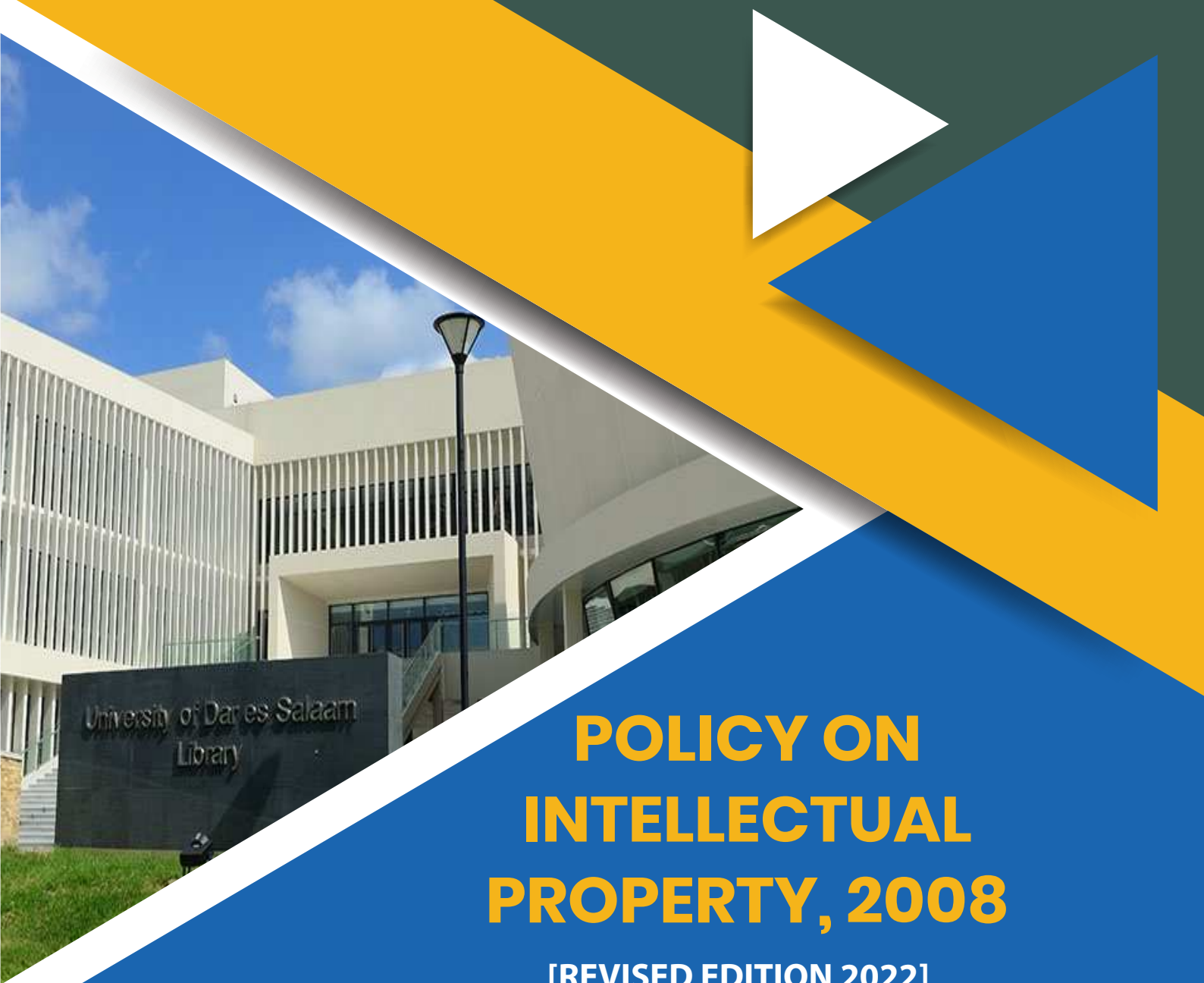




UNIVERSITY OF DAR ES SALAAM

**OFFICE OF THE DEPUTY VICE CHANCELLOR -
RESEARCH**



**POLICY ON
INTELLECTUAL
PROPERTY, 2008**

[REVISED EDITION 2022]

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UNIVERSITY OF DAR ES SALAAM



POLICY ON INTELLECTUAL PROPERTY, 2008

[REVISED EDITION 2022]

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ABBREVIATIONS AND ACRONYMS

AfCFTA	Agreement on African Continental Free Trade Area
ARIPO	African Regional Intellectual Property Organization
BRELA	Business Registration and Licensing Agency
COOTA	Copyright Office of Tanzania
COSOTA	Copyright Society of Tanzania
COSTECH	Tanzania Commission of Science and Technology
DIEN	Directorate of Innovation and Entrepreneurship
DHRA	Directorate of Human Resource and Administration
DRP	Directorate of Research and Publications
DVC	Deputy Vice Chancellor
EAC	East African Community
GIs	Geographical Indications
HoD	Head of Department
IK	Indigenous Knowledge
IP	Intellectual Property
IPMO	Intellectual Property Management Office
IPR	Intellectual Property Rights
MDGs	UN Millennium Development Goals
MTA	Material Transfer Agreement
MIP	Masters of Intellectual Property
NIMR	National Institute of Medical Research
R&D	Research and Development
SADC	Southern Africa Development Cooperation
TK	Traditional Knowledge
TRIPs	Agreement on Trade-Related Aspects of Intellectual Property
UDSM	University of Dar es Salaam
UN	United Nations
UNESCO	United Nations Educational, Scientific and Cultural Organization
UPOV	International Union for the Protection of New Varieties of Plants
VC	Vice Chancellor
WIPO	World Intellectual Property Organization
WTO	World Trade Organization

FOREWORD

Since its establishment in 1961, the university has been significantly transformed and has established itself as one of the leading research institutions in Africa and the world. One of the core missions of the University of Dar es Salaam (UDSM) and its Vision 2061 is to carry out research which has positive impacts to the society. Through various research collaboration programs and consultancies, researchers of UDSM have participated in researches that have resulted into breakthrough innovation. However, there has been minimal progress in conversion of the knowledge created into usable products. Intellectual property rights (IPR) system offers an appropriate model for transforming many research output for financial and other forms of returns. Towards this end, UDSM aims at tapping the innovation potential through creating a supportive institutional IP policy framework.

The impetus for revising the UDSM IP Policy 2008 emanates from both internal and external dynamics. Internally, national policies such as the National Research and Development Policy of 2010 calls universities and research institutional to set up appropriate institutional structures for the protection of IP resulting from various research undertakings. At the regional level, the initiatives under the East African Community (EAC), Southern African Development Cooperation (SADC), and Agreement on African Continental Free Trade Area (AfCFTA) all points to the growing importance of intellectual property as an agenda for research and trade. At the international level, the United Nations (UN) Millennium Development Goals (MDGs), the initiatives under the World Intellectual Property Organization (WIPO), International Union for the Protection of New Varieties of Plants (UPOV) and World Trade Organization (WTO) emphasize on the role of universities in the promotion and protection of IPR for development.

This policy is tailored along such dual objectives anchored at protecting IPR while at the same time cognizant of broader public interests that calls for access to such IPR for education, and other societal pressing needs. The effective use of IPR is expected to enhance the contribution of the University in the national development by creating defined innovation pathways for creation of knowledge, conversion of such knowledge into usable products and services.

This policy contains action-based strategies aimed at galvanizing the spirit of innovation and creativity at UDSM. The intervention areas were formulated through a consultative process involving relevant stakeholders, and are informed by the principles and priorities of the University community at large. We hope that this revised UDSM Intellectual Property Policy will open up a new innovation terrain and spearhead creativity at the University.

Prof. William A. L. Anangisye
Vice-Chancellor

University of Dar es Salaam

CHAPTER ONE

OVERVIEW, POLICY ENVIRONMENT AND RATIONALE

1.1 Intellectual Property Rights: An Overview

Intellectual Property is a term applied to intangible forms of property, the value of which derives generally from creative effort arising from human intellect. Conceptually, IPR are divided into two major branches: copyright and industrial property rights. In terms of scope, it may include any form of creative works which can be expressed either in a tangible or an intangible medium. It is a special type of property which exists in the form of rights to exclude others from certain defined actions under specific laws such as right of use, reproduction, selling, exportation, importation, and stocking, as such it is sometimes referred to in the literature as an incorporeal property. The rights conferred to creators of intellectual property are specific, granted for a limited period of time, and regulated by defined rules and procedures. Furthermore, from transactional point of view, the rights conferred through IPR system can be dealt with like any other form of property as it can be sold, licensed, rented, or bequeathed. The laws governing intellectual property rights (IPR) are designed to facilitate recognition, promotion, acquisition, commercialization and enforcement of rights emanating from human creative works.

In the context of research, the operational implications of IPR can be felt by providing requisite incentives to research through grant of exclusive rights and remuneration from commercial dealings of the IP assets. It also triggers and supports the progress of science and technology through effective patent strategy, growth of arts and culture under copyright, improvement of agricultural products through strategic use of Geographical indications (GIs) and new plant varieties.

1.1.1 Intellectual Property and Research

Recent trends in research management have indicated that IP consideration forms a key aspect of best practices in research. IPR are an essential component in all stages of the research management from the stage of conception to the point of protection and commercialization of the research results. Through proper integration of IP in research management, it helps in creating mutually beneficial relationships with researchers and other institutions. Research management practices which are attuned to the underlying principles of IP have a role to play in international research collaboration by defining roles and regulating ownership of research outputs and subsequent inventions arising out of joint research projects.

1.1.2 Intellectual Property and Innovation

Innovation means doing something new that improves a product, process or service. Many innovations can be protected through IPR such as protection of invention through patents or copyright. An invention is a new solution to a technical problem and can be protected through patents. Patents protect the interests of inventors whose technologies are truly groundbreaking and commercially successful, by ensuring that an inventor can control the commercial use of their invention. An institution that holds a patent has the right to prevent others from making, selling, retailing, or importing that technology. This creates opportunities for inventors to sell or license their patented technologies with others who may want to use them. Thus, necessary incentive is created to researchers and institution to do further research to progress the already known or practiced solution. It is in this way that IPRs are considered as one of the foundations for innovation at the institutional and national levels. There are various ways through which IPR can spearhead innovation, such as effective protection and use of patents, trademarks or copyrights.

1.2 Policy Environment

1.2.1 Internal Impetus within UDSM

As early as in the year 2000s internal initiatives for the establishment of intellectual property policy were set at UDSM. This followed many years of research and cooperation frameworks with other institutions within and outside Tanzania. Specifically, collaboration with the WIPO and the ARIPO has had significant impact in terms of IPR education and management of research at UDSM. For instance, as part of human resource capacity building, WIPO has offered a number of training scholarships to staff of the University at various levels ranging from short courses to postgraduate levels. In addition, on several occasions the University has collaborated with WIPO and ARIPO to host international conferences on IPR education and research. Training of University staff on issues of IPR has had an important influence in areas of IP education and management at the University. It is through these collaborations the University was selected in 2015 to host a regional postgraduate program on intellectual property know as Masters of Intellectual Property (MIP), which is currently offered in collaboration with ARIPO and WIPO. Back in 2005, UDSM was selected to host a regional intellectual property coordination office under the Universities Sciences, Humanities and Engineering Partnership in Africa (USHEPiA). The Office catered for advisory services on proper approaches in institutionalizing intellectual property within eight universities in southern part of Africa. Through hosting of the USHEPiA IP office, UDSM was able to put in place effective

institutional IP infrastructure, by adopting the IP Policy in 2008 and establishing the Intellectual Property Management Office (IPMO) in 2009 for the purposes of managing the transformation of research results into protectable IP assets.

All these internal dynamics have necessitated and paved the way for the adoption of the currently revised UDSM Policy on IP.

1.2.2 National Trends and Dynamics

In 2010, Tanzania adopted a National Policy on Research and Development (R&D) aiming at, among others, revamping the research framework by bringing the best outcome from various research undertakings. One of the intervention in the Policy mention on the need for R&D institutions to make strategic use of intellectual property to protect research results arising from research projects. In terms of national laws and regulatory framework, Tanzania has in place laws governing patents, copyright, trade and service marks, new varieties of plants; also, in place are the regulatory bodies such as Business Registration and Licensing Agency (BRELA), Copyright Society of Tanzania (COSOTA), and Registrar of Plant Breeders. Tanzania's membership to EAC, SADC, and AfCFTA mean that there are added obligations on the protection of IPR as envisaged under such regional frameworks. In the national policy setting, there is no national intellectual property policy. Currently, policy statements on IP are scattered in various policy documents such as the national policies on research and development, agriculture, science and technology, and trade.

1.2.3 Regional and International Dimensions

Currently Tanzania is a member to various regional and international arrangements which have in place certain obligations and commitments for harmonization of the IP laws and on the effective use of intellectual property as a tool for economic growth and social development. These commitments are drawn from the frameworks under EAC, SADC, AfCFTA, ARIPO, UNESCO, WIPO, and WTO. Under these frameworks, intellectual property rights are discussed as a critical agenda in regulating research, education, and cross border trade. University and other research institutions have a crucial role to play in achieving set regional objectives on IPR. These obligations have informed the development of this Policy and its underlying principles and philosophy.

1.3 Rationale for the UDSM IP Policy

One of the core functions of the UDSM is to carry out and foster research with a view of providing solutions to the problems facing the Tanzanian society (and mankind) and hence

improving the lives of the people. In order to be effective, such function requires, among others, existence of a system that would facilitate the coordinated and mutually beneficial transfer and application of research results from the institution to end-users. Within this equation, a system is required to make sure that research results are protected and the linkage between the University and industry is drawn and maintained.

One of the identified driving forces for Tanzania National Development Goal 2025 is to create developmental mindset and empowering culture by, among others, creating incentive system to reward excellence, creativity, and innovation. The UDSM Vision 2061 and rolling strategic directs the University to become a world-class research institution by creating solutions that have impacts to the community. The UDSM faces a number of challenges in its endeavour to realize the goals of its mission. First, the UDSM finds it difficult to effectively fulfil the above-mentioned function as well as other core functions, on account of the limited funding from government. Among the areas which are adversely affected by the government's inadequate funding is research. As a result UDSM's direct contribution to solving national development problems through research is abysmal or at best low. In the long-run, effective management of IP within the UDSM could lead to increased income to the UDSM and the researchers, thus supplementing the inadequacies from the government funding.

The second reason relates to the weak link between UDSM and the private sector or industries as exemplified by the small number of research undertakings at UDSM supported by the private sector/industry. It is a settled truth that the UDSM is endowed with highly trained and qualified personnel whose skills if directed towards research, innovation and consultancy could lead to inventions and research findings with enormous commercially value-added benefits. The benefits that could stem from effective harnessing of IP assets by the UDSM include, but not limited to, royalties from licensed patents or copyrights, research grants from university-industry partnerships and increased employment opportunities through establishment of incubation systems, spin-offs, start-up companies, or joint ventures.

In order for such benefits to accrue to UDSM, an elaborate policy that carter for the management of intellectual property and implementation structures of strategies of the policy need to be put in place. UDSM recognises and encourages the principle that IP assets created out of its research activities should be used for the greater public benefit. Commercialization is one of the most efficient means of promoting the widest possible dissemination and use of University IP assets to the public majority.

Thirdly, in the increasingly networked global society to which the UDSM is a party to, research collaboration between institutions or researchers from different institutions is becoming a common practice. In the absence of a defined policy on IP, the UDSM stands to lose since there will be no guidance to researchers from the UDSM on how ownership of research results will be regulated. Other universities may also hesitate to enter into collaborative research arrangements with UDSM in the absence of a clear and succinct obligation (reflected in an IP policy) on the part of the UDSM to honour the IP rights emanating from such collaborative research undertakings.

1.4 Principles of the UDSM Intellectual Property Policy

This policy is founded on the following guiding principles:

- a) The protection of IP arising out of UDSM will be guided and informed by the developmental needs of the people of Tanzania;
- b) That, while the commercialization of UDSM's IP assets is an important policy objective, public and societal interest shall always take precedence in deciding the best options for commercialization;
- c) Respect of IPR:
 - i. UDSM community shall Respect IPR owned by others.
 - ii. UDSM community shall Respect institutional policies and national laws governing IPR.
- d) Accessibility:
 - i. Within the framework of IP flexibilities, emphasis shall be placed on the need to facilitate easy access to proprietary information for educational purposes;
 - ii. UDSM shall ensure access to educational information to students with special needs within the terms of copyright exception
- e) Motivation
The research management and IP governance approaches at UDSM shall always be geared and creating conducive environment and incentives for researchers to engage in creative endeavors and report to.

1.5 Goal

The aim of this policy is to outline the interventions that would guide UDSM towards making effective use of IP within the framework of research management so as to become one of the leading university in innovation and thereby contributing to the progress of science, engineering, useful arts, and commerce for the benefit of Tanzania.

1.6 Policy Objectives

The objective of this Policy is to provide a framework within which the University IP is developed, managed, and effectively harnessed for the benefit of the University, the inventor/author and the general public.

Specifically the policy seeks to:

- a) Ensure that University staff and students are aware of the issues of IP in their day to day activities.
- b) Set a system of supervising and managing relationships with third parties who can use the university IP assets commercially.
- c) Encourage the recognition and identification of IP potentials within the UDSM and promote an entrepreneurial culture among UDSM staff and research students that fosters development through commercialization of IP arising from their activities.
- d) Set an efficient system through which the commercial potential of IP assets can be effectively harnessed by the University.
- e) Set a system for rewarding those engaged in IP creation (in research and applied acts) and incentive necessary to commercialize their works.
- f) Provide a means to commercialize and transfer IP in the form of applied arts and/or technologies created by University staff and students.
- g) Define the obligations (rights and responsibilities) of parties involved in the creation of IP assets.
- h) Ensure that the economic and other benefits resulting from commercialization of IP through UDSM are distributed in a fair and equitable manner taking into account the contribution made by the inventor/author and the institution as well as other stakeholders.
- i) Ensure that UDSM complies with the applicable legal framework and regulations governing IP locally as well as internationally.
- j) Ensuring that research undertaken at UDSM is geared at creating usable solutions to societal problems.
- k) Taking prompt actions to protect all research findings with the potential of IP protection.
- l) Create mutually beneficial linkages and relationship with the industry and private sector as a whole.
- m) Provide technical and financial support to progress raw research findings into usable products;
- n) Create incubation system to support the emerging innovators with promising innovative ideas.
- o) To set up start-up or spin-off companies within which university shall retain equity

interest at an agreed percentage.

- p) Identification of potential ideas with commercializable value.
- q) Engaging with the private sector in the conversion of research findings into usable products.
- r) Entering into transactional arrangement such as licensing agreement with potential and actual users of UDSM IP.
- s) Providing access to proprietary information/UDSM IP on certain conditions for the greater public interest.

1.7 Scope of the Policy

- a) In terms of the subject matter, this Policy shall apply to all intellectual property created by persons covered under this policy, notwithstanding the time at which the relevant IP was created.
- b) In terms of persons covered, this Policy shall apply to all persons who have established legal relationship with UDSM (contractual or otherwise) based on which the Researcher is bound by this Policy. Such a legal relationship may arise pursuant to the provision of law, collaboration agreement or other forms of engagement.
- c) The Policy may not apply in cases in which the researcher entered into an explicit arrangement with UDSM waiving the application of the Policy wholly or in part, or in case where UDSM had previously entered into an agreement with a third party concerning rights and obligations with contradictory terms as set out in this Policy.

1.8 Definition of terms

In the context of this Policy, the terms listed below bears a meaning as shown below:

Academic Staff: Includes all academicians and visiting scholars or researchers employed by the University permanently or temporarily. Where a student is also an employee, she/he is considered staff with regard to intellectual property as a result of his/her employment and as a student with regard to other intellectual property created as a result of his/her student work. A full time non-academic employee who is also taking one or more courses is considered to be staff for the purpose of intellectual property.

Author: Any person who individually or jointly with others makes a design, a mark or copyrightable work and who meets the criteria for authorship under the Copyright and Neighbouring Rights Act of Tanzania.

Commercialization Entity: A company that has access to the IP of UDSM, through any one or more of the available commercialization modes, to produce new products, processes or services.

This can be a spin-off or start-up.

Commercialization: means any form of commercial use of Intellectual Property, including assignment, licensing, internal use within the University and commercialization via a spin-off enterprise, startups or other forms of commercial dealings.

Conflict of Interests: A conflict occurs whenever two or more goals or ends cannot be pursued simultaneously, and they are in potential competition. It is any situation in which real or perceived interests of an individual staff member; visitor or student may run counter to the interests of UDSM or negatively affect their employment or duties.

Copyright: A legal term describing rights given to creators for their literary and artistic works. The kinds of work covered by copyright include literary works, such as novels, poems, plays, reference works, computer programs, databases, films, musical compositions and choreography, artistic works such as paintings, drawings, photographs and sculpture, architectural works, advertisements, maps and technical drawings.

Copyrighted works: means literary, scientific and art works, including academic publications, scholarly books, articles, lectures, musical compositions, films, presentations and other materials or works other than software, which qualify for protection under the copyright law.

Course Materials: All materials used in, or in connection with, and for the purpose of, teaching an education course through the provision of lectures, tutorials, seminars, workshops, field or laboratory classes, assessments, practicum and other teaching activities conducted by the Institution; and all IP in such materials.

Creator of IP: Any person who creates, conceives, reduces to practice, authors, or otherwise makes a substantive intellectual contribution to the creation of IP and who meets the definition of ‘inventor’, ‘author’ or ‘breeder’ as generally implied in these Guidelines.

Distribution of Income: Allotment of revenue generated from IPRs to ensure fair and equitable distribution of the benefits to all parties by contributing to the development of the innovations and inventions. This usually involves a split between the inventor(s) and the university as it relates to commercialization of IPs.

Enabler: Any assistants, technicians, and other individuals who have indirectly contributed to the creation of IP by creators.

Gross IP Income: All revenue received by the University on commercialization of its IP before any deductions for IP expenses.

Independent Contractors or Consultants: Persons hired by the University on a limited basis, for a limited purpose as specified in a contract, are considered staff with respect to any intellectual property arising from any use of University resources.

Infringement: The use of intellectual property without a prior authorization of the owner of

such right.

Innovation: Entails conversion of ideas or inventions into products with economic value to meet market demands.

Intellectual Property (IP): All outputs of creative endeavour in any field at UDSM for which legal rights may be obtained or enforced pursuant to the law of Tanzania. IP may include: literacy works (publications in respect of Research results, and associated materials, including drafts, data sets and laboratory notebooks); teaching and learning materials (in online courses and distance learning); original literary, dramatic, musical or artistic works, sound recordings, films, broadcasts, and typographical arrangements, multimedia works, photographs, drawings, and other creative works.

Intellectual Property Rights (IPRs): Proprietary rights that may be granted for an invention, mark, design, plant variety, or other type of IP, should the statutory requirements for protection be met to result in a patent, trade mark, registered design or plant breeders' right, respectively.

License: Permission to use an IP right within a defined time, context, market line or territory. It may be exclusive or non-exclusive.

Non-Disclosure Agreement (NDA): Formal agreement to maintain information as proprietary for a specified period of time.

Public Disclosure: The communication of information, relating to IP, to external parties including, but is not limited to, disclosure in written or oral form; communication by email; posting on a web blog; disclosure in a news report, press release or interview; all types of publications.

Research Contract: Any type of agreement between the University and an external party or research sponsor, concerning research.

Research: Any creative work undertaken on a systematic basis in order to increase the stock of knowledge, including knowledge of man, culture and society, and the use of this stock of knowledge to devise new applications. It comprises three activities: basic research, applied research and experimental development.

Researchers: Members of staff, students (undergraduate, postgraduate and postdoctoral fellows), visitors (guest researchers), research groups, Departments and research assistants.

Rights to Invention: Ownership of invention resulting from work conducted within the university by staff member.

Royalties: Usage-based payments made for the right to ongoing use of an asset, sometimes an intellectual property right.

Scholarly Works: All copyright works which are the outputs of academic Staff Members, Students or Visitors, including research, creative and other outputs in area(s) of his/her expertise.

Spin-off: means a company established for the purpose of harnessing the value of Intellectual Property originating from the University.

Sponsored Research: research under research contracts with industry that is performed by university employees that uses space, facilities, equipment, or property of the University.

Staff Member: Any person who is under a contract of employment with UDSM including academic, research, technical, administrative and adjunct staff, whether full-time or part-time or on a temporary basis.

Start-up: A new company that commercially uses a technology, innovations and IP of the University designed to search for a repeatable and scalable business model.

Student: Any registered full-time or part time graduate and post graduate student regardless of whether s/he receives financial aid from the University or from external sources.

Substantial Use: Extensive (unreimbursed) use of the University's resources which include but are not limited to facilities, equipment, time, human resources or funds.

Technology Transfer: The movement of technology (data, designs, inventions, materials, software, technical knowledge or trade secrets) from one institution to another or from one purpose to another.

University resources: means any form of funds, facilities or resources, including equipment, consumables and human resources, time provided by UDSM either in a direct or indirect way.

Visiting Researcher: means an individual having an association with UDSM without being either employees or students.

Visitor: Any person who is neither a staff member nor a student of UDSM who engages in work at the University, including visiting professors, adjunct and conjoint professors, researchers, scholars and volunteers; and who has an appointment agreement with the University.

CHAPTER TWO

SITUATION ANALYSIS

2.1. National and Regional Dynamics

At the national level there is a defined legal framework for the protection and enforcement of IP. The enactment of the Patents Act, Cap 217, Trade and Services Marks Act, Cap 218, the Copyright and Neighboring Rights Act, Cap 218, and the Protection of NEW Plant Varieties Act in 2012 indicates that there is a legal framework for the protection and promotion of IPR. In terms of the policy, there is no national policy on IP, yet, policy statements on IPR are traceable from various policy instruments such as those dealing with agriculture, research and development and science and technology.

At the regional level, Tanzania by virtue of being a Partner State to the East African Community (EAC), a member to the Southern African Development Cooperation (SADC), Agreement on African Continental Free Trade Area (AfCFTA), and other international organization such as the World Intellectual Property Organization (WIPO), International Union for the Protection of New Varieties of Plants (UPOV) and World Trade Organization (WTO) is under obligation to, among others, develop a national policy and regulatory framework that is attuned to the set international IPR rules. In the same vein, there is a need to devise the intellectual property policy framework that is development oriented and balances between the need to protect IPR, on one side and the quest for facilitating orderly access to the protected IPR for greater benefits of the people of Tanzania.

2.2. Institutional Coordination on Intellectual Property

Matters of coordination and implementation of IP initiatives are currently done under the IPMO. This followed the adoption of the UDSM IP policy in 2008. By adopting the IP Policy, the University was able, for the first time in her history, to establish a defined institutional framework for the protection of research results which qualifies for IP protection. The IP Policy also plays an important role in the facilitating negotiation and conclusion of research collaboration arrangements which factor in the University position as far as it concerns IPR by setting the institutional position on matters of IPR. In addition, through the institutional IP Policy, the University has been able to embark on various IP awareness programs which in turn help is improving the compliance levels from amongst staff.

One of the policy objectives of the UDSM Intellectual Property Policy was the establishment of

the effective management of intellectual property rights such that the University will be able to harness economic and other forms of returns. Towards this end, in 2009, the Intellectual Property Management Office (IPMO) was established. The IPMO is charged with, among others, the responsibilities of protection of various forms of intellectual property rights generated from research undertakings at the University, raising level of awareness on matters of IPR amongst members of the University, initiating linkages with other institutions with similar interests and mandates, and acting as a reference and consultation office on matters of IPR at the University.

2.3. Research Collaboration

Currently, the university has a number of research collaboration arrangements with institutions within and outside Tanzania. Under these collaborations, there are various research projects which have the potential of creating IP. In addition some of these collaboration agreements require the University to financially contribute towards the registration of resulting IP, mostly patents. For UDSM to be able to do that it needs a budget line on IP related activities and in the absence of policy justification it may be difficult to justify the budget for IP protection.

Furthermore, during the negotiation of these research collaboration agreements, issues of IP have in many cases arisen. In the absence of institutional policy guidelines on IP it may become difficult to know a clear negotiation point on how to handle IP issues in consortium research projects.

2.4. University -Industry Linkages

The University is striving to create mutually beneficial linkages with the industry such that the industry may be able to access and use research results from the University as part of knowledge extension and commercialization. Currently, there is no defined framework on how the university will relate with the industry or private sector. In setting up such linkages, IP issues are essential in safeguarding interests of each side of the collaboration.

CHAPTER THREE

SWOT ANALYSIS

In addressing issues of intellectual property rights, UDSM had to analyse its Strengths, Weaknesses, Opportunities and Threats as presented below:

3.1. Strengths

According to the Vision and Mission of UDSM recognizes:

- a) Increased research activities through internal and external funding. UDSM has allocated research funds from internally generated revenue which has significantly improved the volume of research at UDSM.
- b) The unwavering support and commitment from University top management on the need to strengthen the use of IP and training.
- c) UDSM host regional postgraduate programs on IP such as the MIP which is offered in collaboration with BRELA, ARIPO and WIPO.
- d) The UDSM has a number of research collaboration with other institutions outside Tanzania with significant potentials for creation of IP.
- e) UDSM has very close and mutually beneficial linkages with national IP regulatory institutions such as COSOTA and BRELA.
- f) A healthy and respectable relationship with the private sector and industry which is crucial for future commercialization of IP resulting from UDSM.

3.2. Weaknesses

There are however certain areas that can be termed as setbacks for the IP at the UDSM:

- a) There is no proper mechanism in place for identifying and guiding research from laboratory to the market.
- b) Limited technical and human resources in drafting and prosecuting patents, thus inhibiting the protection initiatives from UDSM.
- c) Low level of awareness amongst staff on issues of IPR.
- d) Insufficient national infrastructures for the protection of IP in the national offices.

3.3. Opportunities

UDSM being the first and oldest University has the following advantages:

- a) The growing number of research collaboration agreements with other institutions within and outside Tanzania with potential in creating IP
- b) Research funds from internally generated revenues are likely to increase the

number of IP created at UDSM.

- c) The national agenda on industrialization offers an opportunity for marketing and commercializing UDSM IP assets.
- d) Increasingly available technological and innovative ideas that are in public domain offer an important platform for accessing technologies for future improvement.
- e) Availability of non-state actors and networks supporting IP education and research offers opportunity for building and expanding partnerships.
- f) The country is increasingly moving towards industrialization and entrepreneurship which is a necessary precondition for the thriving of the IP field.

3.4.Threats

- i. Potentially high costs involved in the protection and maintenance of IP assets;
- ii. The risk of overly protection of IP at the expense of the broad societal benefits.
- iii. Low level of IP awareness amongst members of the University hence limiting their participation in pushing forward the IP agenda.
- iv. Competition from other research institutions in terms of creating competing technologies and other forms of IP.
- v. Currently, there is a low level of uptakes of IP asset and other forms of creative works by the local industries, hence limiting the growth of university industry linkages.

CHAPTER FOUR

POLICY FOCUS AREAS, ISSUES, STATEMENTS AND STRATEGIES

4.1. Legal issues concerning the status of Researchers

4.1.1. Policy Issue

Intellectual property rights are property governed by specific legislation and have well defined legal framework for protection and ownership. Depending on the underlying research contractual undertakings, there are cases where ownership may vest to several individuals or entities. The underlying IP ownership framework may have far reaching implication on the subsequent right of use and other IP transactional arrangements by the University. Furthermore, IP rights may not necessarily be owned by a person who created the IP in the first place or who meets the criteria for inventorship under the national law. Individual agreement, including employment contract, institutional policies may have specific ownership arrangement between the parties.

4.1.2. Policy Statements

- a) The University shall ensure that the employment contracts or other agreements establishing any type of employment relationship between the University and the researchers include a provision placing the researcher under the scope of the Policy.
- b) Students of the University shall be required to sign an agreement to be bound by this Policy before commencing studies or research activity.
- c) Postgraduate students enrolling in research doctoral programs shall be required to sign an agreement to be bound by this Policy upon registration.
- d) The University shall ensure that researchers who are not employed by the University, including visiting researchers sign an agreement to be bound by this Policy and an assignment agreement in respect of ownership of IP created by them in the course of their activities that arise from their association with the University before commencing any research activity at the University.
- e) Notwithstanding paragraph 4.1.2 (d), special arrangements may be needed to meet prior obligations of visiting researchers. Any such requested special arrangements shall be assessed and decisions shall be taken on a case-by-case basis by the Office of the Deputy Vice Chancellor – Research or any other Office designated by the University.
- f) Special arrangements may be needed for research activities pursued by a researcher employed by the University, but working in another institution as academic/research

visitor. In such cases the researcher may be required by a third party to sign any document which might affect the University's IP Rights.

- g) Further to the terms under 4.1.2 (f), in order to avoid any subsequent disputes, the Researcher shall not be permitted to sign any undertaking without prior written approval of the University. The approval shall not be denied if no University's IP Rights are being affected. If such a document affects the University's IP Rights, the University shall initiate negotiations to enter into an agreement with the third party so as to protect and preserve the University interests.
- h) Rights and obligations under this Policy shall survive any termination of enrollment or employment at the University.

4.1.3. Strategies

- a) To review templates of employment contract for both permanent staff and short-term contractual engagements to include issues of IP ownership.
- b) To review University Regulations for undergraduate and postgraduate programs to incorporate issues of IP ownership.
- c) Research collaboration agreements with other institutions shall be negotiated, centrally vetted, and agreed upon with a view of abiding and in furtherance of the terms and objectives of this Policy.

4.2. Creation of IP Awareness

4.2.1. Policy issue

University of Dar es salaam, like any other higher learning institutions, is mandated to undertake basic and applied research as one of its core activities. Through various research activities, University has produced, over the years, results in the form of artistic and literary works, technologies and other innovations some of which are patentable. Such innovations need to be registered and patented for possible commercial use. Unfortunately, many such creative works have gone unregistered and unnoticed, thus making University and the country in general fail to tap the full benefits of the resources invested in research. The underlying reason seems to be the lack of awareness among researchers on the importance of fully harnessing the research results through various protection models under the IPR system. Considering that University has a large pool of researchers in field of humanities, business, and science and engineering in different academic units with tremendous potential of generating creative works that can benefit University and the country at large. Therefore, effort is needed to make researchers aware and to motivate them to generate and protect research findings in different forms of IP.

4.2.2. Policy statement

The University shall build and maintain institutional capacity on IP creation and shall vigorously create awareness among university researchers on the need to translate their research findings into commercialisable IPs.

4.2.3. Strategies

- a) Strengthen the Intellectual Property Management Office (IPMO) by deploying more staff with diverse specialization and allocating the requisite budget for operational activities.
- b) Undertake a systematic awareness creation campaign among the University academic community on the importance of protecting IP emanating from research.
- c) Conduct regular training of university researchers on the procedures to be followed in protecting their inventions even before publishing.
- d) Organize regular well-publicized events to show case some of the IPs that have been developed or commercialized.

4.3. External Sponsorship, Research Collaboration with Third Parties

4.3.1. Policy Issue

UDSM recognizes the contribution and role of external sponsors as well as collaboration arrangements with third parties in the support to generate and create intellectual property. However, the University does not have well-structured and coherent guidelines to implement such collaboration and to share the research outputs in the form of IP, patents or commercial benefits.

4.3.2. Policy statements:

- a) The University shall set up mechanisms to guide collaborative research activities to protect the interests of both the University and the collaborators with respect to any IP right that may have potential for commercial use.
- b) It is the responsibility of the Researcher to ensure, that prior to commencing any research activity in collaboration with any third party, the terms and conditions of cooperation be set forth in a written agreement (hereinafter referred to as Research Agreement).
- c) Researchers shall not have the right to enter into a Research Agreement with third parties on behalf of the University unless they are authorized to do so by an official representative of the University.

- d) Persons acting for, and on behalf of UDSM shall exercise all due diligence when negotiating agreements and signing contracts that may affect UDSM's IP Rights.
- e) In certain cases, it may be beneficial to UDSM to enter into Research Agreements that are exceptions to the provisions of this Policy with external sponsors of research and other third parties.
- f) Depending on the relative intellectual and financial contributions of the University and the third party to the conception of the Intellectual Property, it may be appropriate for either cooperating party to obtain certain IP Rights and/or share in the revenue generated from its commercialization.
- g) In the absence of an agreement to the contrary, it is the policy of the University that revenue from IPR shall be distributed among the cooperating parties in the proportion that reflects the proportions of contribution to the creation of the Intellectual Property.
- h) In order to enable the cooperating parties to establish such proportions defined and to prevent subsequent disputes, it is expedient that the parties maintain regular, well-documented records of the research activities pursued, signed by all of them.
- i) The agreement set forth in Paragraph (g). shall include, inter alia provisions with respect to the following:
 - i. IP and associated rights already existing at UDSM prior to entering into the agreement
 - ii. IP and associated IP Rights arising from research activities set out in the agreement, after entering into it;
 - iii. Confidentiality requirements;
 - iv. Terms of public disclosure,
- j) Any confidentiality provision of a Research Agreement aiming at the delay of public disclosure for the purpose of protection should not universally have effect for longer than 6 months from the time the concerned party is notified of the intent to publish.
- k) Before signing, the full copy of the proposed agreements and other legal statements concerning the UDSM's IP Rights shall be submitted to the person or department designated by UDSM for advice and approval.

4.3.3. Strategies

- a) IPMO will develop guidelines that will need to be adhered to by all researchers seeking sponsorship or collaboration for their research activities.
- b) Researchers will be responsible for ensuring that prior to commencing any research activity in collaboration with any third party, the terms and conditions of cooperation are

clearly stated in the written agreement (hereinafter referred to as Research Agreement/Contract) including inter alia provisions with respect to confidentiality requirements; terms of public disclosure and any other relevant provisions in line with the guidelines that will be developed and other relevant UDSM policies.

4.4. IP Creation and Ownership

4.4.1. Policy Issue

While it is expected that the research conducted at university will contribute to the solution of practical problems facing the agricultural and other sector, too often research ends up in publications without clear strategy of how to translate the findings into usable innovations that can be widely adopted by the public. Furthermore, while the research results may have the potential for wide applicability, it is generally not clear who and how such results should be promoted for wider application. This is because there is no mechanism for such innovations to be protected and packaged in a usable form and eventually transferred to the users.

Therefore, University needs to establish a system of protecting the Intellectual Property (IP) embodied in any innovation coming from research, and for facilitating the transfer of such innovation to end-users for wide application. The University shall therefore manage its IP through the Office of the DVC-Research and IPMO. However, given that research may involve several actors, such as individual innovators/inventors, research sponsors and various departments, it will be necessary to recognize the ownership by the different actors depending on their contribution.

4.4.2. Policy statements

a) Employees of the University

- i) All rights in Intellectual Property devised, made or created by an employee of the university in the course of his or her duties and activities of employment and or using university resources shall, unless otherwise expressly waived by the University, belong automatically to the university.
- ii) If an employee of the University creates Intellectual Property outside the normal course of his or her duties of employment, with the significant use of University Resources he or she will be deemed to have agreed to transfer the IP Rights in such Intellectual Property to the University as consideration for the use of University Resources.
- iii) Intellectual Property as defined in section 4.4.2 (a), created in the course of, or pursuant to a sponsored research or other type of agreement with a third party,

shall initially belong to the University and then ownership shall be determined according to the terms of such agreements (in accordance with section 4.3).

iv) Section 4.4.2(a) shall apply to student employees of the University.

b) Employees pursuing research activities at other institutions

- i) Rights related to Intellectual Property that is created during an academic visit by the employee of the University to another institution shall be governed by the underlying collaboration agreement (in accordance with section 4.1.2(e)).
- ii) In case the University's IPR are not affected, the IP created during the visit may belong to the other institution unless otherwise provided in a collaboration agreement, subject to availing the University a royalty-free licence for non-commercial uses.

c) Non-employees

- i) Visiting Researchers are required to transfer to the University any Intellectual Property they create in the course of their activities arising from their association with the university.
- ii) For the purposes of this policy, such individuals will be treated as if they were university employees.

d) Students

- i) Students who are not employed by the university shall own Intellectual Property and associated IP Rights they create in the normal course of their studies. However, the following exceptions shall apply:

- If a student is offered a studentship sponsored by a third party under a separate agreement, under which the third party has a claim on Intellectual Property arising from the studentship, the student must agree that the Intellectual Property shall initially belong to the University and ownership will then be determined in accordance with the terms of the agreement concluded with the third party.
- Intellectual Property created by students in the course of, or pursuant to, a sponsored research or other agreement with a third party shall initially belong to UDSM and ownership will then be determined in accordance with the terms of the agreement concluded with the third party.
- If a student creates Intellectual Property with the significant use of University resources in connection with his or her research activity, he or she will be deemed to have agreed to transfer the IP Rights in such

Intellectual Property to the University as consideration for the use of university resources.

- The university shall claim ownership of all Intellectual Property created in the course of postgraduate (doctorate) students' research activity.
- ii) Students shall be given the option to assign IP Rights to the university and shall then be granted the same rights as any employee Inventor as set out in this Policy. In such cases students should follow the procedures set out in this Policy.
- e) With the exception of software and other designated works, copyrighted works will be owned by their creators within the rules of academic copyright exemption. Copyrighted Works specifically commissioned by the University or developed in the performance of a sponsored research or other third-party agreement shall constitute an exception where the provisions of such agreements shall be taken into account.
- f) If the University cannot, or decides not to commercially use any Intellectual Property to which it lays claim, it shall forthwith notify the Inventor(s) under the following terms:
- i. The notification shall be made at least one month prior to any act or any intentional omission liable to prevent the obtainment of protection. In such cases the Inventor(s) shall have the option to acquire related IP Rights; however, the University may claim a share from the income of any subsequent harnessing of the Intellectual Property to the extent equaling the verified expenditures of the University incurred in connection with the protection and commercialization of such IP.
 - ii. The university may also claim for a perpetual non-exclusive royalty-free license for research purposes without the right to commercially use it and without the right to sub-license.
 - iii. The university may also claim for a percentage of any net income generated by the Inventor(s) from the commercialization of the Intellectual Property.
 - iv. The university shall not unreasonably withhold or delay an assignment of the IP Rights to the Inventor(s); however, it reserves the right to delay commercial-scale use where it is in its interests to do so.
- g) Requests for transfer of IP rights from the university to the Inventors(s) or any other third party should be made in the first instance to the IPMO who in consultation with the Deputy Vice Chancellor – Research and Chief Corporate Counsel and Secretary to Council shall make a decision which shall be reported to the Council of the University for endorsement.

4.4.3. Strategies

- a) IPMO shall develop guidelines for guiding ownership and rights in IP between and among stakeholders including the University, employees, students and third parties.
- b) IPMO shall ensure that agreements related to ownership and rights to IP are adhered to.
- c) University shall develop mechanisms for collection and sharing of revenues related to IPR in line with the relevant university policies.
- d) IPMO shall develop guidelines for transfer of ownership and rights in IP among stakeholders and for release IP into public use.

4.5. Copyright Related Matters

4.5.1. Policy issue

Research that is conducted at university often results into various copyrightable works that need to be protected for the interest of university and individual authors. While University has endeavoured to abide by international conventions on copyright, it currently lacks internal procedures to guide staff and students in protecting their copyrightable works. Therefore, it is necessary for university to provide clear guidelines that will be followed by researchers to ensure copyright protection of their works.

4.5.2. Policy statements

- a) University shall ensure ownership of copyrightable works created by employees, students, and third parties. The copyrightable works will include works created by an employee within the scope of employment; works created by students and third parties; works commissioned by the University from its employees, students, and visiting scholars, which fall outside the scope of normal research or academic work but using university resources.
- b) In line with the University Research Policy, all publications by students and staff that emanate from research or training activities at university shall indicate University as an affiliate institution of the author(s) and that the University shall have a royalty-free right to use the publications and on behalf of the copyright holder, permit the use of it in the university settings for non-commercial gains.
- c) University shall ensure compliance of staff, students and visitors to copyright law and shall sensitize staff to refrain from using copyrightable materials without prior authorization of the copyright owner.

4.5.3. Strategies

- a) IPMO shall take all requisite measure to protect copyrightable works with the relevant national regulator on matters of copyright.
- b) IPMO shall establish professional linkages with regional and international copyright management organizations with a view of promoting and protecting the interests of the university and authors connected with the University.
- c) IPMO shall develop guidelines and mechanisms for governing ownership of copyrightable works created by employees, students and third parties.
- d) IPMO shall use different mechanisms to sensitize staff and students on the guidelines and mechanisms for governing ownership of copyrightable works.
- e) Copyright compliance notices shall be placed in publications reproduction equipment and university libraries.

4.6. Obligations of the University, Employees, Visitors and Students

4.6.1. Policy issue

The University endeavour to provide legal support to IP creators by defending and protecting their interests and those of the University against third party claims or unauthorized use. In reciprocity, all IP creators whether employees, students or others who engages with the university are expected to operate and, in all cases, act in good faith and in consonant with the interests of the University.

4.6.2. Policy statements

- a) Researchers whether employees, students or visitors shall have a duty of candor towards the university as far as matters of IP management are concerned.
- b) University shall provide legal support to IP creators to defend and protect the interests of the University and creators of IP against third party claims or unauthorized uses.
- c) The University shall set up mechanisms for retention of appropriate research records of especially Patentable Inventions in the form of original research data using designated research notebooks.
- d) Employees, students, and visitors are under a duty to disclose the IP created to IPMO before any public sharing of such information. The disclosure shall be full and complete by disclosing the best mode known to him of using or applying the IP created.
- e) IPMO shall review the works with IP potentials prior to any public disclosure in order to take requisite protective measures, if need be.

4.6.3. Strategies

- a) IPMO shall develop guidelines which specify the obligations of IP stakeholders including the University, employees, visitors and students related to IP.
- b) IPMO shall use various mechanisms to sensitize staff and students on the obligations of all researchers to respect protection of IPR.
- c) IPMO shall devise the designated IP disclosure forms to be used by employees, visitors and students.

4.7. Indigenous or Traditional Knowledge

4.7.1. Policy Issue

Indigenous or traditional knowledge (IK/TK) constitutes one of the valuable reservoirs of knowledge used for research both in studies for conventional sciences, engineering and humanities. University researchers sometimes source data and information obtained from local communities. Such information may be classified as indigenous or traditional knowledge since it has been evolved and preserved for generations in the local communities, hence, considered proprietary. In line with the international and regional legal instruments such as the UN Convention on Biodiversity of 1992 and the ARIPO's Swakopmund Protocol on the Protection of Traditional Knowledge and Expression of Folklore of 2010, it is important to recognize and protect the local communities against unauthorized use of their indigenous or traditional knowledge. University researchers are under a duty to act in accordance with the international principles and practices to protect indigenous or traditional knowledge.

4.7.2. Policy statements

- a) University shall ensure that rights of indigenous or traditional knowledge holders are respected in all research and academic activities.
- b) University shall ensure protection and recognition of indigenous knowledge holders by guarding against infringement of their rights, the misappropriation, misuse or harnessing of their knowledge in research and other activities of the university.

4.7.3. Strategies

- a) University shall develop mechanisms for guiding and enforcing employees, students, visitors and other IP creators to recognise and respect the rights of indigenous knowledge or traditional knowledge owners, including issues related to prior informed consent before accessing any IK/TK for R&D and

- b) University shall ensure that appropriate benefit sharing agreement is agreed with the indigenous knowledge holders in case researchers of the University are using the traditional knowledge is obtained from local community.
- c) University shall require all researchers to observe all policies or laws of the United Republic of Tanzania as well as ratified international and regional legal instruments pertaining to indigenous and/or traditional knowledge.
- d) IPMO shall develop a template form of a prior informed consent containing terms of on benefit sharing framework with the relevant community to be used by members of the University.

4.8. Transfer of Biological and Non-Biological Materials

4.8.1. Policy Issue

Biological and non-biological materials constitute one of the valuable national treasures and an important component for research in natural and applied sciences. At the national level, National Institute of Medical Research (NIMR) and Tanzania Commission for Science and Technology (COSTECH) regulate issues relating to transfer of biological and non-biological materials and have issued model material transfer agreement (MTA) to be used by research institutions in Tanzania. The University encourages the distribution of biological and non-biological materials that it owns that arises from R&D for further research on appropriate terms, provided that such distribution does not conflict with any existing obligations with the third parties and are in line with the national legal framework.

4.8.2. Policy Statements

- a) University shall strive to ensure a framework for distribution/transfer of biological and non-biological materials between and among the stakeholders including the University, employees, students and third parties are established.
- b) University shall ensure that in all subsequent inventions and transactions by the recipient arising from such materials, the university is mentioned and her financial and other interests are recognized.

4.8.3. Strategies

- a) The IPMO shall develop guidelines for acquisition and transfer of biological and non-biological materials between the University and other stakeholders.
- b) A University unit which is the holder of such materials and wishes to share or distribute it, must seek prior authorization from the University and ensure that an appropriate

Material Transfer Agreement (MTA) that complies with the requirements of relevant Government regulations is put in place.

- c) Whilst scientific exchanges should not be inhibited by potential commercial considerations; biological and non-biological materials with potential commercial value may be transferred to a third party under a commercial license agreement.

4.9. Commercialization of research results and IPR

4.9.1. Policy Issue

The University aims at contributing, through research activities, to the economic development of Tanzania through generating critical innovations that solve various problems facing a wider community. This objective can be achieved by strategic transfer and commercialization of valuable research findings with or without intellectual property protection. However, to achieve this goal will require a change in the way University researchers design and implement research with emphasis on ‘research for innovation’ with a view of generating usable and or commercialize innovations. Towards this end, there is a need for sensitization of all persons covered under this Policy, as well as putting in place mechanisms that will facilitate the development of commercialisable innovations.

4.9.2. Policy statements

- a) The University shall have the sole discretion regarding the commercialisation options of IP owned by it, taking into account the interest of the University, public and national interest. Notwithstanding, the University will ensure that reasonable efforts are made to keep the creators and enablers informed and involved in the identification of the potential users and subsequent commercialization of the IP to which they contributed.
- b) The following order of preference will guide the University's commercialisation strategies through licensing:
 - i) Under a Non-exclusive license, with a provision on retention of the right of the University to use a licensed IP for educational and further research (non-commercial purposes).
 - ii) To locally-owned entities and small and medium sized enterprises;
 - iii) To Parties domiciled within any of the regional economic block to which Tanzania is one of the member/partner states;
 - iv) To Parties that seek to use the IP in ways that provide optimal benefits to the economy and quality of life of the people of Tanzania;

- v) Where an exclusive licence is granted, the University shall ensure that the agreement contains appropriate performance clauses in order to protect the creators' revenue share and retention of royalty-free right of use for academic and other non-commercial purposes.
- c) The University will encourage staff and student researchers to establish start-ups and spin off companies that will work towards developing and commercializing specific innovations.

4.9.3. Strategies

- a) The Directorate of Innovation and Entrepreneurship and the IPMO under the guidance of the DVC-Research shall facilitate the establishment of innovation hubs and incubation facilities that support University staff and students as well as external stakeholders to develop specific innovations for commercialization.
- b) The DVC-Research through the IPMO shall develop guidelines for governing commercialization of IP while taking into consideration the interests of the University, creators (employers, students, public and third parties).
- c) The University will, in appropriate circumstances, establish or participate in the establishment of spin-offs, where it is deemed to be the most appropriate mechanism for commercialization of the IP. In exceptional circumstances, the University may also assign the IP to a third party, including a Spin-off for Commercialization.
- d) The IPMO will develop template licence agreements and the negotiation checklist to guide those involved in commercialization processes.
- e) The IPMO shall collaborate with the Directorate of Public Services and Directorate of Internationalization, Convocation and Alumni to harness external linkages towards commercialization of University IP.

4.10. Conflict of Interest and Confidentiality

4.10.1. Policy Issue

In the process of doing research, particularly collaborative research and or consultancies, there are cases where interests of the parties may be in a contradictory direction. In such cases, those involved in research may find themselves in dilemma regarding whose interests should take precedence. Currently, the University does not have clear guidelines on how issues of perceive or apparent conflict of interest are to be handled. The absence of a clear guide on this issues places researchers at a danger of agreeing to binding arrangements which jeopardizes the University's interest.

4.10.2. Policy Statements

- a) A researcher's primary commitment of time and intellectual contributions as an employee of the University should be to the education, research and academic programs of the University.
- b) It is the responsibility of each researcher to ensure that their agreements with third parties do not conflict with their obligations to the University or this Policy. This provision shall apply in particular to private consultancies and other research service agreements concluded with third parties. Each researcher should make his or her obligations to the University clear and known to those with whom such agreements may be made, and should ensure that third parties are provided with a copy of this Policy.
- c) Researchers shall keep the University's business secret in confidence. In terms of this Policy, every fact, information, solution or data related to the research carried out at the University, whose public disclosure, or its acquisition or commercial use by unauthorized persons could jeopardize the university's lawful financial, economic or market interests shall qualify as business secret. Researchers shall, when communicating with third parties, exercise all due diligence regarding confidentiality provisions.
- d) Should any doubt arise concerning conflict of interest or confidentiality issues researchers are advised to consult with the IPMO.
- e) Researchers shall promptly report all potential and existing conflict of interest to IPMO in order to reach solution satisfactory to each concerned party.

4.10.3. Strategies

- a) In vetting of research collaboration agreements, matters of conflict of interest shall be integrated and interests of the University shall be noted.
- b) The university shall develop the IP Conflict Declaration Form to be used by members of the university.
- c) IPMO shall carry out sensitization and awareness program on the paramountcy of university interest in research undertakings and the duty of secrecy on matters concerning research information and other IP related assets.

4.11. Recording and Maintenance of Intellectual Property Portfolio

4.11.1. Policy Issue

One of the prerequisite of effective institutional management of IP is the proper and effective record keeping of the processed and status of research that has led to IP protection. Currently, there are no records at the University of the prospective and existing IP. The absence of such

information inhibits the ability of the University to effectively and strategically plan on how to get the best from its various knowledge based products.

4.11.2. Policy Statements

- a) IPMO shall maintain records of the university's IP in an appropriate form and in sufficient details. It shall monitor the deadlines for the payment obligations related to the maintenance of protected IP, and shall, within reasonable time, inform the person or department designated by the University.
- b) IPMO shall maintain accounting records on each registered IP. He or she shall ensure that the Intellectual Property be recorded in the accounting records, that any costs incurred be paid in due course and that the revenues from commercialization be distributed.

4.11.3. Strategies

- a) The university shall carryout periodic IP audits to establish the status of various IP generated and/or owned by University.
- b) The IPMO shall develop a database of all IP owned by the university indicating the duration of protection, payable annuities, renewal dates, technical relevance, and potential users or development collaborators.

4.12. Motivation of Researchers and Distribution of Revenues

4.12.1. Policy Issue

Intellectual property rights system and its underlying rules are tailored as an incentive package to encourage further creativity from researchers and other creators of IP rights. This objective is achieved through granting of exclusive rights for a limited period of time to allow the owner of IP recoup economic and other forms of benefit from their creative works. To motivate researchers and other stakeholders to continue to invest their efforts in developing new innovations, it is important that there is a framework for their recognition and any revenue accruing from their efforts is shared equitably according to their inputs.

4.12.2. Policy statement

University shall strive to ensure that there is a system of recognition of inventors and other creators of IP through various means such as recognition of patents and other forms of IP in the promotion criteria and setting up an equitable framework for sharing of the revenues accrued

from commercialization of the revenues from intellectual properties, while cognizant of other relevant policies of the University.

4.12.3. Strategies

- a) The Guidelines for promotion of academic staff will be revised from time to time to accommodate and include creation of IP as one of the criteria that counts for promotion.
- b) University will establish a system of recognition such as bestowing a Chancellor's Awards to researchers with breakthrough inventions or other forms of IP rights.
- c) University shall, from time to time, develop and revise the guidelines governing the sharing of the revenues accrued from commercialization of the IP among the stakeholders including the University, employees, students and third parties, after deducting operational expenses incurred by the University in connection with commercialisation of the IP.
- d) University shall also ensure that its investment and research policies reflect commercialization of IP as one of the potential sources of internally generated revenue.

4.13. Compliance with the Policy

4.13.1. Policy Issue

Successful implementation of this Policy requires that all parties who are regulated under this Policy fully comply with the terms and spirit of the Policy. Currently, with the exception of a patents declaration form which is part of the employment contract at the University, there is no express obligatory policy provision that compel all members of the University to comply with the Policy. The absence of such policy directive may result into breaches of the policy hence potentially affecting its future implementation.

4.13.2. Policy Statements

- a) The University shall carry out periodic sensitization and awareness programs to all units and researchers on the scope, context and applicability of the Policy in their academic and administrative settings
- b) Any breach of the provisions of this Policy shall be dealt with under the normal procedures of the University in accordance with the relevant provisions of the national IP laws.
- c) All breaches of the Policy shall be dealt with in compliance of the due process whereby accused will be given a fair hearing.

4.13.3. Strategies

- a) The University shall set up an Intellectual Property Disciplinary Committee with the mandate to handle all matters relating to breaches of the Policy.
- b) The University shall prescribe Guidelines on the composition and modus operandi of the Committee.

4.14. Dispute Resolution

4.14.1. Policy Issue

In view of its intricacies of the IP generation and protection processes, it is not uncommon for disputes to arise, either between researchers themselves, researchers and the university, or between two or more institutions on the IP jointly created by their staff. Currently, there is no institutional framework for handling disputes arising from IP related matters. In the absence of an effective institutionally-based disputes resolution framework, the university risks potentially costly court-based litigations and disheartening researcher whose complaints may could not have been resolved amicably.

4.14.2. Policy Statements

- a) The University shall endeavor, to the extent practicable, to resolve all IP related disputes through amicable means.
- b) In the first instance, IP related disputes shall be dealt with by the IPMO who may co-opt a consultative ad hoc committee to hear the complaint and advice on the resolution by issuing a written opinion/verdict.
- c) As a general rule, a decision shall be taken within 14 days from the submission of the complaint. Over and beyond the above, with respect to any legal dispute arising in connection with the rules of this Policy, the relevant provisions of the national legislation shall be applicable.
- d) While generally the university does not prefer invocation of normal court litigation processes in resolving the IP disputes between members of the University, it may nevertheless pursue full blown court litigation, if protection of the institutional interests so demand.

4.14.3. Strategies

- a) The university shall carry out extensive awareness programs to increase the level of understanding amongst stakeholders under this policy in order to minimize frictions arising from improper understanding of the policy framework and law on IP.

- b) The University shall establish an IP advisory committee with mandate on advising the University on all IP related matters including disputes arising during the implementation of the Policy.
- c) IPMO shall develop dispute resolution guidelines which shall specify the dispute submission forms, the procedures, the appeal process, and applicable timelines.

CHAPTER FIVE

GOVERNANCE OF THE POLICY

5.1 Organization and Mandate

- a) The office of the Deputy Vice Chancellor (Research) shall be an overseer of the implementation of all activities stipulated in the policy. Thus, the office of DVC-Research shall have the mandate to ensure that all those covered under this policy and the key units of UDSM comply with this policy.
- b) For the purposes of administration of this Policy, UDSM shall:
 - i. Establish an office called Intellectual Property Management Office (IPMO) under the DVC Research to coordinate, promote, advocate, audit, disseminate knowledge and protect intellectual property assets at the University.
 - ii. Designate the position of the Intellectual Property Manager who shall be the head of the IPMO.
 - iii. Set the terms and conditions of service and the requisite qualifications for the holder of such office in consultation with the DVC Research and the Directorate of Human Resource and Administration (DHRA);
 - iv. Set-up or institutionalise, at the college, institute and school levels (within the research & publications committees) the additional IP mandate which shall liaise with the IPMO in all matters pertaining to intellectual property;
 - v. Ensure that deliberations and recommendations of the IPMO are tabled before the Senate for further actions.
 - vi. Establish a clear framework of collaboration and information flow between IPMO and University of Dar es Salaam Directorate of Innovation and Entrepreneurship (DIEN).
- c) Administrative Modalities of Intellectual Property
 - Procedure for Disclosure and Reporting of Research Activities which has IP Potentials/Value shall follow the following steps:
 - i. The inventor/author shall have the primary duty to report and make full disclosure of any research activity which s/he is carrying out using University resources to the Head of Department (HoD) to which he/she is responsible, using the prescribed forms designed by IPMO.
 - ii. Upon receipt of the disclosure or report, the Head of Department shall fill the research/invention disclosure forms and communicate the same to the Intellectual Property Manager at the IPMO to ascertain its intellectual property

potential and the IP Manager shall put the communication in writing and open a file for the said researcher.

- iii. Pursuant to (ii) above, there shall be continuous communication between IPMO and the researcher or units on the progress of the research and on matters relating to steps which have been taken by the IPMO to protect research results.

d) Evaluation Period by the IPMO

- i. Unless there are justifiable circumstances to the contrary, the IP Manager shall communicate to the researcher as soon as possible but not later than 90 days of receipt of the research/invention disclosure form whether or not UDSM will pursue IP rights under the said research.
- ii. If the UDSM opts to pursue intellectual property protection, the IPMO shall take timely measures to seek protection so that the researcher could make timely publication in professional or scholarly media of the research findings associated with the research and/or the timely completion of a student's thesis or dissertation as the case may be.
- iii. The UDSM, in consultation with the inventor/author, may elect to utilize the services of patent attorneys and/or other IP experts in organizing and deciding on the most appropriate way to harnessing the IP asset under the consideration.

5.2 Roles of Other Stakeholders

The implementation of the UDSM IP Policy shall be held by various stakeholders outside and inside UDSM whose functions have direct or indirect link with IP. These actors include the relevant Ministries, government agencies and authorities, non-state actors, as well as international organizations). Stakeholders within UDSM include the office of DVC Research, IPMO, Colleges/Schools/Institutes and other centers/units, companies owned by the University. The stakeholders shall implement the policy according to strategies stipulated in the policy document.

5.2.1 The Roles of Various Ministries

- a) Ministry of Education, Science and Technology:
 - i. To provide financial and policy related support for integration of IP in research management and regulation of access to proprietary information.
 - ii. To provide support for establishment of innovation center and business and technological incubation systems as part of IP transfer and commercialization.
- b) Ministry of Industry Trade and Investments: To provide policy and financial support

in the IP initiatives particularly by strengthening the national IP Office (BRELA), and the Fair Competition Commission (FCC), and attracting support from regional and international organizations dealing with IP.

- c) Ministry of Sports and Culture: To policy and financial support to its key constituent organs dealing with arts and culture such as the Copyright Office of Tanzania (COOTA), and National Arts Council (BASATA).
- d) Ministry of Agriculture: to strengthen the Office of the Registrar of Plant Breeders' Rights,
- e) All other ministries to collaborate with UDSM on various IP related projects and activities.

5.2.2 The Office of Deputy Vice Chancellor - Research

- a) Oversee and monitor the implementation of the policy objectives.
- b) Allocate budget to address institutional IP needs
- c) Ensure that Colleges/Schools/Units/Institutes support implementation of this Policy.

5.2.3 Non state agencies and international organizations)

- a) Provide technical, financial, and infrastructural support for IP related activities at the University.
- b) Fund/collaborate with UDSM in the IP teaching and awareness programs;

5.2.4 IPMO

- a) Coordinate and provide services on IP related services to the University community.
- b) Promptly identify research results with potential for IP protection
- c) Liaise with other stakeholders in the promotion and protection of IP
- d) Advise the University on all IP related matters.
- e) Develop tools for the implementation of this Policy such as relevant templates for:
 - i) Invention Disclosure Forms
 - ii) Intellectual Property Evaluation Forms
 - iii) Confidentiality/Non-Disclosure Forms
 - iv) IP assignment/Licensing Agreement
 - v) IP Audit Checklist
 - vi) Inventory of University IP assets
 - vii) Research Notebooks
 - viii) Material Transfer Agreement

- f) Keep up to date records of IP owned by the University.

5.2.5 DIEN

- a) To liaise with IPMO in identifying potential commercializable research outputs and taking appropriate steps in line with the principles enshrined under this policy;
- b) To liaise with IPMO in making sure university IP interest are noted and preserved in various undertakings involving incubation programs and related activities under the Center.

5.2.6 Colleges /Schools/Institutes

- a) Implement directives concerning IP related matters.
- b) Provide appropriate support services researchers and innovators
- c) Encourage its academic and administrative staff to research and report to IPMO all IP related works arising from research.
- d) Integrate in the teaching curriculum the IP related aspects in the subjects taught in their respective departments.

5.2.7 University of Dar es Salaam Administrative Organs

- i. Ensure their budgets and provisions of their services are aligned to the dictates of the Policy.

CHAPTER SIX

MONITORING AND EVALUATION

6.1 Purpose of Monitoring and Evaluation

The aim of monitoring and evaluation of this policy is to obtain feedback on the progress of the implementation of the policy and assess the outcomes against its original objectives and expectations. Similarly, evaluation is also vital in appraising the overall UDSM IP policy in relation to its objectives. Specifically, evaluation will focus on the effectiveness, efficiency and impact of the agreed strategies. Monitoring and evaluation shall be carried out at all levels of the University. The Office of DVC-Research using the IPMO shall coordinate and facilitate the support needed for organization, monitoring and evaluation of this Policy.

6.2 Implementation

The implementation of this Policy requires collective commitment of all stakeholders. In that regard, the implementation will be participatory, involving all stakeholders.

6.3 Policy Review

The UDSM IP Policy shall be reviewed after every five (5) years to appraise its effectiveness and incorporate new developments, amendments and strategic plans within and outside the University. The DVC- Research shall constitute a review team and mandate it to undertake the review exercise.

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