

Policy: Intellectual Property

Policy Reference: C-GA-006
Version: 2
Person Responsible: CEO

1. Policy Statement

Bahrain Polytechnic is committed to encouraging, recognising and rewarding creative work and the dissemination of knowledge as it considers such efforts as a valuable asset.

The policy and its guidelines are based on current legislation, ethical use of materials and resources and copyright licensing agreements. It describe information in relation to capture, protection and commercialisation of Intellectual property, copyright, patent and inventions arising from their research activities at the Polytechnic to detail the benefits accruing to and duties owed by faculty members, staff and students under this policy.

2. Definitions

Administration Material: Include policies and procedures, plans, contracts and agreements, subject course outlines, assessment documents, reports and brochures.

Copying: Reproducing, recording or storing a work in any form (including both material and digital formats) in any medium and by any means.

Copyright: Is the ownership and control of the intellectual property in original works of authorship which are subject to Copyright Law.

Copyright Material: Any literary, dramatic, musical, and artistic works containing the original creative output of authors and creators including but not limited to photos, videos, sound recordings, films, communication works and typographical arrangements of published editions. The content of a database can also be covered by copyright, if there has been significant intellectual investment in the way the database has been designed.

Course Materials: Materials created by Bahrain Polytechnic staff members which are (or could be used) in the delivery of any course at or on behalf of Bahrain Polytechnic. These include (but are not limited to) student assignments, computer software/hardware, consumable materials, course descriptors, diagrams, examination/assessment materials, flowcharts, artwork, hand outs, models, compilations, proprietary lab equipment, radio and television broadcasts, website pages, resource manuals, still and moving images and sound recordings.

Intellectual Property (abbreviated as IP): Includes the results of any creative effort and the legal rights related to them. Specifically, IP includes all original work governed by the Copyright Law,

Patents Law, Trade Marks Law and any other Kingdom of Bahrain intellectual property laws or regulations. IP includes the rights related to (but not limited to) the following:

- literary, creative, artistic and scientific works
- performances
- inventions and scientific discoveries
- know-how
- industrial designs
- trademarks, service marks, commercial names, designations
- electronic media, software, computer programmes
- course materials, course design, course content
- research data
- confidential information, 'trade secrets'

Work: Any or all of the items, plus any effort to develop something tangible in which Intellectual Property exists.

Inventions: Intellectual property of any kind whatsoever whether complete or incomplete arising in the course of academic research and/or other work at the Polytechnic including but not limited to devices, products, processes, methods, technologies, discoveries or computer software.

Patents: The term "Patents" refers to the rights to intellectual property which are, or may in the future be, conferred by law including but not limited to patents, short term patents, registered or unregistered designs, copyright and trademarks.

Inventor: The term "Inventor" means the person or people making a significant and material innovative contribution to the generation of the Invention.

A Non-Disclosure Agreement (NDA): a confidentiality agreement, Confidential Disclosure Agreement (CDA), or secrecy agreement, is a legal contract between at least two parties that outlines confidential information or knowledge the parties wish to share with one another for certain purposes, but to which they also wish to restrict access to. It is a contract through which the parties agree not to disclose information covered by the agreement. An NDA creates a confidential relationship between the parties to protect any type of confidential and proprietary information or a trade secret.

3. Application

People:

This policy applies to staff members, students, visiting academics, guest speakers, contractors of Bahrain Polytechnic and any party creating Intellectual Property using Bahrain Polytechnic resources.

Processes:

This policy applies to all Intellectual Property, Inventions, patent, copyright material, administration material and all programmes and courses offered by Bahrain Polytechnic, including those delivered by the Polytechnic in co-operation with or under contract to another body in Bahrain or overseas, regardless of type of delivery.

4. External Requirements

This policy helps Bahrain Polytechnic meet the following external requirements:

- Royal Decree No. 65/2008.
- Cabinet Affairs.
- The laws and regulations of Kingdom of Bahrain related to Intellectual property and copy right. These include:
 - Law No. 22 of the Year 2006 relating to the Protection of Copyright and Neighbouring Rights (2006) القانون رقم (22) لسنة 2006 بشأن حماية حقوق المؤلف والحقوق وتعديلاته.
 - Law No. 12 of 2006 Amending some Provisions of Law No. 7 of 2003 Pertaining to Trade Secrets (2006) القانون رقم (7) لسنة 2003 بشأن الأسرار التجارية (2006) وتعديلاته
 - Law No. 14 of 2006 Amending some Provisions of Law No. 1 of 2004 in Respect of Patents and Utility Models (2006) القانون رقم (14) لسنة 2004 بالموافقة على انضمام مملكة البحرين إلى معاهدة الويبو بشأن حق المؤلف
 - Law No. 6 of 2006 on Industrial Designs and Models (2006) القانون رقم (6) لسنة 2006 بشأن الرسوم والنماذج الصناعية
 - Law No. 1 of 2004 on Patents and Utility Models (2004) القانون رقم (1) لسنة 2004 بشأن براءات الاختراع ونماذج المنفعة المعدل بالقانون رقم (14) لسنة 2006
 - Law No. 44 of 2005 Approving the Accession of the Kingdom of Bahrain to the Patent Cooperation Treaty (PCT) and its Regulations (2006) القانون رقم (44) لسنة 2005 بالموافقة على انضمام مملكة البحرين إلى معاهدة التعاون بشأن البراءات ولائحتها التنفيذية
 - Law No. 19 of 2005 Approving the Accession of the Kingdom of Bahrain to the Patent Law Treaty (PLT) and Regulations (2005) القانون رقم (19) لسنة 2005 بالموافقة على انضمام مملكة البحرين إلى معاهدة قانون البراءات ولائحتها التنفيذية

5. What is expected

- The Polytechnic clearly stipulates under what conditions Intellectual Property rights may remain with the originator and when joint ownership may be negotiated-
- Management, staff members and students will distinguish between ownership of, and the benefits derived from, Intellectual Property.
- Explicit provision will be made for benefit sharing between the creators of Intellectual Property and Bahrain Polytechnic, even when ownership is not similarly shared.

- Staff members and students will be encouraged to identify Intellectual Property that may have commercial potential, will disclose this to Bahrain Polytechnic management and will be rewarded for such work.
- Current and former Bahrain Polytechnic staff and students will not use or disclose for any unauthorised purpose any Intellectual Property owned by Bahrain Polytechnic or any invention, development or computer programme to which they have access, without clear permission from the Chief Executive or delegate.
- Where Bahrain Polytechnic is the sole owner of Intellectual Property rights, it may sell, share or transfer those rights to another party as it sees fit, with or without any conditions. However, Bahrain Polytechnic also recognises the moral rights of the originator and will be committed to notifying the originator where feasible of its intention to sell/share/transfer such rights.
- That Bahrain Polytechnic staff are aware of and comply with copyright legislation and licensing contracts and to protect material produced by Bahrain Polytechnic and its agents.
- To provide appropriate incentives to Bahrain Polytechnic staff and students to identify and develop commercially viable Inventions arising out of their research and / or other work;
- to investigate patentability and obtain Patent protection for such Inventions when appropriate;
- to enable technology transfer for such Inventions, and accord a fair share of the financial benefits of such commercialisation to the Inventor and the Polytechnic;
- to optimise the use Bahrain Polytechnic's share of the financial and other returns from the commercialisation of Inventions in advancing and encouraging applied research and commercialisation at the Polytechnic.

6. Key Dates

First Approved:	(1) 12 December 2010 by SMT (2) 22 May 2016 by SMT
This Version Approved:	22 May 2016 by SMT, 29 May 2016 by BoT
Next Review Date:	4 years from the approval date or as required

7. Links and Related Documents

- Related Policies:
 - Academic Integrity and Honesty Policy A-AB-003
 - Research and Scholarly Activities Policy A-AB-013
 - Marketing and Communications Policy C-MK-001
- Related Forms:
 - Collaborative Research Project
 - Invention Disclosure Form and its Guidelines
 - Intellectual Property (IP) Assignment Agreement