

dignity, rights, safety, and well-being of all actual or potential research participants. To this end, it is important that in its composition, procedures, and decision-making, the Ethics Committee shall be independent of political, institutional, professional, and market influences. The scope of work of the Ethics Committee covers all research undertakings involving human participants such as Undergraduate Thesis, Master's Thesis, Doctoral Dissertations, and institutional research projects.

## **C. POLICIES**

The Southern Luzon State University will hold all, if not joint, the legal rights to all intellectual property conceived, first used (in case of trademarks), or reduced to practiced, discovered, or created, by any of its employees during their employment in SLSU. The university may also hold the legal right to intellectual property conceived, first used or reduced to practice, discovered, or created, by any student at the university.

The university will not hold any ownership rights in Intellectual Property to the extent that:

- Law provides that some party other than the university holds one or more of such rights;
- The Intellectual Property was produced both outside the scope of the faculty or staff member's employment;
- The Intellectual Property was produced by gratis faculty.

### **1. Protection of Intellectual Property**

On the national level, Republic Act 8293 or the Intellectual Property Code of the Philippines (IP) Code is the law that covers intellectual property and its protection. The IP code contains the Law of Trademarks, Service Marks, Trade Names and industrial designs, and utility models. Copyright includes literary (writing) and artistic works (e.g., painting, sculpture, cinematography, photographs). Under the IP Code, inventions are protected by patents; utility models, and industrial designs by their registration; and computer programs, literary, scholarly, and artistic works by copyright.

According to Section 30 of the IP code, there are certain conditions to satisfy to determine the ownership of the patent of the intellectual property, particularly if work was commissioned.

An employer-employee relationship exists between the college and the researcher/ faculty. As such, it is understood that the researcher/ faculty conducts research commissioned by the college. Under Section 30 of the IP Code-Interventions Created Pursuant to a Commission-the person who commissions the work shall own the patent unless otherwise provided in the contract. However, the following subsections provide that:

In case the employee made the invention in the course of his employment contract, the patent shall belong to:

- a. the employee, if the inventive activity is not part of his regular duties even if the employee uses the time, facilities, materials of the employer; or,
- b. the employer, if the invention is the result of the performance of the regularly assigned duties unless there is an agreement, expressed or implied, to the contrary.

## **2. Copyright Ownership**

### **a. University-financed research**

- 1) If the work in which copyright subsists was made in the course of the official duties of the official author/s, the copyright shall belong in joint ownership to the College and the authors/s.
- 2) If the work to be copyrighted is not done as part of the official duties but was produced with financial assistance from the university, shall be reimbursed out of the royalty derived from the work subject to conditions set in the agreement covering the assistance.

### **b. Commissioned Research**

- 1) Where the work is commissioned by the university, the copyright shall belong to the university and the creator(s) jointly.

- 2) If the work is commissioned by an outside entity, the entity whether public or private, ownership of the copyright shall depend on the agreement governing the parties.

**c. Collaborative Works.** If the object of the copyright is a result of collaborative efforts of the university, an outside entity, and the authors(s), the copyright shall belong in joint ownership among the university, the author(s), and the outside entity.

### **3. Patent/Utility Model/Industrial Design Ownership**

#### **a. University-financed research**

- 1) Intervention and discoveries resulting from university-financed research conducted during the inventor's employment with the college and/or with the use of university facilities and resources shall belong to the university and the inventor/s.
- 2) When the assistance extended by the university is substantial in terms of facilities and resources, the entire right, title, or interest in and to a patent shall be assigned to the university for a period of time as may be determined by the proper university authorities which shall not be less than ten (10) years reckoned from the date of approval of the patent.

**b. Student research.** Technology, intervention, invention, and discoveries resulting from a student's academic journey in the university will be jointly owned by the university, faculty member, and the student especially if the projects are accomplished as a result of a thesis or course/class activity. Other circumstances where the ownership must be shared with other parties could include:

- 1) **Sponsorship of Research Project.** Ownership of IP from the project will usually be covered by the research contract between the student, sponsor agency, and/or the university.
- 2) **Use of university resources.** Where the student makes substantial use of SLSU's facilities, equipment, IP, and

other resources, the IP generated is jointly owned by the university and the student.

**c. Commissioned research**

- 1) Inventions and discoveries resulting from research commissioned by SLSU shall belong in joint ownership of the university and the inventor/s.
- 2) When the invention and discovery are produced under the sponsorship of an outside entity or an externally funded project, the outside sponsoring agency may be considered co-owner of the IP, unless there is an agreement in writing the contrary.

**d. Collaborative research.** Invention and discoveries resulting from experiments or research undertaken in collaboration with an outside entity shall belong to the university, the inventor, and the outside entity in joint ownership; provided that the collaborator is a government entity and that the contribution of such entity is substantial.

**4. Obligation to Disclose**

While it is recognized that faculty research and expertise is concentrated in areas other than commercial utilization, originators of new technology developed in the university are strongly encouraged to submit an invention disclosure to ITSSO, especially if the technology is novel and has commercial potential.

Based on the SLSU's Intellectual Property Policy, as soon as the researcher, inventor, or creator recognizes that there may be novelty, inventive step, and potential for commercial utilization, there exists an obligation to bring these results to the attention of the university through the ITSSO.

If, in the absence of timely disclosure, commercial utilization of a technology or knowledge product of the university takes place with direct or indirect involvement of the originator/s, but without SLSU's involvement, it will be deemed that the originator/s have not fulfilled their obligation to disclose. Hence, SLSU may:

- a. Take whatever legal and/or business actions is indicated to protect its rights and rightful share of financial benefits; and,
- b. Deny to the originators/s any share of revenues which would otherwise accrue to them under the SLSU's Intellectual Property Policy.

## **5. Intellectual Property Policy for Instructional Materials**

### **a. Ownership of Material**

The Intellectual Property Code of the Philippines (Republic Act 8293) provides the principle "fair use" for the reproduction and distribution of particular copyrighted works for educational purposes, specifically instructional materials. According to Section 185 of the IPR, "fair use of a copyrighted work for criticism, comment, news reporting, teaching including multiple copies for classroom use, research, and similar purposes is not an infringement of copyright."

Nevertheless, these instructional materials (which include course guides, textbooks, worksheets, assessment materials, and learning modules), created by SLSU Faculty and Staff specifically for university use, are types of creation that have resulted from academic scholarship in the university and, thus, are subject to the following guidelines:

- 1) The owners of the instructional material will be both the authors and SLSU. The authors must always be credited and properly cited whenever these materials are used, copied, and distributed. However, if the authors terminated their contract or have resigned from the university, SLSU may still use their instructional materials because of the joint ownership policy.
- 2) Unless the faculty members develop, create, or assist in developing or creating the instructional material entirely on their own time, without the instruction or not commissioned by the university and without the use of the university's facilities or equipment, the IP rights remain with the author/s and the university

rights are limited to free (no cost) use in teaching, research, extension, etc. in perpetuity (University IP Policy, 2008).

- 3) The authors may not use the materials for commercial purposes — for instance, sell the instructional materials to students enrolled in the course. However, if it has been fully developed into a textbook (even in electronic form) and made to be commercialized, revenue must be shared by the author and the university. Based on the SLSU IP Policy, revenues generated from IPs (even without copyright) shall be shared in the following proportion: 60 percent for SLSU and 40 percent for researcher-inventors.

#### **b. Information Sources of the Material**

The instructional material created in the university must be original and a result of the author's intellectual effort, experience, reading and study, critical analysis, and synthesis. The ITTSO shall assist in subjecting all instructional materials to originality tests or plagiarism checks. The material must obtain a similarity score of 10% or less to be approved for use.

- 1) **The number of Work Citations.** Each module should at least cite five authors/works or more. Authors and works should be cited using the APA (American Psychological Association) 7th edition format. Hence, faculty members should include an in-text citation and a reference list in each learning module. They must discern literature to be used in the module, considering the credibility and validity of the information used.
- 2) **Use of Printed and Electronic Text-based Materials.** In copying materials for educational purposes, the rule of thumb is that copying must not result in replacements or substitutes for the purchase of books, reprints, periodicals, tests, workbooks, compilations, or creative works. The following guidelines for the copying of works for instructional materials are adapted and lifted from

the Library of Congress' *Reproduction of Copyrighted Works by Educators and Librarians*.

The following will be considered 'Permissible Copying' under the Fair Use Principle for the instructional materials:

- 1) Poetry: (a) A complete poem if less than 250 words and if printed on not more than two pages or, (b) from a longer poem, an excerpt of not more than 250 words.
- 2) Prose: (a) Either a complete article, story, or essay of fewer than 2,500 words, or (b) an excerpt from any prose work of not more than 1,000 words or 10% of the work, whichever is less, but in any event a minimum of 500 words.
- 3) Illustration: One chart, graph, diagram, drawing, cartoon, or picture per book or periodical issue. The instructor or author may use a photograph or illustration in its entirety but no more than five (5) images by an artist or photographer may be reproduced or otherwise incorporated as part of the instructional material. Moreover, the images must still be cited using the APA citation style.
- 4) Not more than one short poem, article, story, essay, or two excerpts may be copied from the same author, nor more than three from the same collective work or periodical volume during one class term

Notwithstanding any of the above, the following shall be considered 'Prohibited Copying':

- 1) Copying shall not be used to create or to replace or substitute for anthologies, compilations, or collective works. Such replacement or substitution may occur whether copies of various works or excerpts therefrom are accumulated or reproduced and used separately.
- 2) There shall be no copying of or from works intended to be "consumable" in studying or teaching. These

include workbooks, exercises, standardized tests, test booklets, answer sheets, and the like.

3) Copying shall not:

- a) Be a substitute for the purchase of books, publisher's reprints, or periodicals;
- b) Be directed by higher authority; and,
- c) Be repeated with respect to the same item by the same teacher from term to term unless the authors have sought the original authors' permission and have informed them that the particular material will be used as part of the curriculum.

**c. Use of Music and Multimedia.** The following are guidelines for using and creating music and other multimedia projects in the instructional materials:

- 1) Authors or instructors may incorporate portions of lawfully acquired copyrighted works (music and video) when producing their educational multimedia projects or instructional materials. They must always cite and credit using the APA citation style the music and video clips used. Hence, copying of all multimedia must be done with the inclusion of the copyright notice.
- 2) Instructors may upload lawfully acquired copyrighted works in a network or system for only 15 days after its first real-time remote use in the course of instruction or 15 days after its assignment for directed self-study. They should advise students not to make their copies of the educational multimedia project. However, if the multimedia is available on multimedia sites for free, the instructor may direct the students to the original publication site.
- 3) In making their educational multimedia, the instructors or authors may use a photograph or



illustration in its entirety, but no more than five (5) images by an artist or photographer, and may be reproduced or otherwise incorporated as part of an educational multimedia project. Moreover, they must still cite the images using the APA citation style.

## **6. Production, Distribution, Commercialization, and Marketing**

If the work in which copyright and other IP registration subsist is financed in full or in part by the college, or if the work is commissioned by the college, the work shall be submitted to the Vice President for REPDI, ITSSO Director, Production Services Director, and the Intellectual Property Committee. These parties shall review and evaluate the work and shall determine the manner of production, marketing, and utilization of the work. They shall communicate the result of the review and evaluation to the originators.

### **a. Faculty and staff incentives for granted Intellectual Property Applications**

To motivate researchers in the SLSU, there are categories of privileges and incentives: 1) funding support and consultations for the IP Application; 2) royalties from income-generating research or projects subject to existing University Policies on Intellectual Property Rights; 3) credit for performance and NBC evaluation; and, 4) monetary incentives. SLSU shall give an amount of PHP 10,000 for every patent and PHP 5,000 for every utility model approved, respectively. Based on the SLSU Technology Transfer Protocol, an additional incentive of PHP 80,000.00 shall be given to each technology (utility model, patent, or industrial design) adopted for commercialization (licensing, outright sale, or spin-offs). The respective amounts will be prorated among all authors. Only authors who are organic to SLSU and who have provided the necessary documents for application are entitled to the incentives. They must submit a copy of the patent/utility model certificate prior to the payment of the monetary incentive.

### **b. Royalty from Copyrighted Works and Inventions**

The owners of the copyright (originators, SLSU, and other collaborators) shall share with the royalty derived from

inventions and copyrightable works, subject to the following guidelines unless there is an expressed agreement to the contrary:

- 1) The share of the party who undertakes the production, distribution, and marketing of the work shall neither be less than twenty percent (20%) nor more than eighty percent (80%), depending on the assistance extended by the college or unit to the creator/s.
- 2) If the sharing is based on net income, the share of creator/s shall not be less than eighty percent (80%), depending on the assistance extended by the college or unit to the creator/s.

If the work is produced in an institute, center, or unit attached to an academic unit, both shall share the royalty allotted to the university.

The share in the royalty of an external agency that is co-owner of the intellectual property, pursuant to these rules, shall be subject to the policies of both the college and the external agency concerned. It shall neither be less than twenty percent (20%) nor more than eighty percent (80%) depending on the following:

- 1) The nature and type of invention or percent contributed work; and,
- 2) The extent of assistance or contribution of the SLSU and /or outside entity.