

Pursuant to the provisions of Article 20 of the Council of Higher Education and Universities Act, University Council approved the project of Intellectual Property and Technology Licensing Program Bylaws at King Saud University in its first session in 22/11/1430h., corresponding to 10/11/2009g.

Intellectual Property and Licensing of Technology Program Bylaws at King Saud University

Premise:

Since King Saud University (KSU) aims to become a distinguished center for science and knowledge and a major contributor to knowledge-based society that bolsters the advancement of the total growth and development process in Kingdom of Saudi Arabia;

Since KSU desires to encourage inventors to accelerate the registration of their inventions and transform their innovative and creative ideas into real commercial and industrial products, through partnership with different economic sectors, both public and private, for achieving total scientific development and

Since KSU believes in contributing to the activation of protection and support of intellectual property rights.

Therefore, the idea of creating the Intellectual Property And Technology Licensing Program came about so as to become the channel through which inventors can obtain all methods of support for protecting, filing, marketing and transforming their inventions into commercial and industrial products; and become an active tool for supporting intellectual property rights inside and outside KSU. All in all, this will result in preserving the rights of both KSU and the inventors, increase the trust between KSU and different commercial and industrial sectors and build a long-lasting and sustainable partnership between KSU and the manufacturers and entrepreneurs, with the objective of technology localization and building knowledge-based economy.

Article 1: Definitions

The following words and phrases, wherever they appear in these bylaws, shall have the specified meanings, unless otherwise stated:

1. KSU: King Saud University
2. Vice Rectorate: Vice Rectorate for Knowledge Exchange and Technology Transfer.
3. Program: Intellectual Property and Technology Licensing Program
4. Faculty Members: Professors, Associate Professors and Assistant Professors
5. Faculty Members Equivalents: Lecturers, instructors, Technicians and Assistant Researchers

Article 2: Program Objectives

The Program aims to achieve the following objectives:

1. Providing adequate facilities to encourage inventors to accelerate filing their inventions through easy procedures.
2. Help transform new inventions into real commercial and industrial products.
3. Participating in technology transfer, localization and development locally, and building knowledge-based economy in KSA.
4. Support the preservation of intellectual property rights inside and outside KSU, and suggesting necessary policies and procedures.
5. Disseminate the culture of innovation and invention inside and outside KSU, and building a new generation of researchers and inventors in different scientific and technical aspects.

Article 3: Duties and Responsibilities

The Program is responsible for the following:

1. Study the applications for supporting the protection, assessment and financing of inventions.
2. Finance the filing of the inventions.
3. Licensing the inventions filed by the Program.
4. Study the applications for marketing and exploiting the filed inventions, produce them industrially and commercially and assess the opportunities of their success in the markets.
5. Provide proper conditions for producing, marketing and exploiting the filed inventions commercially or industrially.

6. Manage KSU interests regarding intellectual property rights and take necessary procedures for protecting them.
7. Provide scientific, technical and legal advice regarding intellectual property in general, and patents in particular.
8. Suggest proper amendments to these bylaws and its executive rules.
9. Spread the culture of invention and respect of intellectual property rights inside and outside KSU through organizing seminars, lectures and workshops related to intellectual property and technology transfer, and distributing educational and instruction publications geared for such purpose.
10. Communicate, prepare and coordinate cooperation programs, and exchange expertise with local and international organizations, institutes and authorities dealing with intellectual property and technology transfer.

Article 4: Program Beneficiaries

The following shall benefit from Program services:

1. All inventors of KSU affiliates: Faculty members, Faculty members equivalents, employees, collaborators, visiting professors or students who accomplish their inventions while practicing their academic job or because of receiving financial, technical or actual support provided by KSU directly; or through scholarships and finance programs and cooperation agreements with third parties; or through research chairs; or because of using KSU equipment, tools, labs or incubators; or when they accomplishes their inventions using their own personal resources.
2. Saudi and non-Saudi non-KSU affiliates inventors, inside or outside KSA, may benefit from Program services according to terms and conditions set by KSU.

Article 5: Program Scope

1. The Program is the only authority that deals with all issues related to all intellectual, industrial and commercial property.
2. The Program shall support invention filing applications that meets all terms and conditions required by laws and regulation governing intellectual property.

Article 6: Program General Supervision

KSU vice Rector for Knowledge Exchange and Technology Transfer shall be in charge of general supervision over Program performance, and shall have the following duties in particular:

1. Direct Program general policy.
2. Assess Program performance and submit an annual report to KSU Rector.
3. Approve Program general performance reports.
4. Approve Program annual report.
5. Submit recommendations to KSU Rector regarding the assignment of Program Supervisor, Executive Committee members and define their salaries and rewards.
6. Submit recommendations regarding recruiting Program Management employees and define their salaries and rewards.
7. Submit recommendations regarding recruiting experts in all Program fields and duties.

Article 7: Executive Committee

Executive Committee shall be formed of the Supervisor, five members of KSU staff and a Legal Advisor. Based upon recommendation from Vice Rector for Knowledge Exchange and Technology Transfer, the Committee shall be appointed by a resolution from KSU Rector for three renewable years.

Article 8: Duties of Executive Committee

Executive Committee shall have the following duties:

1. Suggest Program general policy within the objectives defined by these bylaws and submit it to KSU Council for approval.
2. Study applications for supporting the filing, marketing, exploitation of patents and take necessary resolutions.
3. Study the contracts related to the Program and submit proper recommendations.
4. Review Program annual report, annual budget and balance sheet and submit them to Vice Rector for Knowledge Exchange and Technology Transfer.
5. Suggest Program rules and regulations.
6. Define Program performance assessment criteria.
7. Form committees and special groups that help achieving Program objectives.
8. Approve holding seminars, workshops and study groups according to KSU regulations.

Article 9: Meetings of the Executive Committee

The Executive Committee shall hold a regular meeting once every month. The meeting shall be valid only if attended by two thirds of its members. The Executive Committee may hold extra ordinary meetings upon request from Program Supervisor or half of its members. In such case, the meeting shall discuss only the issues for which the meeting was held. Resolutions are issued by majority votes. In case of a tie, the side of the Supervisor shall prevail.

Article 10: Program Supervisor

Program Supervisor shall be assigned from faculty members by a resolution from KSU Rector based upon nomination from Vice Rector for Knowledge Exchange and Technology Transfer, for a period of three renewable years. Program Supervisor shall preside the Executive Committee.

Article 11: Duties of Program Supervisor

Program Supervisor shall manage program duties; supervise his own duties as stipulated herein. He shall perform the following duties in particular:

1. Execute all procedures related to applications of patent support and filing, or applications related to providing scientific or technical advice regarding intellectual property in general and patents in particular.
2. Execute all procedures related to marketing, exploiting, investing patents industrially or commercially.
3. Prepare Program strategic plans and general policy.
4. Suggest rules and regulations, executive rules and instructions related to filing, protecting, exploiting or marketing filed patents.
5. Prepare Program application, contract and agreement forms.
6. Follow up procedures related to recruiting experts within the Program scope of work.
7. Spend Program appropriations.
8. Prepare periodical and annual reports about Program activities and submit them to the Executive Committee.
9. Prepare Program annual budget and submit it to the Executive Committee.
10. Recommend financial rewards for Program Executive Committee members and employees.
11. Suggest financial and human resources needs for the Program.

12. Organize seminars, workshops, lectures and other Program activities.
13. Participate in preparation and coordination of cooperation programs and exchange expertise with other local and international Intellectual Property organizations and institutes.

Article 12: Application Procedures

All inventors stated in the above article 1.4 who have reached an invention must apply for support for filing his invention to Intellectual Property and Technology Licensing Program according to the following procedures:

1. Inventor shall apply to Program Management for filing his invention using the form approved by Program Management. The application must include the following:
 - a. Invention Disclosure Form.
 - b. A clear description of the invention or invention project.
 - c. Approval of his department or the supporting body, if any.
2. Application shall be submitted to Program Secretary, given a serial number according to date of submission and the applicant shall receive a receipt
3. Application and all attached documents shall be sent to Program Supervisor to submit to Executive Committee for consideration and reaching proper resolution.

Article 13: Application Review and Assessment

1. Program Management shall insure that the application meets the formalities of these bylaws and other applied regulations within the scope of Intellectual Property. It shall also review and assess invention filing support applications, and may use expert reviewers form inside and outside KSU. Foreign expertise may also be used.
2. Program Management may request the applicant to complete certain explanations, formalities or subjective issues needed for review and assessment. Applicant must complete such requests within three months of notification. If such requests were not completed, Program Supervisor may then take necessary procedures.

Article 14: Duties of Assessment Committees

Assessment Committees shall make a preliminary review for the application to insure meeting the necessary terms and conditions of filing the invention.

Article 15: Nondisclosure of the Confidentiality of the Invention

All who may have viewed the application, regardless of their executive or legal position, must keep confidential all the technical information contained in the application, refrain to disclose it to third parties or use it in whatsoever method. All who fail to abide by this confidentiality provision shall assume civil and criminal liability for all material and moral damages according to applied rules and regulation in KSA.

Article 16: Processing the Applications

1. Program Management shall decide to approve or reject to perform filing procedures within two months of the date of submitting the application. In case of delay or unreasonable default, applicant may submit a complaint to the General Supervisor for taking necessary actions.
2. Program Management must explain the reasons behind its decision of approving or rejecting the application, and notify the applicant of such.

Article 17: Execution of Decisions

If the Executive Committee recommended the approval of the application, it shall define the necessary budget to complete the procedures of filing the invention. Program Supervisor shall assign the person who will complete the filing process, and issue the appropriated amounts according to applied rules and regulations.

Article 18: Stopping the Execution of the Decisions of Approved Applications

In case of any objections to filing any invention, Program Management shall stop taking any administrative or financial procedures till resolving such objection.

Article 19: Complaints against Rejected Applications

Applicants may file complaints against rejecting their applications to the Complaints Committee within sixty days of receiving notification of such rejection.

Article 20: KSU Propriety Rights of the Invention

KSU shall be the proprietor of all patents filed by inventors of its employees or students if they reach such inventions while practicing their regular functional or academic duties; or because of the financial, technical or material support granted to them directly by KSU or as a result of using KSU equipment, tools, labs, incubators or research chairs.

According to provisions of paragraph 2 of article 4 of these bylaws, any patents filed via the Program shall be KSU propriety.

Article 21

Taking into consideration the provisions of article 20, KSU has the sole rights of propriety to the invention, and can exploit it commercially or industrially by all legal

methods. KSU may, upon recommendation of University Council, assign all or some of such rights in return of money or free of charge.

Article 22

Inventor shall have the right of propriety to his invention and all other indirect rights in the following cases:

1. If Program Management resolves to reject filing the invention, unless the rejection was due to negligence or deliberate default from the applicant.
2. If the inventor has accomplished his invention before joining KSU.
3. If the inventor proves to Program Management that he has accomplished his invention using his own resources and efforts, and did not get any financial, technical or material support from KSU.

Article 23: Program Commitments

1. Program Management must file all approved inventions at KSA proper authorities, and is entitled to file it in more than one authority outside KSA.
2. Program shall pay the annual fees of patents for five years. After such period, Program Management may pay such fees for another period at its own discretion based upon the feasibility study of the invention and KSU interests.
3. Program shall provide necessary facilities, services and technical and legal advice that help marketing, exploiting and investing the inventions filed through the program, based upon certain rules defined by Program Management.
4. After obtaining approval from University Council, Program undertakes to market and license the invention according to criteria and controls defined by Program Management.

Article 24: Inventor's Moral Rights

Inventor shall all moral rights as stipulated in KSA applied laws and regulations. As the proprietor of the invention, KSU cannot prevent the inventor from claiming the invention in his own name; using the invention in researches, seminars, lectures and conferences; submitting the invention for scientific promotion or submitting the invention for nomination for medals, shields and rewards.

Article 25: Honoring the Inventors

1. Program shall issue an appreciation letter and a medal to the inventor after obtaining the patent.

2. After obtaining the patent, and upon prior approval from University Council, Program Management may grant the inventor who files his invention through the program a financial reward, at its own discretion.

Article 26: Distributing Financial Revenues

1. In case of obtaining technology license for the invention that has been filed and exploited commercially or industrially, and upon prior approval from University Council, the financial revenues shall be distributed between KSU and the inventor as follows:
 - a. Filing fees and expenses and any other legal expenses shall be deducted.
 - b. The balance of the financial revenues shall be distributed as follows:
 - i. 60% for the inventor.
 - ii. 10% for the Program.
 - iii. 10% for inventor's department.
 - iv. 10% for inventor's college.
 - v. 10% transferred to the account of scientific research savings.
2. If the inventor was not a KSU affiliate, or was a KSU affiliate but accomplished his invention using his own resources and efforts, the balance of the financial revenues after deducting the expenses listed in paragraph 1-a of this article shall be distributed as follows:
 - i. 60% for the inventor.
 - ii. 10% for the Program.
 - iii. 15% for KSU Awkaf
 - iv. 15% transferred to the account of scientific research savings.

Article 27: Complaint Committee

1. Complaint Committee shall be formed of three members, one of them is a Legal Advisor. They shall be assigned by a resolution from KSU Rector for three renewable years.
2. The Committee shall be responsible for reviewing the complaint subject matter, reasons of rejecting the application and seriousness of the application. The Committee shall summon the complaint applicant and hear and discuss his arguments in his presence; then the Committee shall hear and discuss Program

Management's arguments in its presence. The Committee may summon any specialists or technicians at its own discretion.

3. The Committee shall meet upon request for settling complaints related to rejected support applications of invention filing, according to the procedures defined by Program Executive Rules.
4. The Committee shall issue its awards regarding the complaint anonymously or by majority. The minutes shall explain the adverse opinion, if any, and the arguments of both opinions. All interested parties may challenge the award before KSU Council within 30 days of notifying the parties of the award.

Article 28

These by laws shall govern any amendments and changes made by the inventor, after the patent was issued, to the invention filed through the Program during the period of legal protection of the patent, unless otherwise agreed between parties.

Article 29

The propriety of the inventions that has been reached via agreements, contracts, scholarships and finance programs entered by KSU and third parties; and the distribution of financial revenues resulting from commercial or industrial exploitation; shall be governed by the terms and conditions agreed with third parties, if any.

Article 30

All legal disputes arising from the application of these bylaws shall be settled by proper authorities in KSA.

Article 31

These bylaws shall be in full effect as of the date of its approval by KSU Council who has the right of construing them and cancellation of all contradictions.

Article 32

Anything not clearly expressed in these bylaws shall be governed by applied laws and regulation in KSA.

Monday 26/08/1430 (h)