



**RESEARCH, INTELLECTUAL
PROPERTY AND
CONSULTANCY POLICIES
2018**

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I. INTRODUCTION

This policy prescribes that research, invention and innovation form a necessary and significant part of the functions of a higher learning institution. This is demonstrated clearly in the Research Management Centre (RMC) of Infrastructure University Kuala Lumpur (IUKL) mission statement:

“To provide a unique and substantial research support in encouraging continuous and lifelong research experience.”

This IUKL research, intellectual property and consultancy policies serve as a guide to all academic and non-academic staff to understand the systems and processes which have been developed for the effective implementation of research grant application, evaluation and approval, as well as for intellectual property development for commercialisation process, and expert consultancy activities.

II. OBJECTIVES

The objectives of this IUKL research, intellectual property and consultancy policies include:

- i) Encourage academic and non-academic staff’s involvement in research activities;
- ii) Improving researchers’ capability and supporting new technological development;
- iii) Promoting collaboration and relations with local, national and global partners including industry, business, commerce, government, agencies, private companies, professional bodies, educational establishment and the community in general through research activities;

- iv) Transforming knowledge into products, processes, services or solutions that add values for socio-economic benefit;
- v) Ensuring research culture and enthusiasm to be embedded among the academic and non-academic staff in the institution;
- vi) Support new discoveries, invention and innovation for the benefit of mankind;
- vii) Commercialize research discoveries and technology developed at the University;
- viii) Network with the industry for consultation and commercialization purposes;
- ix) Promote collaborations with other universities in technology transfer, academic and training programs and related matters;
- x) Give recognition to staff who can generate income for the University;
- xi) Encourage experienced consultants to train new academics to ensure the continuation and strengthening of expertise;
- xii) Work with private companies to complement their expertise to handle the needs of a multi-disciplinary project as required by the client.

III. SCOPE

This research policy should be applied to all academic and non-academic staff of IUKL. However, this policy is not extended to part-time staff of IUKL.

IV. TERMS AND DEFINITIONS

The following terms are used in this policy document with specific meanings:

- i) **Commercialization** means any form of exploitation of Intellectual Property, including assignment, licensing, internal exploitation within the University and commercialization via a spin-off enterprise.

- ii) **Consultation** refers to an activity involving a person or a group of people to provide expert services or skills with or without payment.

- iii) **Consultant** refers to all IUKL academic staff engaged in consultation work.

- iv) **Innovation** refers to a new idea, device or method developed after significant research which is novel and has commercial value.

- v) **Invention** refers to the creation of a new and novel product or process.

- vi) **Inventor** means the Researcher who contributed to the creation of the Intellectual Property.

- vii) **Intellectual Property** means inventions, technologies, developments, improvements, materials, compounds, processes and all other research results and tangible research properties, including software and other copyrighted works.

- viii) **Intellectual Property Rights (IP Rights)** means ownership and associated rights relating to Intellectual Property, including patents, rights in utility model, plant breeders rights, rights in designs, trademarks, topography rights, know-how, trade secrets and all other intellectual or industrial property rights as well as copyrights, either registered or unregistered and including applications or rights to apply for them and together with all extensions and renewals of them, and in each and every case all rights or forms of protection having equivalent or similar effect anywhere in the world.

- ix) **Researcher** means
- a. Persons employed by the Institute, including student employees and technical staff;
 - b. Students, including graduate and postgraduate students of the Institute;
 - c. Any persons, including visiting scientists;
- who use the University resources and who perform any research task at the or otherwise participate in any research project administered by the University, including those funded by external sponsors.
- x) **Visiting Researcher** means individuals having an association with the Institute without being either employees or students. **Visiting Researchers** includes academic visitors, individuals with honorary appointments in the University and emeritus staff.
- xi) **Patent** means an exclusive right granted for an invention or innovation, which is a product or process that provides a new way for doing something, or a solution to solve a technical problem.
- xii) **Royalty** refers to payment made for by a company (licensee) to the owner of the Intellectual Property (licensor) in exchange for the right to use the intellectual property.
- xiii) **Copyright** refers to the exclusive right of the creators of literary and artistic work.

V. RESEARCH POLICY STATEMENT

A. Research Areas

- i) Research areas in IUKL are basically guided by the research clusters defined by the Ministry of Science, Technology and Innovation (MOSTI), Malaysia.
- ii) Within the context of support and available resources, IUKL believes that the focus of decision making in identifying research areas significantly lies with the faculties where the knowledge of available resources and expertise reside.
- iii) The university encourages faculties to be selective in the areas of research, harnessing and developing the talents of the resources available in the most productive and effective manner.

B. Research Funding

- i) Research activities are funded in the following ways:
 - a) Research without grant (RWG): This type of research utilizes existing resources available without any monetary requirement.
 - b) Internal Research Grant (IRG): This type of research utilizes funding from IUKL in the form of research grant.
 - c) External Research Grant (ERG): This type of research utilizes research grant awarded by external funding agencies to IUKL.
 - d) Contract Research Grant (CRG): This type of research utilizes funding that is made available as a result of research contract between IUKL and the external partner. The research funding is provided by the external partner under the terms and conditions as agreed by both parties.
- ii) For IUKL internal research grant (IRG), the guidelines and procedures are stated in the guidelines for IUKL Research Grant document.

- iii) Expenditure of the research grant is subject to the relevant circulars on financial rules and regulations of IUUKL.

C. Staff Requirements

- i) Requirements for staff to do research depend on the following staff categories:

- a) **Academic Staff**

- Research activities form part of the duties of academic staff, and their performance will be assessed accordingly in the staff appraisal management system.

- b) **Non-academic Staff**

- Non-academic staff are not required to carry out research activities unless stated otherwise in their conditions of appointment.

- ii) **Research Code of Conduct**

The university is committed to the highest standard of conduct in research practices embarking on the following principles:

- a) **Integrity**

- Researchers regardless of academic disciplines are expected to uphold research integrity at all times.

- b) **Accountability**

- Researchers are accountable to society, their profession, the communities and institution where the research is taking place, the staff and students involved and to sponsoring bodies which are funding the research.

- c) **Professional Guidelines and Legal Requirements**

- Researchers should observe standards of practice set out in guidelines published by funding bodies, scientific societies and other related professional bodies.

d) Openness

The University encourages researchers to be as open as possible in disseminating the work to other researchers and the public.

e) Interest and National Security

All research activities conducted must not be contradictory to the interest of IUKL and national security.

f) Registration

IUKL staff must obtain prior approval and register with the university to conduct all research activities.

D. Roles and Responsibilities

The following responsibilities are set forth to facilitate the research policy:

a) Faculty Research and Development Committee

- i) To set out direction and strategies of research activities in the Faculty.
- ii) To evaluate and approve research proposals by staff
- iii) To monitor progress and promote research activities in the Faculty.

b) Faculty Dean

- i) To review and approve the research proposal application.

c) Researcher (Academic or non-academic IUKL staff)

- i) To apply for IUKL internal research grant scheme (IRG) or external funding (ERG).
- ii) To submit the complete research proposal form to the Faculty's research and development committee for review and approval.
- iii) To submit the research progress reports to RMC every 6 months starting from the date of official approval from RMC.

d) Research Management Centre (RMC)

- i) To prepare strategic planning on research and development for IUKL.
- ii) To coordinate and manage all vetting procedures of research proposals.
- iii) To coordinate, monitor and audit all research activities in IUKL.
- iv) To promote and nurture research culture in IUKL.
- v) To conduct staff development programmes to enhance research skills and competency.
- vi) To promote inter-disciplinary and inter-faculty research activities
- vii) To promote research collaboration with external parties.
- viii) To coordinate and liaise with research funding agencies.
- ix) To act as the secretariat to the IUKL Research and Development committee.

e) IUKL Research and Development Committee.

- i) To set out direction of research policies and management of research activities in the university.
- ii) To approve research project proposals recommended by the faculties.
- iii) To monitor progress and promote research in the university.

f) Effective Date

The research policy is effective beginning 1st July 2013.

VI. INTELLECTUAL PROPERTY POLICY STATEMENT

A. Objectives of the Intellectual Property (IP) Policy

- i. The University owns the IP created by its employees, except to the extent this policy provides otherwise.
- ii. The University must obtain good value for any investment it makes in creating IP (in terms of its funds, facilities, staff or other resources) that is commercially exploited. Where, however, the use of those resources is insignificant in the creation of IP the University may waive its ownership rights.
- iii. Creators of IP that is commercially exploited and that generates income should receive a fair share of that benefit, as should the University and the relevant Faculty(s) or Department(s).
- iv. In respect of IP which the University determines not to exploit, commercially or otherwise, the University should have the right to use that IP for its own purposes and to receive a share of any benefits of exploitation, but should not unreasonably refuse to license or assign the IP to the Creator.

B. Ownership of Intellectual Property

The University claims ownership, unless agreed otherwise, of all IP arising through work conducted by:

University Academic Staff:

- i. from work undertaken by employees of the University in the course of their normal duties of employment.
- ii. from work undertaken by employees of the University outside of their normal duties of employment that makes more than incidental use of the University's resources.
- iii. from work developed under a contract between employees and the University.
- iv. from work developed in the course of research or other activities sponsored by the University.
- v. from work developed in the course of research or other activities sponsored by an external body, subject to any agreement with that external body.
- vi. The University recognises the following exceptions to its ownership of IP which apply unless otherwise agreed:
 - a. any material produced as an aid to teaching
 - b. conference and seminar papers
 - c. publications such as books, book chapters, journal articles
 - d. With regard to these exceptions, the University shall be granted an unconditional, perpetual and irrevocable right to copy, use and modify these materials for all purposes connected with the University and any affiliated or subsidiary institution. The rights relating to a. shall be exclusive during the term of employment and non-exclusive thereafter. The rights related to b. and c. shall be non-exclusive.
- vii. With respect to the production of items specified in section 4.2, where the University has invested support in terms of financial resource, materials or time to the member of staff, there will be an apportionment

of any royalties or revenues which accrue from the commercialisation according to the proportions identified in section 7.3 of this policy.

University's Post-graduate and Under-graduate Students:

- i. Where the student is part of a research team where the sponsor of that research owns any IP arising from that research.
- ii. Where a specific agreement has been made between the student and the University to the contrary (e.g. the student has used University facilities and resources through an agreement with the University that it shall own all or part of the resulting IP)
- iii. Where the student generates IP resulting from collaboration or work with an employee of the university working in the course of his or her research assistance.
- iv. Where a University employee is concurrently registered as a student, the employee status takes precedence for the purposes of this Policy.

Associated Staff:

- i. Academics or researchers who have an honorary association with the University but are not employed by the University are generally required to transfer any IP they create in the course of their honorary activities to the University, subject to the terms and conditions of their honorary contract.

University Collaborators:

- i. It is the responsibility of each individual who is subject to this Policy to ensure that IP arrangements with collaborators in industry, or third

parties drawn up in the course of, for example, collaborative research activity, contract research or consultancy work, do not conflict with their obligations to the University, including the University's rights of IP ownership under this Policy.

- ii. In the course of consultancy agreements and sub-contracting arrangements with other institutions, it must be ensured that the University's rights are appropriately protected; especially where there is a strong possibility that IP may be created during the course of the work.
- iii. For advice on this matter kindly contact the Director/Head of Research Management Center.

C. The Protection of Intellectual Property

- i. Academic staff must disclose to the University any IP that they create of which the University is the Owner (under the term set out in this Policy at University Staff (ii)). In the first instance, employees should contact the Director/Head of Research Management Center.
- ii. Staff must keep confidential at all times and must not publish or disclose any such IP, except as expressly permitted by the University under this Policy or otherwise in writing.
- iii. It is the duty of the Academic staff to ensure that this IP is appropriately protected, although they should consult the information and guidance on the University's website or contact the Director/Head of Research Management Unit for advice and guidance in establishing this protection.
- iv. Some Intellectual Property Rights (IPR) arise automatically, i.e. Copyright and Unregistered Design Rights. Other forms of IPR, e.g. **patents, trademarks, registered design rights, database rights, must be applied for**. It is the responsibility of employees (notwithstanding the termination of their employment).

- v. To apply for and obtain in the sole name of the University, (unless otherwise directed) a **patent, copyright, trademark, registered design** or other protection of any nature whatsoever, as appropriate to the IP, in any country throughout the world and, when so obtained or vested, to renew and maintain this protection.
- vi. To resist any objection or opposition to obtaining, and any petitions or applications for revocation of, any such patent, trademark, registered design or other protection;
- vii. To bring any proceedings for infringement of any such patent, trademark, registered design or other protection;
- viii. The University undertakes to indemnify its employees in respect of all costs, claims and damages incurred, in connection with the discharge by its employees of any and all such requests under section ix.
- ix. Where IP can only be protected by a Confidentiality Agreement since no formal IPR are capable of subsisting then employees should consult the Director / Head of Research Management Center.

D. Exploitation of Intellectual Property

- i. Exploitation of IP is taken to mean any sale, transfer, assignment or licensing of the IP and/or the supply, sale or licensing of goods or services involving the use of the IP.
- ii. Unless otherwise authorised, the University shall determine if and how any IP that it owns shall be exploited, commercially or otherwise.
- iii. In the first instance, the creator(s) should contact the Director / Head of Research management Center to discuss the issue of exploitation.
- iv. If the University decides that it does not wish to exploit any IP of which it has ownership, the University will normally license or assign the IP to the creators.

- v. If the IP is commercialised by the creator, the University will be entitled to a share of revenue in accordance with guidelines set out in sections E. of this Policy.

E. Distribution of Revenue arising from the Commercial Exploitation of Intellectual Property

- i. Revenue here is taken to mean any capital and/or income received or receivable by the University in respect of the exploitation of its IP.
- ii. The following costs (including VAT, where recoverable) will be recouped from the revenue received in relation to the IP:
 - a. costs associated with protection of the IP.
 - b. costs of defence of the IP.
 - c. costs of marketing the IP.
 - d. costs of any legal agreements associated with the IP.
 - e. costs of any development work that is not externally funded or recoverable.
 - f. any other costs necessary for the successful commercialisation of the IP.
 - g. overheads on all of the above.
 - h. the risk cost of any capital sums applied at the appropriate market rates.
 - i. any other expenses directly related to the obtaining or exploitation of the IP.
 - j. any payment due under a revenue sharing agreement to a third party involved in the research leading to the development of the IP.
- iii. Any remaining revenue shall be apportioned as follows:
 - a. Up to RM250,000.
 - b. 60% for the Creator(s).

- c. 30% for the University.
- d. 10% for the Faculty or Department.
- iv. More than RM250,000:
 - a. To be determined by the Vice Chancellor's Advisory Group on a case-by-case basis

F. IMPLEMENTATION OF THIS POLICY

The responsibility for the implementation and monitoring of this Policy shall lie with the Vice-Chancellor who may delegate that responsibility to the Director / Head of Research Management Center.

VII. CONSULTANCY POLICY

A. Introduction

IUKL recognises the potential of Consultancies to develop and maintain skills among staff and enable the University to contribute to industry and the wider community. They represent a means by which University staff can increase their own remuneration, and to benefit the University via enhanced consulting capability. Also, where consultancies involve research and community service, they may increase the level of funding support from elsewhere to the University.

B. Objectives of the Consultancy Policy

- i. To support the University's mission;
- ii. To provide a system to ensure the quality and performance of consulting;
- iii. To be undertaken by the University staff (not extended to part-time staff) in their field of expertise, for clients outside the institution, and for which payment is made direct to the University (when consultancy is done within office hours);
- iv. To provide clear procedures for attaining approval for the proposed activities;
- v. To be consistent with our Intellectual Property policy, our employment contracts, the university charter and statutes, as well as the law of Malaysia;
- vi. To be undertaken by the University staff in their field of expertise, for clients outside the institution, and for which payment is made direct to the University (when consultancy is done within office hours);
- vii. To encourage and develop the research activities of the University through increased consultancy activity.

C. Benefits

1. Specific benefits for individual staff members
 - i. Opportunities for additional personal income;
 - ii. A broadening and strengthening of skills and expertise of individual staff;

- iii. Opportunities for industrial and commercial collaboration and building new relationships within the public and private sectors;
 - iv. Support staff retention (increase rewards to staff & strengthen links between entrepreneurial staff and locality);
 - v. Support student recruitment (attraction of entrepreneurial culture & ability to gain entrepreneurial skills and increase employability); and
 - vi. Provision of additional facilities and opportunities for staff and students through both spin-out and spin-in activities.
2. Specific benefits for the University and Faculty
- i. Establishing additional external relationships via University-University and University-Industry Networking;
 - ii. Improving and raising the profile of the University/Faculty with industry players and other communities;
 - iii. Relating pure, strategic and applied research pursued in the University/Faculty to applied research and technology necessary for industry players and government agencies; and
 - iv. Enhancing links between the University/Faculty and industry players, government agencies, and other organisations at both national and international levels.

D. Definitions

For the purposes of this policy, the following words shall have the meanings given below:

A general definition of consultancy can be described as 'the provision of expert or professional advice, information and/or service to individuals or organisations, usually resulting in the receipt of negotiated remuneration.

E. Scope of Policy

This policy applies only to academic and non-academic staff.

F. Purpose of Policy

The purpose of this policy is to establish guidelines and reporting requirements for paid consulting, external and internal to the university that is undertaken by staff members including administrators with administrative appointments and that are related to their areas of professional expertise.

G. Implementation

The Research Management Centre (RMC) will regularly reassess the objectives, targets and strategies designed to achieve the University's goals in consultancy services.

RMC will:

1. help strengthen the service culture across the University;
2. build up and share information about consultancy service activities;
3. facilitate sharing of resources;
4. promote the University's service activities to the external parties;
5. provide clear linkage points between the University and the external parties through MoU or MoA; and
6. assist with quality assurance for professional services provided.

H. The Scope of Consulting

Consulting is defined as part of knowledge and technology transfer, and arises where knowledge and expertise can be deployed successfully for financial and other forms of benefit.

I. Consent

All consulting activity through all channels must be reviewed and given prior consent from the respective Faculty Deans and Director of RMC who will oversee policy requirements such as:

1. Eligibility: This varies according to staff category.
2. Consulting channel: Different commercial rules apply.
3. Risk: This is to safeguard the University and staff interests.

J. Additional Relevant Information

If the Dean, Director or other officials designated by the President have any concern about whether a staff member meets the standards of this policy, he or she will discuss this with the staff member and may seek additional relevant information. If a satisfactory resolution cannot be reached, the appropriate Dean/Director or Administrative Head will be advised of the problem and of the specific steps that have been taken in attempting to resolve the issue. Further attempts at resolution shall follow the University Policy on Staff Conduct and other applicable regulations.

K. Consultancy Procedures and Guidelines

The Consultancy Procedures and Guidelines have been developed by the Research Management Centre (RMC) to assist staff members (not extended to part-time staff) to understand the process of managing a consultancy from initial enquiry to finalisation. Consultancy involves the purchase of the following by external agencies: (a) the skills and expertise of University staff and/or (b) access to University equipment or facilities to work on a specific project. Consultancy may cover activities such as expert opinions, analysis and testing services, training, product and process development, and can be usefully defined as professional services based on existing knowledge.

The consultancy procedures are as follows:

1. Staff members approached by various industry players for consultancy services shall notify the University of the need to provide such services. Subsequently, the Director, Research Management Centre shall remit a quotation to the industry players based on the agreed consultancy services which are deemed profitable to the University.
2. Upon agreement for provision of consultancy services to the external agencies, the consultancy offer letter / appointment letter is then addressed to the Vice Chancellor, Infrastructure University Kuala Lumpur (IUKL) and cc'd to Director, Research Management Centre.
3. Once the letter is received, an official appointment letter will be issued by RMC to the staff members concerned.
4. The RMC appointment letter shall state the breakdown of the consultancy fees for every staff involved in the consultancy project.
5. Progress of the consultancy work will be monitored by RMC.
6. Upon completion of the consultancy work, RMC should be notified to facilitate closure of account, payment to the staff members and archiving of projects.

Consultancy is fully coordinated by RMC, and consultancy income is distributed as follows:

Income Distribution		
No.	Parties	Percentage (%)
1	University	30
3	Staff	70

Appendix 1

RESEARCH MANAGEMENT CENTRE (RMC)

VISION

- To inculcate an excellent research culture in supporting research activities.

MISSION

- To provide a unique and substantial research support in encouraging life long and superb research experience.

OBJECTIVES

- To provide a one stop management centre in coordinating all matters related to research activities.
- To strengthen commitment towards enhancing new innovation, invention, design, process and product