



**Industrial and Intellectual Property Rights System
At the
University of Bahrain**

Preamble:

For purposes of disseminating knowledge, supporting and developing scientific research at the University of Bahrain; as well as motivating researchers and promoting their research activities, publishing their authored researchers, registering patents, utilizing patents industrially and commercially in the general benefit of society, and the university in particular; it grew imperative to regulate the issue of intellectual property at the University of Bahrain according to clear rules that are consistent with international relevant agreements and regulations; such as Law No. (22) for 2006 on the Protection of Copyright and Neighboring Rights, and its amendments; Law No. (1) for 2004 on Patents and Utility Models, and its amendments by virtue of Law No. (14) for 2006; and international agreements such as the TRIPS Agreement made by World Trade Organization, as well as other agreements.

The herein System constitutes one of the important links within the matrix of scientific research, aimed at regulating the relationship between UOB and researchers in the field of intellectual property rights, determine the policies and procedures of registering patents made by the university researchers being faculty members or students, or any other competent person at the university, and to obtain a license to utilize the patents; as well as regulate the rights and duties of publications copyrights that are made by the university.

General Provisions and Definitions

Article (1): In implementing this System, the following terms shall have the definitions adjacent to them, unless the text stipulates otherwise:

University: the University of Bahrain

President: the President of the University of Bahrain

Deanship: Deanship of Graduate Studies and Scientific Research

Dean: Dean of the Graduate Studies and Scientific Research

Patents: an official certificate awarded by the competent authorities for an original invention that is creative and usable for industrial purposes in line with provisions of the Patents and Utility Models Law No. (1) for 2004, and its amendments.

Members: Faculty members at the University of Bahrain, lecturers, instructors or research and teaching assistants.

Students: students registered at the University of Bahrain.

Chapter One

Industrial and Intellectual Property Management Department

Article (2): The Deanship of Graduate Studies and Scientific Research at the University of Bahrain undertakes the intellectual and industrial property, and seeks the assistance of specialized forms for those with the experience and competence in the technical and scientific field in the field of intellectual and industrial property from the university's associated members.

Duties and Competencies

Article (3): The Deanship of Graduate Studies and Scientific Research is envisaged as the University primary reference the with regard to all matters of relevance to industrial and intellectual property. It shall provide consultations related to patents and general intellectual property rights; as well as assume, in particular, the hereunder duties:

First: Determines the feasibility and methodology of investing inventions, protecting ideas; and receiving creative inventions submitted by faculty members and students for review and examination, to assess feasibility of the same for purposes of registration under industrial property.

Second: Undertakes administrative and organizational steps at the competent authorities to register the industrial property rights, particularly, patents submitted by faculty members and students for licensing to utilize and develop the same from competent authorities.

Third: Studies and assesses the types of projects, draft reports with regard to inventions reached by faculty members and students, takes decisions on whether to move forward with registration of the same guided by the extent of the registration process success, and benefits

from inventions at the industrial and commercial levels in line with the university policy and prevailing systems.

Fourth: Submits recommendations to the Dean to distribute financial revenues of a patent between the proprietor and the university according to the herein System.

Fifth: Follows up on the intellectual produce (technical and literary) reached by faculty members or students, so long as it is associated with the University of Bahrain, even if it was a result of using tools, equipment or expertise of the university.

Sixth: Undertakes procedures relevant to creativity, bill the expenditures to the financial rights of technical and literary works of a competent authority in the Kingdom.

Seventh: Any other duties or competencies entrusted to the Deanship of Graduate Studies by the President.

Chapter Two

Patents

Registration and Approval Procedures

Article (4) The Deanship of Graduate Studies shall extensively research the submitted invention applications to determine originality, validity for registration, feasibility of assuming the required legal procedures to obtain a patent from the competent authorities. The Deanship of Graduate Studies must decide on whether to accept or reject an application within 30 days from the date of submitting the same.

Upon accepting an application, the Deanship of Graduate Studies must immediately, at the approval of the President, move forward with the procedures of applying to the competent authorities for registration, and notify the proprietor of the application acceptance. The university shall bear expenses of registering an invention and the commercial utilization of the same in cases of retaining ownership of the patent, so as to be

reimbursed by the same from the financial utilization of the invention in line with Article (10) of this System.

If the Deanship of Graduate Studies rejects an application and felt futile; it must notify the applicant of the same within a week from the date of this decision. An applicant is entitled to appeal the decision within (15) days of being notified of the same before the committee prescribed in Article (5) of the herein System.

Whether the registration is feasible or not from a practical viewpoint, the University of Bahrain retains the right to accept or decline moving forward with the patent registration procedures.

Appeals Committee

Article (5): The committee shall be formed by virtue of a decision from the President. It consists of three faculty members, one of whom is a Faculty of Law member, for a renewable one year term. The committee specializes in examining appeals against decisions of the Deanship of Graduate Studies. It must investigate and determine the causes and seriousness of rejections, invite the concerned applicant to discuss his/her case in person; hear the Deanship of Graduate Studies representative viewpoints; and examine evidences submitted by both parties. The committee may seek whoever it deems appropriate in terms of specialists and technicians from the University, or externally.

The Committee shall convene when necessary to decide on the submitted appeals; and shall issue recommendations by a majority vote and submit it to the President.

Patents Ownership

Article (6): All inventions produced directly or indirectly by virtue of a research project entrusted to a faculty member or a student during their employment or registration at UOB, are owned by the University of Bahrain. The university is the owner of a patent, and has the sole authority to financially utilize it in the forms it deems appropriate.

Ownership of a patent by the University shall be documented upon applying for a patent registration during the consequent year of terminating a working relation with the University; unless the proprietor

proves that he developed the invention after the working relation with the University is terminated.

Duties of the Proprietor

Article (7) each member, student or university employee who develops an invention or a creative work related, or is affiliated to his/her work at the University, must notify and cooperate with the Deanship of Graduate Studies by virtue of submitting all the required documents to complete the invention registration process .

The said competent persons are committed to confidentiality of an invention, and shall refrain from disclosing or submitting the same to publication without the previous written consent of the Deanship of Graduate Studies. If the invention was disclosed in any form during the review or registration processes; or that the proprietor submitted the invention to commercial offering, the Deanship of Graduate Studies is entitled to take any immediate steps it deems appropriate to remedy the situation .

Proprietor Rights

Article (8) A proprietor, despite devolution of the invention to the University, enjoys the literary rights of the same by virtue of maintaining his name in the patent, in line with provisions of the Bahraini Law No. (1) for 2004.

The right for a financial compensation in exchange for utilizing the invention is preserved for the proprietor, in line with the regulating provisions pertinent to the distribution of financial revenues that are prescribed in this System .

A proprietor, in cases where he discovers negligence or deliberate delay by the Deanship of Graduate Studies in applying to register the invention, is entitled to notify the President of the same, to take whatever steps necessary in light of the reached results .

Confidentiality

Article (9) researchers, who are entrusted with examining patent registration applications submitted by the Deanship of Graduate Studies

for purposes of ensuring its soundness, are required to maintain confidentiality of the invention .

University affiliates in general, and the Deanship of Graduate Studies employees in particular, are required to maintain information confidentiality to which they are exposed in the course of their duties of relevance to inventions and intellectual property rights. Moreover, they are required to refrain from disclosing the same to others. Any person contravening the aforementioned shall be held legally accountable, in line with the University regulations and systems .

Distribution of the Invention Financial Revenues

Article (10): the financial revenues of an invention, after deducting the expenses incurred by the University for registering and protecting a patent, shall be distributed as follows :

- 60% of the net income is allocated to the proprietor/s (provided it is equally distributed, unless there is an agreement stipulating otherwise).
- 10% is allocated to the Faculty of the proprietor.
- 30% is allocated to the budget of scientific research at UOB .

Wavering Patent Rights

Article (11): If the Deanship of Graduate Studies does not desire to move forward with the registration process of the invention rights, it is understood as an assignment on part of the University of its rights in a patent. As such, ownership of the patent is reverted to the proprietor inclusive of all the attached rights, who shall be entitled to commence the registration procedures and commercial utilization of the invention in person, without any aide from the university save any special arrangements made with the university .

The said assignment shall be considered valid when the Deanship of Graduate Studies does not move forward with any registration procedures within (3) months from the date of notifying the applicant of the patent registration approval .

The above does not preclude the university right to purchase the invention, or commence commercial utilization if it deems the same appropriate, in exchange for a financial return that is committed by the

university to the proprietor in light of the practical significance of an invention, and the forecasted financial revenue; provided the university requests the same within (3) months of knowing that the proprietor applied for registration at the competent authority .

Chapter Three

Copyrights and Other Intellectual Property Rights

Article (12): scientific researches made by the university shall be subject to the enforced systems in the fields of authorship, publication and scientific magazines at the university; save the stipulated regulating laws of authorship rights .

Students enjoy authorship rights for their literary and technical work; while provisions of Law No. (22) for 2006 on the Protection of Copyright and Neighboring Rights shall apply to determine if the intellectual contribution of a supervisor avails the opportunity for the same to be a co-author; without detriment to the university financial rights that result from any expenses or costs incurred by virtue of being associated with such works. The university shall retain the right to maintain copies of the student work, copy and display the same at exhibitions for scientific and academic purposes .

Article (13): other intellectual property rights in terms of materials, audio-visual equipment, electric circuits, engineering and architectural drawings, utility models and lectures; in addition to other intellectual property photographs and applications shall enjoy the determined legal protection as per the enacted laws .

Chapter Four

Final General Provisions

Article (14): industrial and intellectual property, along with all other associated rights is referred to the author/proprietor, as the case may be in the following conditions:

- a) If the faculty member completed a literary, technical work or invention before joining the University of Bahrain .
- b) If any and all links between the university and the invention or literary work are severed, whereas the author or proprietor completed the work on his own time not the official working hours; and that the university did not provide any materials, financial support or other facilities.
- c) If the literary, technical work or invention was not associated with any of the works entrusted to a member of staff, or a student such as graduation projects .

Article (15): the herein System shall apply to any invention under study, or at the planning or negotiation stage with regard to reaching an agreement between the university and funding entities. Registering patents shall be at the knowledge of the Deanship of Graduate Studies willingly not obligatory; if the invention was a result of a non-supported research, or not entrusted to the competent person by the university .

Article (16): The President – at the recommendation of the Dean of Deanship of Graduate Studies and Scientific Research – shall issue the executive bylaws of this System; and thus undertakes the necessary administrative and regulatory procedures to enforce provisions of the same .