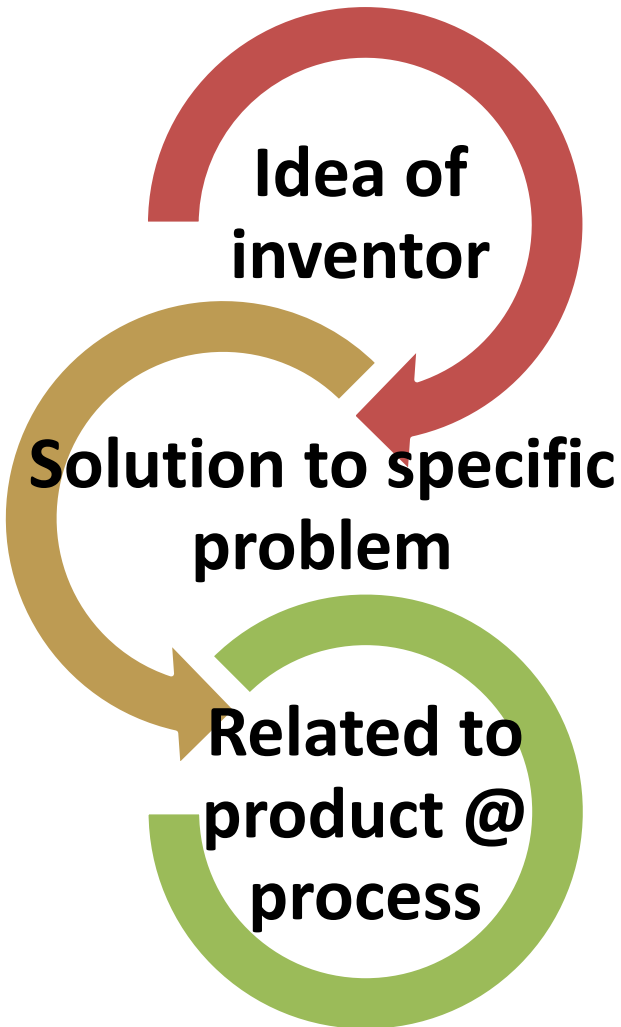
**NO
REGISTRATION
required**

- Copyright
- Layout-Design of
Integrated Circuits



PATENT

PATENTABLE INVENTION



Novelty

-compare to closest prior art

: MyIPO, Patentscope, Espacenet, Patent Lens, Google Patent

Freedom to operate

- Just because you can get a patent does not mean you can use it.
 - We can use others patent, if:
 - Allowed via licensing;
 - Patent in public domain,
 - Patent not protected in country of intended use



Unpatentable Invention:

- ❑ Discoveries, Scientific theories, Mathematical methods;
- ❑ Plant @ animal varieties @ essentially biological processes for the production thereof;
- ❑ Method for doing business, performing purely mental acts @ playing games;
- ❑ Treatment @ diagnostic method on human @ animal body.

Except apply to products used in any such methods

Protection for Inventions

PATENT

- New
- Involves an Inventive Step (non-obvious)
- Capable of Industrial Application

UTILITY INNOVATION

- New
- Capable of Industrial Application

Priority Date:

- First-to-File principle: Owner is the person who files first.
 - ~ **Do NOT disclose before filing.**
- *What happen if we disclose before filing?*
 - ~ ‘Disclose’ includes publish, share to others orally or in writing, or clearly indicated in photos. “You can kill your own patent”.
 - ~ Grace period varies per country.

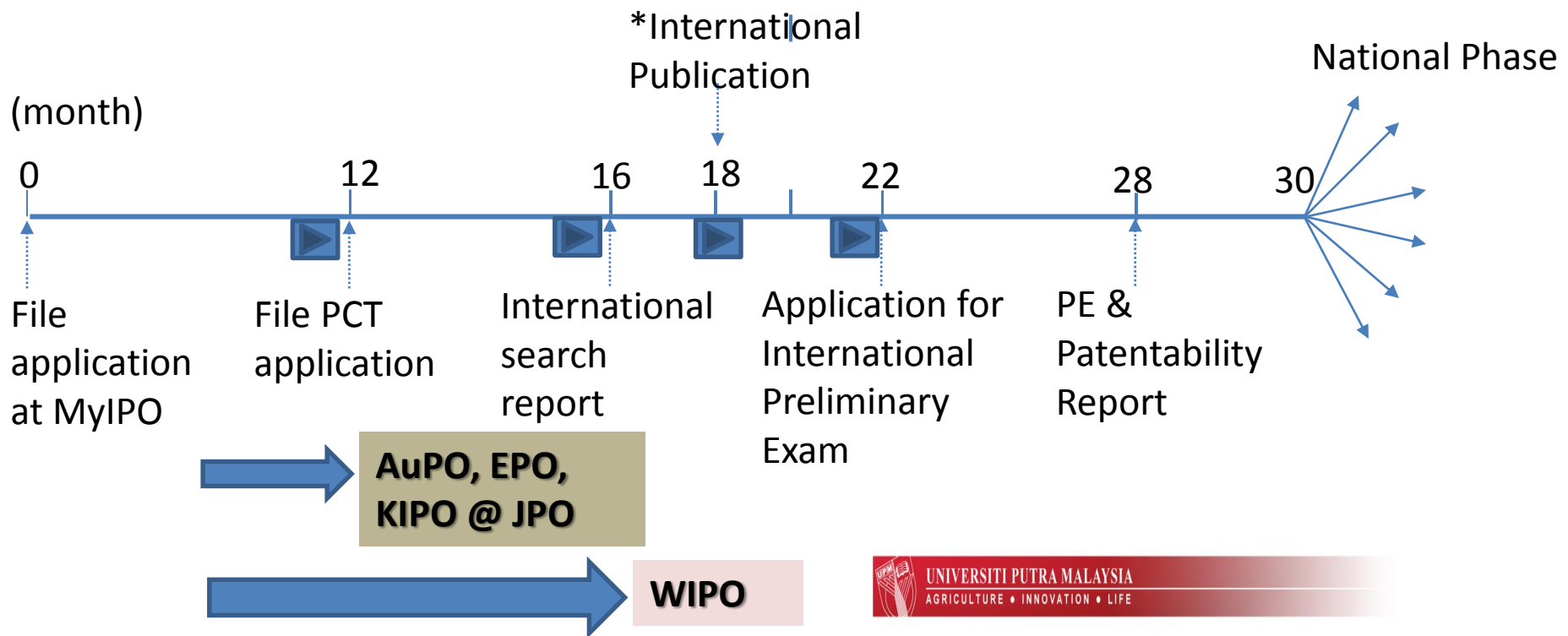


International Application:

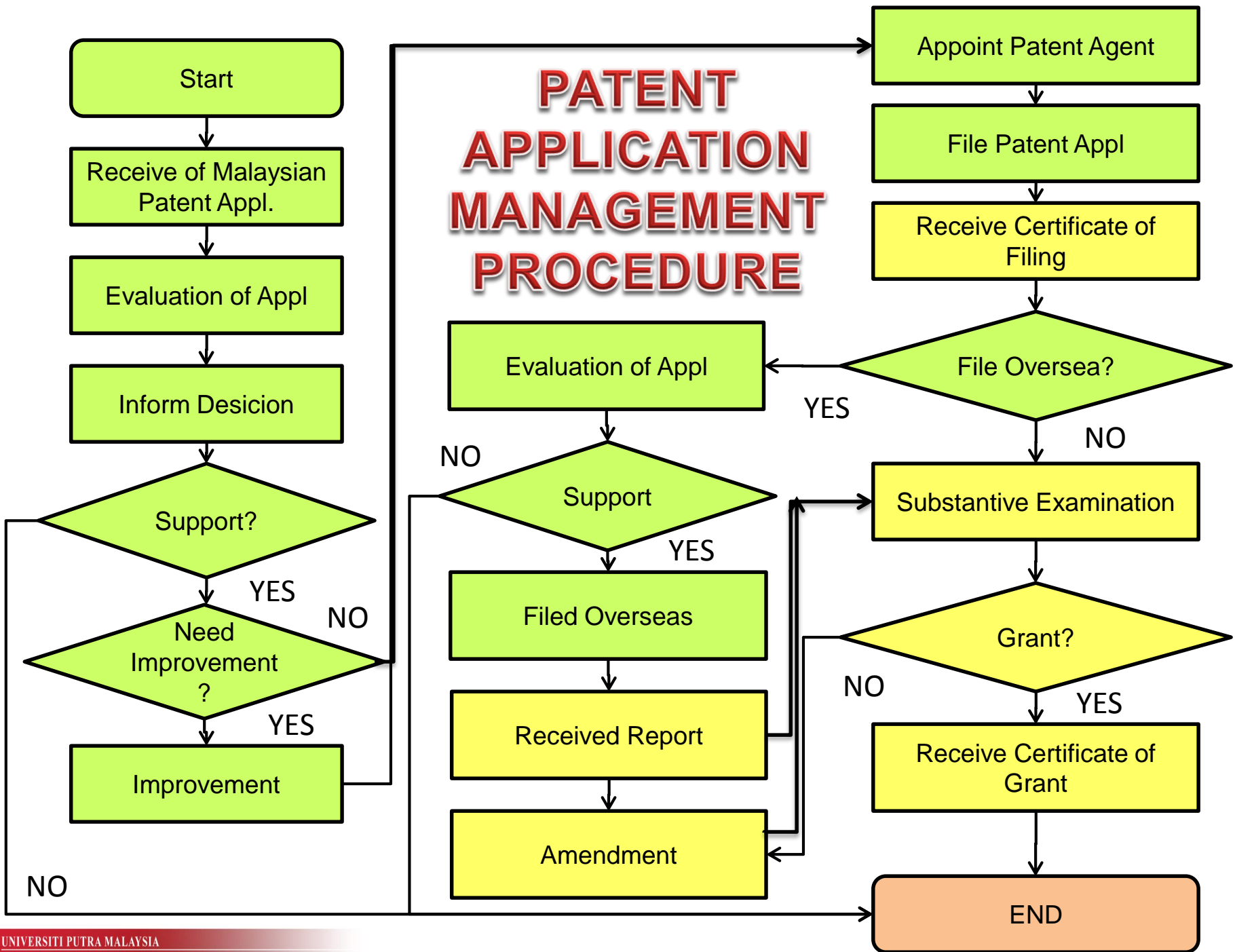
Patent Cooperation Treaty (PCT)

PCT system is a patent application “filing” system, not patent “granted” system.

~ No PCT patent or international patent granted.



PATENT APPLICATION MANAGEMENT PROCEDURE





INDUSTRIAL DESIGN



Registrable Industrial Design:

- **Fulfill the interpretation of ID**

~ features of shape, configuration, pattern or ornament applied to an article by any process or means; finished article appeal to the eye & judged by the eyes..

- **New in Malaysia & elsewhere (NOVELTY)**

~ 6 months grace period (post 1/7/2013)

~ Compare with existing designs: [Google image](#), [WIPO Global Design Database](#)

- **Not contrary to public order or morality**



Filing Requirements:

- **Registration and examination system**
 - applied the principle of “first to file”
 - protection rights for initial 5 years from the date of filing (renewable terms 5+5+5+5 years): Max 25 years
- **Right of priority under the Paris Convention** - allows to claim the earliest date of filing application within the 6 months period



NOT Industrial Design:

- 1) A method or principle of construction**
- 2) The features of the article are dictated solely by function**
- 3) The features depend upon the appearance of another article which forms the integral part of that article**
- 4) It differs only in immaterial details or features**
- 5) The features do not have a clear aesthetic appearance**



TRADE MARK

TM

SM

®



s. 3(1) of TMA 1976: “mark” includes a device, brand, heading, label, ticket, name, signature, word, letter, numeral or any combination thereof;

“trade mark” ...to indicate a connection in the course of trade between the goods or services & the proprietor or registered user....



What is a Trade Mark?

Device 

Wording 

Signature 

Slogan 

Numbers 

Combination 

Securing the Trade Mark:

- 1) Registrability: **NOT** generic , immoral, descriptive of quality or character, geographical name or surname
[eg: Kleenex ; Oomphies ; Mee Sedap; Serdang; Tamin; Putra]

- 2) Availability:
 - **NOT** identical or confusingly similar to a prior registered mark
 - **NOT** used in the same market & in connection with similar goods or service



Trademarks Dispute

- Similar / confusing logo
- Using others logo without license on product / service of same class
- Counterfeit products with logo of others
- Using of non-use logo of others
- Domain name (cybersquatting)



life.love.
LION

CLASS : 21

2011055561 21 December 2011

Dental floss; tooth picks; toothbrushes; interdental toothbrushes; denture brushes; toothbrushes [electric]; toothbrush cases; toilet cases; hair brushes; brushes for hair washing; brushes for dish washing; sponges for dish washing; sponges for household purposes; cockroach traps; insect traps; cleaning tools and washing brushes; shoe brushes; shoe brushes for pets; night-soil disposal sheet for pets; night-soil disposal materials for pets; night-soil disposal equipment for pets; trays (litter -) for pets; feeding vessels for pets; all included in Class 21.

LION CORPORATION; 3-7, Honjo 1-chome, Sumida-ku, Tokyo 130-8644, , , JAPAN

AGENT: Linda Wang Chaw Ling, Tay & Partners 6th. Floor, Plaza See Hoy Chan 50200 Kuala Lumpur

EXAMPLE

CLASS : 21



2012000005 03 January 2012

The trade mark is limited to the colours as shown in the representation on the form of application.

Registration of this trade mark shall give no right to the exclusive use of letters "u" and "s" and the symbol "@".

Pots, kettles, woks, cake moulds, containers and other kitchen utensils made of aluminium or other non precious metal for household use; all included in Class 21.

2011019879 11 November 2011

International priority date claimed : 26 September 2011, United States Of America

Yarns and threads, for textile use; all included in Class 23.

SABIC Holding Europe B.V.; Europa Boulevard 1 Sittard NL-6135LD , , THE NETHERLANDS

AGENT: Yew Woon Chooi, Rodyk & Davidson I.P. Services Sdn. Bhd. T109, 3rd Floor, Centrepoint Bandar Utama 47800 Petaling Jaya

CLASS : 24


BABY CASHMERE

08024859 18 December 2008

Registration of this trademark shall give no right to the exclusive use of the word 'baby cashmere'

Textiles and textile good, not included in other Classes; bed and table covers; all included in class 24.

LORO PIANA s.p.A.; CORSO ROLANDI, 10, 13017 QUARONA (VERCELLI) , , ITALY

CLASS : 24



2011018121 13 October 2011

Registration of this trade mark shall give no right to the exclusive use of the letter "z".

Covers for pillow and pillow cases; all included in Class 24.

Scalarco Sdn. Bhd.; Suite 1208, Level 12, Amcorp Tower Amcorp Trade Centre No. 18, Persiaran Barat 46050, PETALING JAYA, SELANGOR MALAYSIA

Nice Classification:

45 Classes

-goods (1- 34); services (35-45)

****refer to MyIPO website or WIPO website***



©

COPYRIGHT



Goodyear Tire & Rubber Company & Anor. v. Silverstone Tire and Rubber Co. Sdn. Bhd.
[1994]

“Copyright laws are **not concerned with reproduction of ideas** however original they are **but are merely concerned with the reproduction of the forms in which the ideas were expressed**”

Categories of Copyright Work

Literary Work

- Includes any form of writings, play, dramas, script, pantomime, works of reference, lectures, sermon, letters, tables, compilation, computer program (excl. official texts of Government/ statutory bodies of legislative /regulatory in nature / judicial decisions)

Musical Work

- Any musical work, & incl. works composed for musical accompaniment

Artistic Work

- Graphic work, photograph, sculpture, collage irrespective of artistic quality; Architectural work (building / its model); work of artistic craftsmanship

Film

- Fixation of a sequence of visual images on material of any description

Sound Recording

- Any fixation of a sequence of sound excluding soundtrack

Broadcasting

- Transmission by wire or wireless means

Derivative Work

- Translation, adaptation, arrangement , collection of works / mere data that constitute intellectual creation

“computer programs”

means an expression, any language, code or notation of a set of instructions (whether with or without related information) intended to cause **a device having an information processing capability** to perform a particular function either directly or after either or both of the following:

- (a) Conversion to another language, code or notation;
- (b) Reproduction in different material form

“Musical works” means

any musical work, and includes works composed for musical accompaniment

“Artistic works” means

- a) A graphic work, photograph, sculpture or collage irrespective of artistic quality;
- b) A work of architecture being a building or a model for a building; or
- c) A work of artistic craftsmanship

“Derivative works”

- The following derivative works are protected as original works:
 - (a) translations, adaptations, arrangements and other transformations of works eligible for copyright; and
 - (b) collections of works or collections of mere data, whether in machine readable or other form, works eligible for copyright which, by reason of the selection and arrangement of their contents, constitute intellectual creation.

***No registration requirement; Automatic upon expression of idea / creation of work**

Literary, Musical & Artistic Work

- Sufficient effort (skill, expertise & judgement)
- Work written down, recorded / otherwise reduced to material form
- Duration: Lifetime + 50 years

Films, Sound recording, Broadcast, Published editions

- Duration: 50 years

- Derivative works: for collection of works / compilation of mere data in machine readable / other form: ~need to prove as an intellectual creation via selection & arrangement of the contents

Idea/
Concept

Procedure

Math
concept

Facts

Findings

Operational
Method

Not Copyrightable

Fair Dealing

- A permissible act done by a non-owner;
- Only for purposes of non-profit research, private study, criticism, review or the reporting of current events,
- if such use is public, it is accompanied by an acknowledgement of the title of the work and its authorship

Good practice

- Write at the footnote:

1) *The Copyright Symbol* (either © ; (C); the word “Copyright”)

2) *The Year of the Creation*

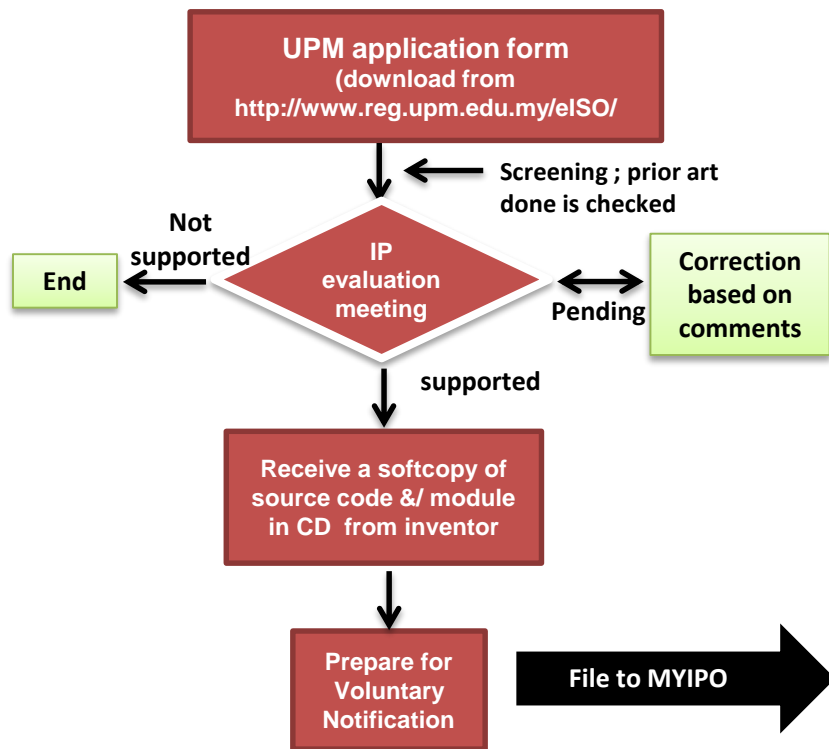
(when it was published. When it cover several years like blogs or course syllabus, can use hyphen to designate a range; eg “2005-2015”)

3) *The Name*

(use to identify yourself. Can also be business name, site name, pseudonym / any appropriate name that designates who the copyright holder is).

4) *A Rights Statement*

(“All Rights Reserved”[if don’t wish to allow copying]; may use Creative Commons license with “Some Rights Reserved”)



- Form CR1/CR2/CR3
- Statutory declaration
- Deposit the work
- Payment of fee
- One off- no renewal, only updating information
- ‘Sijil Pemberitahuan Hakcipta’ – prima facie evidence

Copyright Voluntary Notification



New Plant Varieties



Section 13(1)(b) of the Patents Act 1983:
plant or animal varieties or essentially biological processes for the production of plants or animals, other than man-made living micro-organisms, micro-biological processes and the products of such micro-organism processes, **cannot be patented.**



New Plant Varieties

Not under
MyIPO, but
MoA

New Plant
Varieties Act
2004

Variety: plant grouping of same species.

- Expression of the characteristics resulting from a given genotype / a combination of genotypes
- Distinguishable, plant grouping by the expression of characteristics
- As a unit with regard to its suitability for being propagated unchanged

Product of plant varieties resulted from:

i- grafting

ii- cross pollination

iii- genetic engineering



| Condition | Requirements | Duration for Protection (From Date of Filing) |
|----------------------------|--|---|
| S. 14 (1) of PNPV Act 2004 | New, Distinct, Uniform, Stable & of Suitable Denomination | Trees & vines: 25 yrs Other crops: 20 yrs |
| S. 14 (2) of PNPV Act 2004 | New, Distinct, Identifiable & of Suitable Denomination for plant variety bred / discovered & developed by a farmer/ local community/ indigenous people | Trees & vines: 15 yrs Other crops: 15 yrs |

Novelty / New

If on the filing date of application:

- the propagating or harvested material has not been sold or otherwise disposed off on a commercial basis by or with the consent of the breeder :

- ~ within Malaysia earlier than one year (>1 yr),
- ~ in other countries earlier than six years (>6 yrs) in respect of trees and vines and
 - ~ earlier than four years (>4 yrs) in respect of other plant varieties

Disclosure



Does not cover the following 6 acts done for:

(a) **Privately use** for a non-commercial basis;

(b) **Experimental** purpose;

(c) Breeding **other** plant varieties

(d) Propagation **by small farmers** using the harvested material of the registered plant variety planted, **on their own holdings**;

(e) **Exchange of reasonable amounts** of propagating materials among small farmers; and

(f) The **sale of farm-saved seeds** by small farmer who cannot make use of it **due to factors beyond the control** of the small farmer, if the amount sold < in his own holding.

(Size of a holding \leq 2 hectares)



Trade Secret

- any confidential business information
- provides an enterprise a competitive edge
- encompass manufacturing, industrial and commercial secrets.

FORMULA Design to a device
RECIPE Piece of software
General know-how

Listerine; WD-40; Lena
Blackburne's Baseball
Rubbing Mud
KFC; Coke; Big Mac Special
Sauce,
Google's proprietary search
algorithm, [PageRank](#).

Cadbury and Rowntree Candy espionage

DuPont Co.'s secrets for cleanly manufacturing
the ubiquitous white pigment found in paper
and plastics

Trade Secret

- No procedural formalities for protection
- Protectable for unlimited time; provided the holder observe

As a guideline:

Art. 39 of the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement):

- The information **must be secret** (i.e. it is not generally known among, or readily accessible to, circles that normally deal with the kind of information in question).
- It must **have commercial value** because it is a secret.
- It must have been **subject to reasonable steps by the rightful holder of the information to keep it secret** (e.g., through confidentiality agreements).

Source: WIPO, 2014



SUMMARY of IP



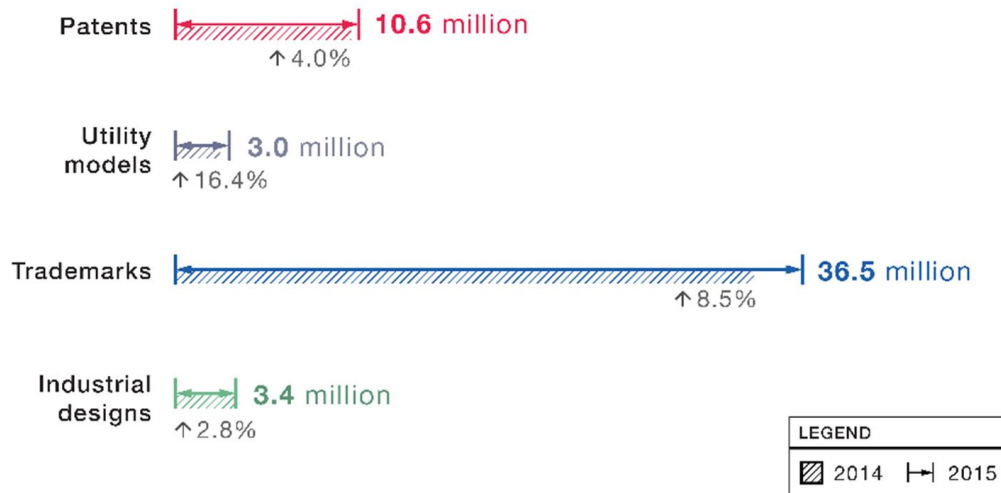
| <i>Type of IP</i> | <i>Legislation</i> | <i>Salient Features</i> | <i>Duration of Protection / Registration</i> | <i>Beware</i> |
|----------------------------------|------------------------------|---|---|---|
| <i>Patent</i> | Patents Act 1983 | <ul style="list-style-type: none"> ▪ Solution to technical problem ▪ Product or Process | <ul style="list-style-type: none"> ▪ 20 years from date of filing ▪ Require registration | <ul style="list-style-type: none"> ▪ Disclosure defeat novelty (but with grace period: 12 months) |
| <i>Industrial Designs</i> | Industrial Designs Act 1996. | <ul style="list-style-type: none"> ▪ Aesthetic designs of an article (non-functional aspect) ▪ 2D: Colours, lines & patterns 3D: Shape & surface | <ul style="list-style-type: none"> ▪ 5 years (+ renewable 4 times): max .25 years ▪ Require registration | <ul style="list-style-type: none"> ▪ Disclosure defeat novelty (but with grace period : 6 months) |
| <i>Copyright</i> | Copyright Act 1987 | <ul style="list-style-type: none"> ▪ Literary, artistic & musical works ▪ Related rights: Film, sound recording, broadcast & derivative work. | <ul style="list-style-type: none"> ▪ Lifetime+ 50 years; ▪ 50 years from the date of publication; ▪ No registration; advisable to have voluntary notification or Statutory Declaration | <ul style="list-style-type: none"> ▪ Cannot stop others from practising it ▪ Can get copyright by infringing other's copyright. |

| Type of IP | Legislation | Salient Features | Duration of Protection / Registration | Beware |
|-------------------------------------|---------------------------------------|--|--|--|
| Trade mark | Trade Marks Act 1976 | <ul style="list-style-type: none"> Words, device, symbol, logo, brand, signature, letters, numeral & combination thereof. | <ul style="list-style-type: none"> 10 years + renewable as long as used in the market. Advisable to register | <ul style="list-style-type: none"> Avoid descriptive mark for words, describing quality of goods or service; identical or similar mark in same class of goods or service |
| Geographical Indication | Geographical Indications Act 2000 | Sign used on product with geographical significance. Product bear unique characteristics linked to place of origin. | <ul style="list-style-type: none"> 10 years + renewable as long as used in the market. Advisable to register | <ul style="list-style-type: none"> Avoid arbitrary use of name of country, region or locality. |
| New Plant Variety Protection | New Plant Variety Protection Act 2004 | <ul style="list-style-type: none"> New plant variety developed by plant breeders | <ul style="list-style-type: none"> Trees & vines: 25 yrs; Other crops: 20 yrs When bred / discovered & developed by a farmer/ local community/ indigenous people: Trees & vines: 15 yrs; Other crops: 15 yrs Require registration | <ul style="list-style-type: none"> Avoid propagate protected new plant variety for commercial purpose. Not sold / disposed off on commercial basis: local <1 yr; foreign <6 yrs in respect of trees and vines and <ul style="list-style-type: none"> ~ <4 yrs in respect of other plant varieties |



| <i>Type of IP</i> | <i>Legislation</i> | <i>Salient Features</i> | <i>Duration of Protection / Registration</i> | <i>Beware</i> |
|---------------------|---|---|---|---|
| <i>Trade secret</i> | Common law (Confidential information law) & law of contract | <ul style="list-style-type: none"> Valuable / material information unknown to public | <ul style="list-style-type: none"> As long as keep secret No registration | <ul style="list-style-type: none"> Sign non-disclosure agreement (NDA) |

There are now well over 50 million IP rights in force



3. IP rights in force

Source: WIPO Statistics Database, October 2016.

Note:

- Who should determine the terms of the NDA?
- Where to obtain the draft NDA in UPM?
- Who has the authority to sign in UPM?

How the IP Rights
exist?

UPM is empowered by the **Universities & University Colleges Act 1971 (Act 20)** to create a policy / guideline relating to Research & Innovation

(Zinatul & Norliah, 2013)



Intellectual Property Rights

- *Owner/ Creator got exclusive rights:*
 - ~ for a legally prescribed duration
 - ~ to exclude / prohibit unauthorised use by others
 - ~ can sell, grant licence / rent with monetary consideration / royalty

Protection within prescribed duration:

- promote publication & dissemination of information / knowledge.
- Period expired ~ becomes public domain.



Intellectual Property Rights

- *Owner/ Creator got exclusive rights:*

Are you an owner?

Protection within prescribed duration:

- promote publication & dissemination of information / knowledge.
- Period expired ~ becomes public domain.

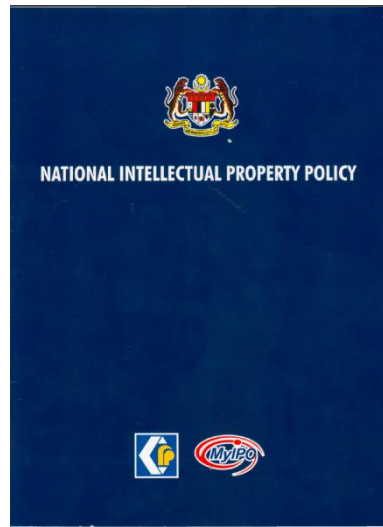
Ownership of IP

- Inventor may / may not be the owner
- *Non- owner:*
 - *Employee in the course of employment & within the scope of employee's duties*
 - *Employee using employer's facilities (subject to remuneration)*
 - *Person receiving commission*

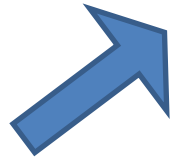
*subject to any provisions to the contrary in the agreement between them

- Institutional policy on ownership

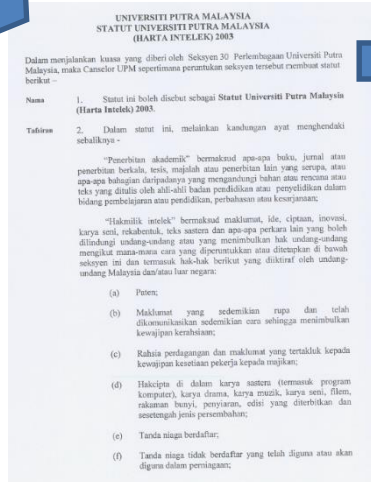
National IP Policy



The Legal Framework



UPM IP Policies



Old





UNIVERSITI
PUTRA
MALAYSIA
(RESEARCH)
RULES

2012

Rules Arrangement

| | |
|--------|---|
| Part A | Preliminary |
| Part B | Implementation and Management |
| Part C | Ethics and Disciplines in Research |
| Part D | Dissemination of Research Output and Confidentiality |
| Part E | Intellectual Property Right |
| Part F | Conflict of Interest and Its Disclosure |
| Part G | Misconduct |
| Part H | Miscellaneous |

UNIVERSITI
PUTRA
MALAYSIA
(RESEARCH)
RULES
2012



PART E - INTELLECTUAL PROPERTY RIGHT

7. (1) The right to the intellectual property generated through institutionalized research shall belong to the University. The right to the intellectual property produced or generated by the teacher, student or staff, or any other person including visitors involved in the programme of the University shall also belong to the University unless provided otherwise by these Rules or any other Rules of the University which is in force from time to time.
- (2) (a) Institutionalised research are:
- (i) research that involves the University as the main party to a research agreement;
 - (ii) research that utilizes the resources and expertise of the University in discharging the contractual obligations of the University with the other third party;
 - (iii) research that specifically utilizes fund or grant of the University;
 - (iv) research that utilizes facilities of the University and administered by the University;
 - (v) research that involves a group of teachers, students or staff for a long period of research.

Generally, IP produced by the teacher, student or staff, & any other person incl. visitors involved in the University's programme shall belong to the University

Institutionalised research scope

- (b) A teacher, student or staff who has been charged with the responsibility or instructed or employed to undertake the contractual obligation of the University shall be deemed to have undertaken such obligation on behalf of the University.
- (c) For the avoidance of doubt, a teacher, student or staff who has obtained the permission of the University to carry out research with other third party, in which the research is not an institutionalized research, the said teacher, student or staff shall bear any liability thereof personally without involving the University.
- (d) Any intellectual property right produced or generated from the activities of institutionalized research shall belong to the University.
- (e) A teacher, student or staff who has obtained permission of the University to carry out research with other third parties, and the said teacher, student or staff utilizes resources and infrastructure facilities of the University, then any intellectual property produced or generated from the research of the said teacher, student or staff thereof shall belong to the University.

Part E

Part E

- (f) Whether the rights to the intellectual property is claimed or owned or entitled to be owned by the University for the institutionalized research or uninstitutionalized research, the University has the right to have access to and may use the information resulting from the said research for academic purposes.

Protection of the Intellectual Property Right of the University

- (3) The right to the intellectual property produced or generated from the research owned by the University shall be protected in accordance with the law related to intellectual property, which is in force from time to time, by the University, including:-
 - (a) taking appropriate measures to protect the said intellectual property by way of patent, registration of trademark, registration of industrial design, protection of trade secret or by entering into any necessary agreement for the purpose of protection of such intellectual property right.
 - (b) not disclosing any information, data and discovery related to the research owned by the University to other third parties which may be prejudicial to the measures taken to protect the intellectual property right.

- (c) claiming and/or defending through litigation any infringement of intellectual property right belonging to the University.

Ownership of Intellectual Property Right of the University

- (4) (a) All intellectual property rights in research carried out by the teacher, student or staff including patentable rights, know-how, domain name or trade secret shall belong to the University.
- (b) The intellectual property right of the University may be shared with other third party with the permission of the University and an agreement containing terms relating to the sharing of such intellectual property right shall be entered into with the third party in accordance with the Rules relating to the intellectual property right of the University.
- (c) The intellectual property right relating to copyright produced by the teacher, student or staff for a work other than journal articles and books shall belong to the University and may be assigned to the said teacher, student or staff in accordance with the Rules relating to intellectual property right of the University.

Part E

Part E

Commercialisation of Intellectual Property Right of the University

- (5) (a) Only the University may commercialize the intellectual property rights of the University.
- (b) If the intellectual property right of the University is commercialized by the University, the University may consider the distribution of the profit of such commercialization with the teachers, student or staff who are the inventor of the intellectual property according to the rates prescribed by the University from time to time.
- (c) Teacher, student or staff shall give cooperation to enable University to commercialize the intellectual property right of the University and shall enter into any instrument relating to the obligation of the teachers, student or staff for purpose of such commercialization.

Misconduct

- (6) Any violation of the provisions relating to intellectual property right provided in paragraph 7 of these Rules by any teacher, student or staff shall amount to an act of misconduct in research which shall be dealt under paragraph 9 of these Rules.

PART F - CONFLICT OF INTEREST AND ITS DISCLOSURE

8. (1) Any situation of conflict of interest which may be encountered by a teacher, student or staff while carrying out research shall be avoided to preserve the integrity and honesty in the relationship among researchers and with the University.
- (2) conflict of interest is a situation in which the teacher, student or staff gains profit or personal interest either in real or by presumption, in research activities, in which such profit or interest, influences the conduct of his official duties.
- (3) In a situation where the teacher, student or staff:-
- (a) has any conflict of interest; or
- (b) unsure or doubtful whether there is a conflict of interest in the activity carried out;
- teacher, student or staff shall disclose the research activity together with the interest in the said research activity and refrain himself from further involvement in the research activity before the University permits it in writing.
- (4) Any conflict of interest and its disclosure shall be dealt in accordance with the Rules relating to the University's conflict of interest and disclosure.

Part F

PART G - MISCONDUCT

9. (1) An act amounting to misconduct in research under paragraph 4(4)(b), 5(3), 6(7), 7(6) and 8(5) may be taken administrative action by the University through Jawatankuasa Salahlaku Penyelidikan Universiti or may be taken disciplinary action by Jawatankuasa Tata tertib Universiti.
- (2) Any act held as misconduct under these Rules shall be the basis for denial to any claim of privilege or benefit awarded by the University on the achievement of the teacher, student or staff in research.


Part G

UPMIP

- Visit www.upmip.upm.edu.my
- Register as 'Researcher' (login using UPM ID)
- Once approved, login (using UPM ID) and fill in the relevant Form
- Submit after correctly filled in all parts of the form

www.upmip.upm.edu.my

Gmail Putra UGroup Bernama Utusan Berita Mstar YouTube



INTELLECTUAL PROPERTY CORPORATION OF MALAYSIA

REMINDER

| No. | Title | Project Leader | Faculty | Due Date | Status & Date |
|-----|----------------------------|--------------------|---------------------------------|----------|-----------------------|
| 1. | Portable Aquaponics System | INDASTRI BIN SAION | FAKULTI REKABENTUK DAN SENIBINA | | Drafting (20-07-2016) |

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http://www.upmip.upm.edu.my/

UPM Intellectual Property

UPM

FACTS & FIGURES

PATENT GRANTED
 Malaysia 129
 Other Countries 106

PATENT PENDING
 Malaysia 502
 Other Countries 226
 PCT 118

COPYRIGHT PROTECTION
 Malaysia 78
 Other Countries 0

TRADE MARK GRANTED
 Malaysia 2
 Other Countries 0

TRADE MARK PENDING
 Malaysia 34
 Other Countries 0

UPM Intellectual Property

Researcher

Utama

APPLICATION OF PATENT

APPLICATION OF COPYRIGHT

APPLICATION OF TRADE MARK

APPLICATION OF INDUSTRIAL DESIGN

APPLICATION OF NEW PLANT VARIETY

UPM Intellectual Property

Researcher

Utama

HOME

Main

List of IP

Application Form

My IP

My Reminder

My IP Presentation

User Setting

LOG OUT

IP Reminder

| No | Title | Filing No | Project Leader | Faculty |
|-------------------------|-------|-----------|----------------|---------|
| *Latest session display | | | | |

IP Presentation

Agent

| # | Title | Agency Name | Agent Name |
|---------------|-------|-------------|------------|
| 65 Drafting 5 | | | |

Recommended!

- Plan your research journey to commercialization: Know the freedom to operate;
- Get the grants: RMC, TNCPI
- What's next after filing the IP?
 - ~ Licence, Next grant for prototype /upscaling, Innohub?
 - What is PSP's role?



UPM
UNIVERSITI PUTRA MALAYSIA
BERILMU BERBAKTI

PUTRA SCIENCE PARK (PSP) UPM's Technology Management Office



INTELLECTUAL PROPERTY MANAGEMENT PROGRAM

UPM INTELLECTUAL PROPERTY MANAGEMENT STRUCTURE



FUNCTIONS OF PSP

Administrative Division

- Commercial Consultancy Services
- Innovative Human Capital Development
- Coordinate accreditation, services & promotion of centralized equipments & facilities

PUTRA IP Division

- Manage UPM's IP protection and maintenance
- Increase IP protection awareness
- Manage technology transfer process
- Manage and monitor licensing documentation

Innovation Promotion & Marketing Division

- Promote and market UPM's research and innovation
- Manage IP Pre-Commercialization (C & D)
- Promote UPM's laboratory facilities and equipment
- Market Intelligence and Strategic Planning

eDU-Park Division

- Manage and coordinate Edu-Park programs
- Promote and manage UPM R,D,C & E road to visitors





UNIVERSITI PUTRA MALAYSIA
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Thank You

Contact:

**Putra IP Division
Putra Science Park
Office of DVC (Research & Innovation)
Universiti Putra Malaysia**

03-89471286