



11 July 2022

**IMPLEMENTATION ORDER**  
No. 31, Series of 2022

To : Vice-Presidents  
Director, Production Services  
Campus Directors  
Faculty Members

Subject: Approval of the Technology Transfer Protocol by the URS Board of Regents

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1. The URS Board of Regents approved the Technology Transfer Protocol during its 73<sup>rd</sup> Hybrid Regular Meeting held on 17 March 2022 at the CHED Conference Room, HEDC Building, C.P. Garcia Avenue, UP Diliman, Quezon City.
2. Attached is a copy of the Technology Transfer Protocol for ready reference.
3. For information and proper guidance.

  
NANCY T. PASCUAL, Ed.D.,RGC  
President

Encl.: Technology Transfer Protocol



# TECHNOLOGY TRANSFER PROTOCOL

Republic of the Philippines  
University of Rizal System  
Province of Rizal



# **TECHNOLOGY TRANSFER PROTOCOL**

BOR Resolution No. 05, S. 2022

**2022**

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## **HISTORY OF THE UNIVERSITY OF RIZAL SYSTEM**

The University of Rizal System is a merger of two (2) state colleges and a University extension campus – the Rizal Polytechnic College, Rizal State College, and the Rizal Technological University extension campus. The Republic Act 9157 lapsed into law on August 11, 2001, established a State university in the province of Rizal to be known as the University of Rizal System, by integrating the Rizal State College and its extension campuses in Angono, Binangonan, Pililla and Rodriguez, the Rizal Polytechnic College and its extension campus in Cainta and Rizal Technological University- Antipolo Annex, all in the Province of Rizal. On June 18, 2002, CHED Resolution No. 411-2002 was issued identifying Tanay Campus as the main campus of the University.

The Rizal National Agricultural School (RNAS) was established by Republic Act Number 1560 authored by Cong. Serafin Salvador, which was approved on June 16, 1956. RNAS was opened on May 27, 1959. It was chartered as a state college on June 24, 1983 by Batas Pambansa Bilang 622 authored by Assemblyman Frisco F. San Juan making it the first state college in the Province of Rizal known as Rizal College of Agriculture and Technology (RCAT). RCAT was later renamed Rizal State College (RSC) by virtue of Republic Act 7858 sponsored by Hon. Congressman Emigdio S. Tanjuatco, Jr. and approved by His Excellency Fidel V. Ramos on January 21, 1995.

The College is about 67 kilometers away from Metro Manila and accessible to all towns of Rizal through the Manila East Road or through Marikina-Infanta highway and is set atop an elevation of about 1,800 feet above sea level in the Sierra Madre Mountain range and is overlooking the scenic Laguna Lake and the surrounding lake towns.

Rizal Polytechnic College was first established as Morong High School on August 16, 1944. It was converted into Morong National High School on August 20, 1976 and to Morong National Comprehensive School on March 30, 1977. With the integration of Tomas Claudio Memorial Elementary School, it was converted into Morong National Comprehensive School, later renamed Rizal Technological and Polytechnic Institute on August 10, 1983 through Batas Pambansa Bilang 469. RTPI became a state college, the Rizal Polytechnic College on March 1, 1995 through Republic Act 7933. Through Board of Trustees' Resolution No.06-13-98 dated February 12, 1998, RPC Cardona Research Extension was established.

At present the University operates with 10 campuses in the Province of Rizal, namely: URS Angono, Antipolo, Binangonan, Cainta, Cardona, Morong, Pililla, Rodriguez, Tanay and Taytay. It offers complete education from Kindergarten to Graduate School. The University implements a number of academic programs in the doctorate, masters, baccalaureate, non-degree and short-term courses. It also provides research, extension and production services as well as establishment of centers. The existence of the University caters to the needs of the stakeholders within and nearby provinces.

**UNIVERSITY CHARTER  
(Republic Act No. 9157)**

**“An Act Establishing the University of Rizal System by Integrating the Existing State Colleges in the Province of Rizal and the Rizal Technological University- Antipolo Annex Appropriating Funds Therefore and For Other Purposes”<sup>1</sup>**

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

**Section 1.** There is hereby established a State university in the Province of Rizal to be known as the University of Rizal System hereinafter referred to as the University, by integrating the Rizal State College and its extension campuses in Angono, Binangonan, Pililla and Rodriguez, the Rizal Polytechnic College and its extension campus in Cainta and the Rizal Technological University – Antipolo Annex, all in the Province of Rizal. The main campus of the University shall be determined by the Commission on Higher Education.

**Section 2.** The University shall primarily offer higher professional and technical instructions and training in science and technology and promote research, extension, and production services, advanced studies and specialized training in all fields deemed relevant to the development goals of the Province of Rizal.

**Section 3.** A reasonably-sized laboratory school shall be allowed to remain and operate subject to the maintenance of a College of Education within the University. Likewise, the University may adopt public elementary and secondary schools in the Province of Rizal to serve as pilot centers for innovative teaching and learning strategies and approaches so operated and maintained under an appropriate memorandum of agreement between the University and the Department of Education, Culture and Sports (DECS).

**Section 4.** The University may open new branches/annexes in consortium with other academic institutions only within the Province of Rizal.

**Section 5.** The governing body of the University shall be the Board of Regents, hereinafter referred to as the Board, which shall be composed of the following:

- (a) The chairman of the Commission on Higher Education (CHED) chairman;
- (b) The president of the University, vice-chairman;
- (c) The chairman of the Committee on Education, Culture and Arts of the Senate or his/her representative, member;
- (d) The chairman of the Committee on Higher and Technical Education of the House of Representatives or his/her representative, member
- (e) The regional director of the National Economic and Development Authority (NEDA), member;
- (f) The regional director of the Department of Science and Technology, member;
- (g) The president of the federation of faculty associations of the University, member;
- (h) The president of the federation of student councils or the student representative elected by the federation of student councils of the University, member;

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<sup>1</sup>Republic Act No. 9157

- (i) The president of the federation alumni associations of the University, member, and;
- (j) Two (2) prominent citizens who have distinguished themselves in their professions or in their specializations, member;

The two (2) prominent citizens shall be chosen from among the list of at least five (5) qualified persons in the Province of Rizal, as recommended by a search committee constituted by the University president in consultation with the chairman of CHED based on normal standards and qualifications for the position.

The term of office of the representatives of the federations of faculty associations, student councils and alumni associations shall be coterminous with their respective term of office.

For the purpose of the provisions of this section, the associations of faculty, alumni, and student councils in each branch of the University shall organize themselves to form their respective federations, which in turn shall elect their federation officials; The two (2) prominent citizens shall serve for a term of two (2) years.

**Section 6.** The Board shall promulgate and implement policies in accordance with the declared policies on education and other pertinent provisions of the Philippine Constitution on education, science and technology, arts, culture and sports as well as the policies, standards and thrusts of the CHED under Republic Act No. 7722.<sup>2</sup>

**Section 7.** The Board shall have the following specific powers and duties in addition to its general powers of administration and the exercise of all the powers granted to the Board of Directors of a corporation under existing laws.

- (a) To enact rules and regulations not contrary to law as may be necessary to carry out the purposes and functions of the State University;
- (b) To receive and appropriate all sums as may be provided, for the support of the University in the manner it may determine, in its discretion, to carry out the purposes and functions of the University;
- (c) To receive in trust legacies, gifts and donations of real and personal properties of all kinds and to administer and dispose the same when necessary for the benefit of the University and subject to the limitations, directions and instructions of the donors, if any. Such donations shall be exempt from the donor's tax and the same shall be considered as allowable deductions from the gross income of the donor, in accordance with the provisions of the National Internal Revenue Code, as amended;
- (d) To fix tuition fees and other necessary school fees and charges such as, but not limited to, matriculation fees, graduation fees, and laboratory fees, as the Board may deem proper to impose after due consultation with the involved sectors.

Such fees and charges, including government subsidies and other incomes generated by the University, shall constitute special trust funds and shall be deposited in any authorized government depository bank, and all interests that shall accrue there from shall form part of the same funds for the use of the University.

Any provision of existing laws, rules and regulations to the contrary, notwithstanding, any income generated by the University from tuition fees and

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<sup>2</sup>Republic Act No. 7722.

other charges, as well as from the operation of the auxiliary services and land grants, shall be retained by the University, and may be disbursed by the Board for instruction, research, extension, or other programs/projects of the University. Provided, that all fiduciary fees shall be disbursed for the specific purposes for which they are collected.

If for reasons beyond its control, the University shall not be able to pursue any project for which funds have been appropriated and allocated under its approved program of expenditures, the Board may authorize the use of said funds for any reasonable purpose which, in its discretion may be necessary and urgent for the attainment of the objectives and goals of the University.

- (e) To adopt and implement a socialized scheme of tuition and school fees for greater access to poor but deserving students;
- (f) To authorize the construction or repair of its buildings, machineries, equipment and other facilities, and the purchase and acquisition of real and personal properties, including necessary supplies, materials and equipment. Purchases and other transactions entered into by the University through the Board shall be exempt from all taxes and duties;
- (g) To appoint upon recommendation of the president of the University, vice presidents, deans, directors, heads of departments faculty members and other officials and employees;
- (h) To fix and adjust salaries of faculty members and administrative officials and employees subject to the provisions of the Revised Compensation and Position Classification System and other pertinent budget and compensation laws governing hours of service, and such other duties and conditions as it may deem proper, to grant them, at its discretion, leave of absence under such regulations as it may promulgate, any provisions of existing law to the contrary notwithstanding; and to remove them for cause in accordance with the requirements of due process of law;
- (i) To approve curricula, institutional programs and rules of discipline drawn by the administrative and academic councils as herein provided;
- (j) To set policies on admission and graduation of students;
- (k) To award honorary degrees upon persons in recognition of outstanding contributions in the fields of education, public service, arts, science and technology, or in any field of specialization within the academic competence of the University; and to authorize the awarding of certificates for completion of non-degree and non-traditional courses;
- (l) To absorb non-chartered tertiary institutions within the Province of Rizal in coordination with the CHED and in consultation with the Department of Budget and Management, and to offer therein needed programs or courses, to promote and carry out equal access to educational opportunities mandated by the Constitution;
- (m) To establish research and extension centers where such will promote the development of the University;



- (n) To delegate any of its powers and duties provided for hereinabove to the president and/or other officials of the University as it may deem appropriate so as to expedite the administration of the affairs of the University;
- (o) To authorize an external management audit of the institution, to be financed by the CHED and to institute reforms, including academic and structural changes, on the basis of the audit results and recommendations;
- (p) To collaborate with other governing boards of State colleges and universities within the province or region, under the supervision of the CHED in consultation with the Department of Budget and Management (DBM), the restructuring of the University to become more efficient, relevant, productive and competitive;
- (q) To enter into joint ventures with business and industry for the profitable development and management of the economic assets of the University, the proceeds of which will be used for the development and strengthening of the University;
- (r) To develop consortia and other forms of linkages with local government units, institutions and agencies, both public and private, local and foreign, in furtherance of the purposes and objectives of the University;
- (s) To develop academic requirements for institution capability building with appropriate institutions and agencies, public and private, local and foreign, and to appoint experts, specialists as consultants, or visiting or exchange professors, scholars, researchers, as the case may be;
- (t) To set up the adoption of modern and innovative modes of transmitting knowledge such as the use of information technology, the dual system, open learning, community laboratory, etc., for the promotion of greater access to higher education;
- (u) To establish policy guidelines and procedures for participative decision making and transparency within the University;
- (v) To privatize, where most advantageous to the institution, management and non-academic services such as health, food, building or grounds or property maintenance and similar such other activities; and
- (w) To extend the term of the president of the University beyond the age of retirement but not later than the age of seventy (70) whose performance has been unanimously rated as outstanding and upon unanimous recommendation by the search committee;

**Section 8.** The Board of Regents shall regularly convene at least once every quarter. The chairman of the Board of Regents may call a special meeting whenever necessary: Provided that members are notified in writing at least three (3) days prior to the said meeting.

A majority of all members holding office shall consist a quorum for board meetings: Provided, that the chairman of the Board, or the president of the University is among those present in the meeting.

In the absence of the chairman of the CHED, a commission of the CHED, duly designated by him, shall represent him in the meeting: Provided, however, that during this meeting, the president of the University as vice-chairman shall be the presiding

officer: Provided, further, That this proviso notwithstanding, the chairman of the CHED is hereby authorized to design a CHED commissioner as the regular chair of the Board of Trustees, in which case said CHED commissioner shall act as the presiding officer.

The members of the Board shall not receive compensation but shall be reimbursed for necessary expenses incurred in their attendance of meetings or in connection with their official business authorized by resolution of the Board, subject to pertinent existing laws and regulations.

**Section 9.** The administration of the University shall be vested in the president of the University who shall render full-time service. He shall be appointed by the Board upon recommendation of the Committee on Higher Education, in consultation with a duly constituted search committee. He shall have a term of four (4) years and shall be eligible for reappointment for another term: Provided, however, That, this proviso notwithstanding, in order to effect a smooth transition to a university, the chairman of the CHED shall appoint an officer-in-charge pending the appointment of the first University president.

In case of vacancy in the office of the president by reason of death, resignation, incapacity of the president to perform the functions of his office, the Board shall have authority to designate an officer-in-charge of the University pending the appointment of a new president.

**Section 10.** There shall be an administrative council consisting of the president of the University as chairman, the vice-president(s), deans, directors and other officials of equal rank as members whose duty is to review and recommend to the Board policies governing the administration, management and development planning of the University.

**Section 11.** There shall be an academic council consisting of the president of the University, as chairman, the vice-president(s) and all members of the instructional staff with the rank of not lower than assistant professor, as members.

The academic council shall have the power to prescribe curricular offerings subject to the approval of the Board. It shall fix the requirements for admission to the University, as well as for graduation and the conferring of degrees, subject to review and/or approval by the Board through the President of the University. It shall also have the disciplinary powers over the students through the president within the limits prescribed by the rules of discipline, as approved by the Board.

In case of vacancy in the office of the president as mentioned in the and/or approval by the Board through the President of the University. It shall also have the disciplinary powers over the students through the president within the limits prescribed by the rules of discipline, as approved by the Board.

**Section 12.** There shall be a secretary of the University who shall be appointed by the Board upon recommendation of the president of the University. He shall also be the secretary of the Board and shall keep such records of the University as may be determined by the Board.

**Section 13.** The Treasurer of the Philippines shall be the ex officio Treasurer immediately preceding paragraph, his successor shall hold office for the unexpired term. If the successor shall serve for a period of more than two (2) years, then such

shall be considered as one full term for the successor. The powers and duties of the president of the University, in addition to those specifically provided in this Act, shall be those usually pertaining to the office of the president of similar universities. The salary of the president of the University shall be in accordance with the Revised Compensation and Position Classification System and shall be comparable to that being received by similar educational institutions of like enrolment and standing.

**Section 14.** No student shall be denied admission to the University by reason of sex, nationality, religion or political affiliation. The University shall provide a scholarship program and other affirmative action programs to assist poor but deserving students to qualify for admission to the university.

**Section 15.** No religious opinion or affiliation shall be a matter of inquiry in the appointment of faculty members of the University. Provided, however, that no member of the faculty shall teach for or against any particular church or religious sect.

**Section 16.** On or before the fifteenth (15th) day of the second month after the opening of the regular classes each year, the Board shall file with the Office of the President of the Philippines, through the Chairperson of the CHED and to both Houses of Congress, a detailed report on the progress, conditions and needs of the University.

**Section 17.** All the assets, fixed and movable, personnel and records of the Rizal State College and its extension campuses in Angono, Binangonan, Pililla and Rodriguez, the Rizal Polytechnic College and its extension campus in Cainta and the Rizal Technological University, Antipolo Annex as well as liabilities or obligations are hereby transferred to the University of Rizal System: Provided, That the positions, rights and security of tenure of personnel therein employed under existing laws prior to absorption by the University are not impaired: Provided, further, That the incumbents of the positions

shall remain in the same status until otherwise provided by the Board. All parcels of land belonging to the government, occupied by the Rizal State College and its extension campuses in Angono, Binangonan, Pililla and Rodriguez, the Rizal Polytechnic College and its extension campus in Cainta and the Rizal Technological University – Antipolo Annex shall be declared the property of the University of Rizal System and shall be titled under that name: Provided, furthermore, that should the University cease to exist or be abolished or such parcels of land aforementioned be no longer needed by the University, the same shall be transferred to the Province of Rizal. However, the provincial government of Rizal can only utilize such land for its equivalent monetary values) for higher education purposes as mentioned in this Act.

**Section 18.** All accounts and expenses of the University shall be audited by the Commission on Audit or its duly authorized representative.

**Section 19.** The heads of bureaus and offices of the national government are hereby authorized to loan or transfer upon request of the president of the University, such apparatus, equipment or supplies as may be needed by the University and to detail employees for duty therein when in the judgment of the bureau or office, such apparatus, equipment, supplies or services of such employees can be spared without serious detriment to the public service. Employees so detailed shall perform such duties as required of them by the president of the University, and the time so employed shall be counted as part of their regular services.

**Section 20.** The amount necessary for the implementation of this Act shall be charged against the current year's appropriations of the Rizal State College, the Rizal Polytechnic College and the Rizal Technological University – Antipolo Annex. Thereafter, such sums as may be necessary for the continued operation and maintenance of the University of Rizal System shall be included in the annual General Appropriations Act.

**Section 21.** Sections 1, 4 and 22 of Republic Act No. 8365 are hereby repealed. All other laws, presidential decrees, executive orders, rules and regulations contrary or inconsistent with the provisions of this Act are hereby repealed, amended, or modified accordingly.

**Section 22.** Within a period of one (1) school year after the approval of this Act, the CHED is hereby empowered to define and design the process of reorganization and restructuring of the University.

**Section 23.** If for any reason, any part or provision of this Act is declared invalid or unconstitutional, the remaining parts or provisions not affected thereby shall remain in full force and effect.

**Section 24.** This Act shall take effect fifteen (15) days upon publication in the Official Gazette.

**Approved.**

**(SGD.) AQUILINO Q. PIMENTEL, JR**

President of the Senate

**(SGD.) FELICIANO BELMONTE, JR.**

Speaker of the House of Representatives

This Act which originated in the House of Representatives was finally passed by the House of Representatives and the Senate on June 7, 2001 and June 7, 2001 respectively.

**(SGD.) LUTGARDO B. BARBO**

Secretary of the Senate

**(SGD.) ROBERTO P. NAZARENO**

Secretary General

House of Representatives

**APPROVED:**

**GLORIA MACAPAGAL-ARROYO**

President of the Philippines

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**Lapsed into law on August 11, 2001 without the signature of the President, in accordance with Article VI, Section 27 (1) of the Constitution.**

**UNIVERSITY SEAL**

(As per Board Resolution No. 042-390-13 adopted during the 42<sup>nd</sup> Regular Meeting held on March 14, 2013)



Map of Rizal	The service area and location of the University
Rope	The people from all walks of life who support and ideally carry the name of the University in mind, heart and in deeds
Pillar	The school as a citadel of learning providing knowledge and guidance developing values and shedding light on the minds and hearts of the learners
Diploma	The achievement for all the efforts of the students, the parents, the staff, Administration, the alumni and the community to attain quality education
Gear	The technology innovations which unify and facilitate the operational management of the University as a system
Orbit	Shows the continuous development of the individual as a learner and the University as an avenue of community development and nation building. It also symbolizes excellence in the four-fold functions of the University as Instruction, Research, Community and Extension
Leaves	The aim of the University for academic excellence and progress. Furthermore, it exhibits the component of agriculture as an instrument in the upliftment of productivity and the quality of life of the people
2001	The year when Republic Act No. 9157 lapsed into law
Globe	The challenges of global education
Wide space	The prospects of the University in providing relevant and responsive course offerings and community service

## **UNIVERSITY OF RIZAL SYSTEM**

(As per Board Resolution No. 042-390-13 adopted during the 42<sup>nd</sup> Regular Meeting held on March 14, 2013)

### **VISION**

The leading University in human resource development, knowledge and technology generation and environmental stewardship

### **MISSION**

The University of Rizal System is committed to nurture and produce upright and competent graduates and empowered community through relevant and sustainable higher professional and technical instruction, research, extension and production services.

### **CORE VALUES**

- R Responsiveness
- I Integrity
- S Service
- E Excellence
- S Social Responsibility

### **URS BRAND**

*“Nurturing tomorrow’s noblest”*

### **URS BRANDING SYMBOL**

*The GIANTS*

### **GOALS**

Quality and Excellence  
Relevance and Responsiveness  
Access and Equity  
Efficiency and Effectiveness

## **URS VECTOR**

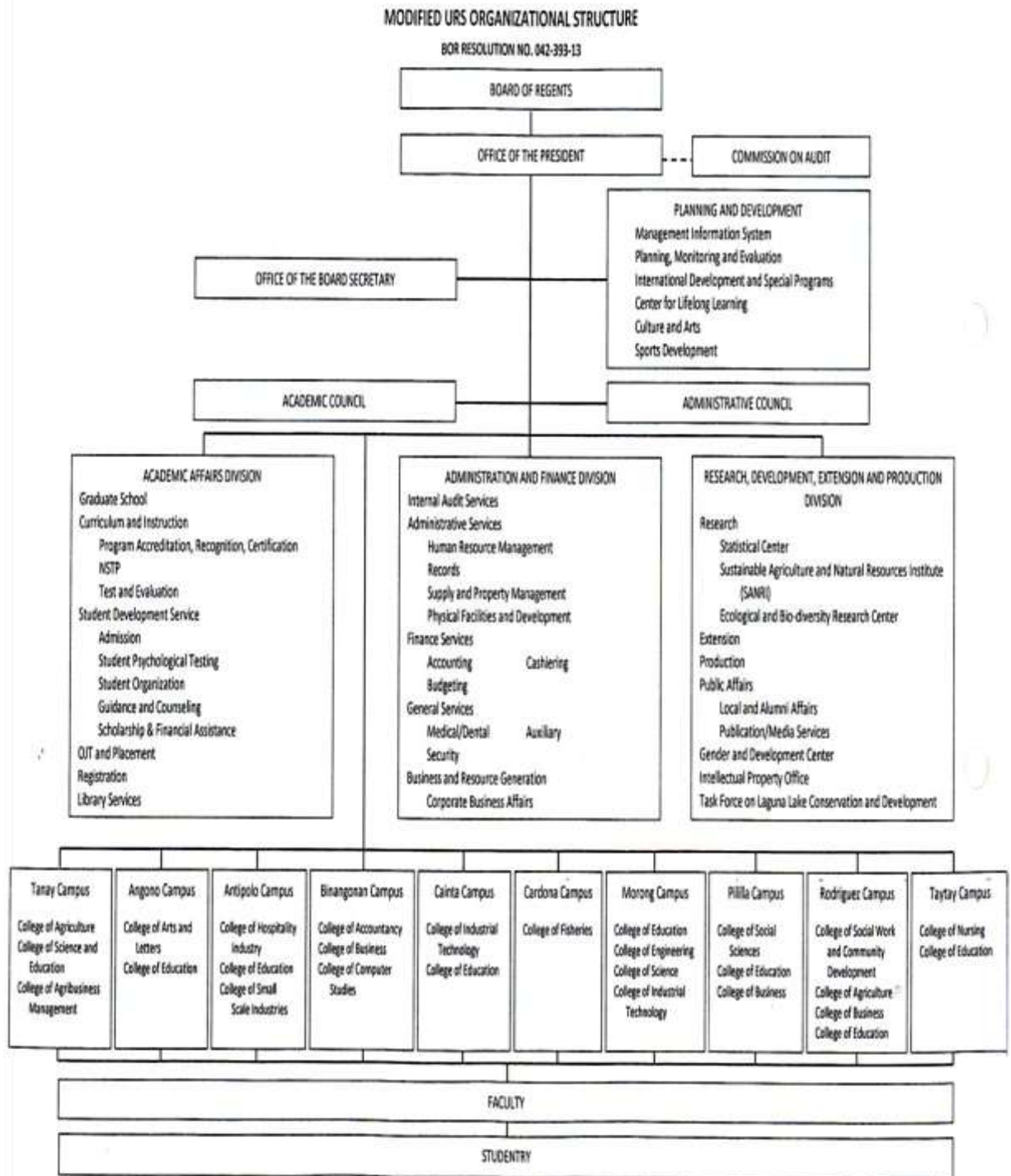


**BOR Resolution No. 042-390-13**

**Administrative Council Resolution No. 02-007-13**

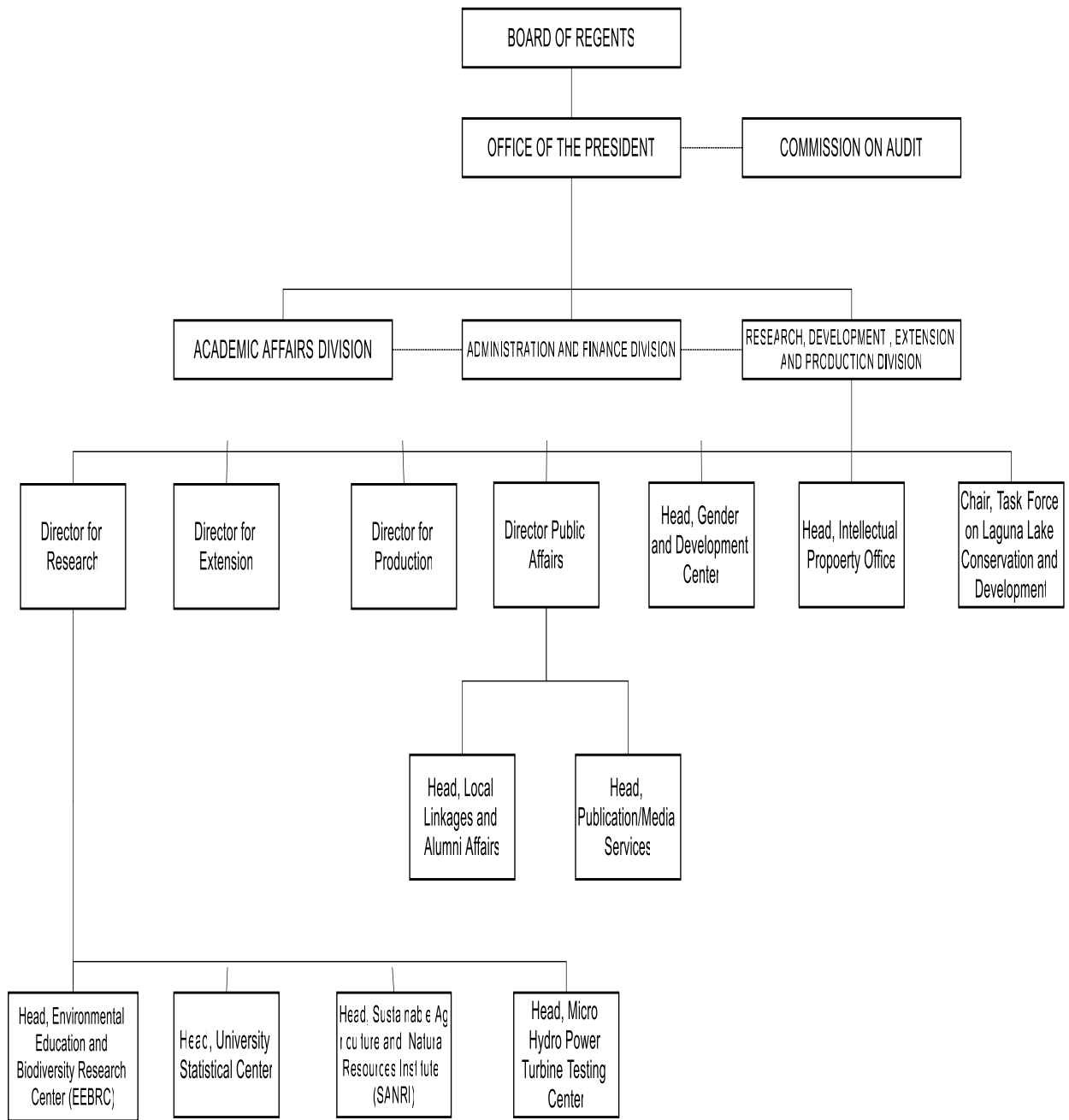
In the Philippine myths, a legendary figure named Bernardo Carpio is a giant. He had a strength that was similar to that of Hercules of the Greek mythology. Giants or commonly called as Titans were a primeval race of powerful duties and the descendants of Earth and Sky that ruled during the legendary golden age. They were immortal beings of incredible strength and stamina and were also the first pantheon god and goddesses. Giants possessed overwhelming physique and power beyond human capacity. The basic form of the legend is that Bernardo Carpio, being of great strength, is trapped between two great rocks in the Mountains of Montalban. Accordingly, he is keeping the mountains from crashing into each other (similar to the Greek titan Atlas holding up the sky). When Carpio shrugs his shoulder, an earthquake occurs.

As an "icon" in the URS Vector, Bernardo Carpio depicts that the enslaving poverty and oppressing ignorance will be replaced with freedom and happiness through perseverance and education. The Giant in its colossal glory is at the center while lifting the word "Giants" with the name/acronym of the University written at the top. The brusque and masculine demeanor of the Giant represents the excellence and greatness of the institution and holds the URS core values. Giants are undefeatable and will always RISE to persevere odds and challenges. The state-of-trance-expression of the giant bordering from rage and duress conveys the feeling of "I'll give all my bests to strive Greatness and Excellence."

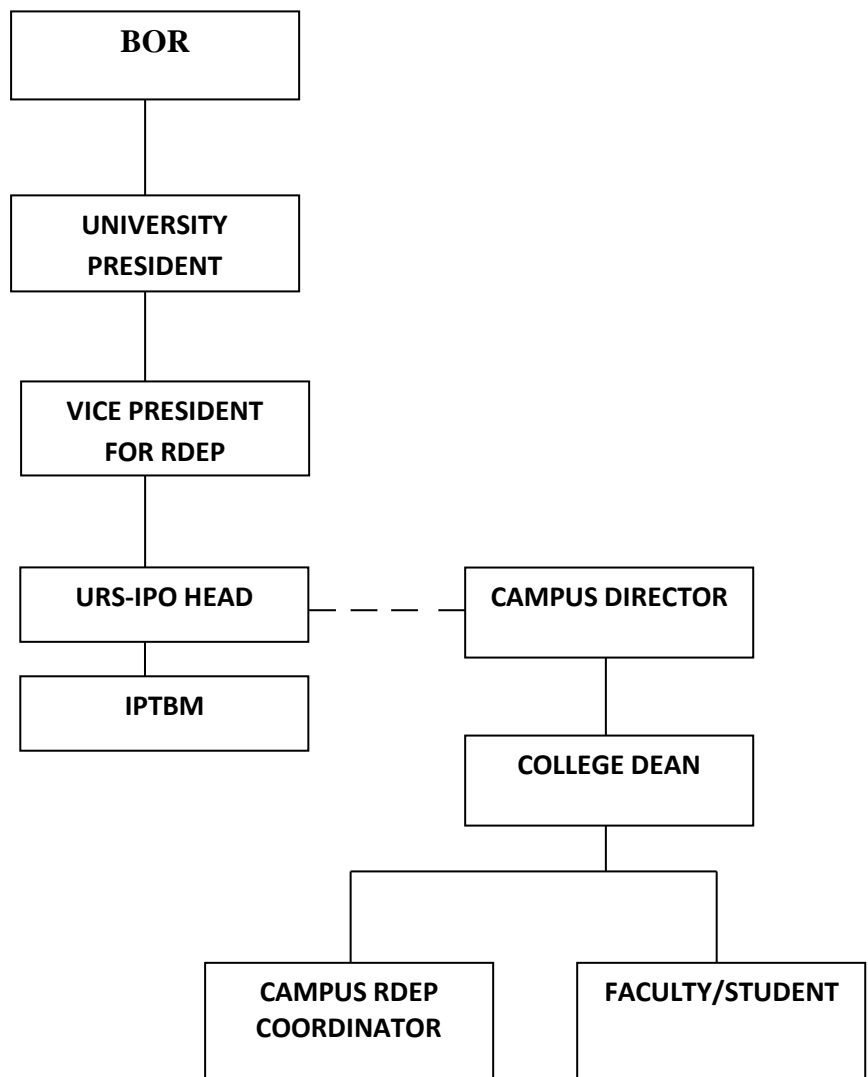




### RDEP DIVISION ORGANIZATIONAL STRUCTURE



### URS-IPO ORGANIGRAM



## **I. RATIONALE**

RA 9157 entrusts the University of Rizal System with the mandate of promoting instruction, research development, extension and production services and regard them as University's four-fold functions and principal pillars of operation. The RA primarily guides the University towards a more relevant and responsive culture of research, extension and production services that aims to continue the search for knowledge, to increase research results that are protected and commercialized, and to establish fiscal autonomy in support of the four functions.

The URS adheres to the policies and principles set out in the Technology Transfer Act (RA 10055), that the State fully recognizes that science, technology and innovation are essential to national development and progress. Emphasis is placed on research and development, invention, or innovation towards utilization and commercialization. The state also encourages the widest and systematic involvement of stakeholders to science and technology, and in the generation, transfer and utilization of intellectual properties or innovations for the benefit of the general public.

Recognized as a State University by virtue of the RA 9157 that supports research and development, the URS recognizes science, technology and innovation as essential elements contributory to national development by prioritizing inventions, innovation, technologies, products and services generated through research and applying means for possible utilization and commercialization. To comply with the Act, the URS acknowledges that the successful transfer of funded R&D results depends on the proper management of intellectual property, development of capacity to become self-sustaining and competitive, through interaction and collaboration with other government agencies and private sectors, particularly in the establishment of small/medium enterprises utilizing research based technologies and services to bring an equitable, fair access, and mutual benefit for all the parties involved. (Article I, Section 2).

In order to lead a successful transfer of technology, the URS establishes ways to ensure that potential adopters shall have access to the University's technology and knowledge generated from researches and apply appropriate procedures to enter into a partnership leading to utilization or commercialization. This is precisely why the URS has developed this Technology Transfer Protocol which provides specific guidelines to facilitate the transfer, promotion and use of the University's technologies. The URS adheres to the principle that technology transfer must be viewed

as one of the University's strategic missions to effectively translate the results of funded R&D into useful products, processes or services that will benefit not only the faculty and students of the University but the Filipinos in general. This Technology Transfer Protocol is meant to implement the State policies and objectives in the promotion and facilitation of transfer, dissemination, and effective use, management, and commercialization of the technologies resulting from funded research and development (R&D) and innovations.

**II. DEFINITION OF TERMS** - For purposes of this Technology Transfer Protocol, the following terms are defined as follows:

**Act** - refers to Republic Act No. No.10055.

**Commercialization.** This refers to the process by which the URS adopts in the development of new products or services that entails production, distribution, marketing, sales, and other functions relevant to achieve commercial success. It also refers to the process of deriving income or profit from a technology, such as the creation of a spin-off company, or through licensing, or the sale of the technology and/or IPRs.

**Government Funding Agency (GFA).** This refers to any government agency or instrumentality, or government owned and/or controlled corporation that provides research grants and other technical and material support, from government appropriations and resources and those sourced from government-managed Official Development Assistance (ODA) funds.

**Incentive.** This refers to an appreciation incentive given to the Staff of URS-IPO for the services they rendered relevant to IP management, IP document preparation and technology transfer and commercialization-related initiatives.

**Innovation.** It refers to the process that URS undertakes to conceptualize novel products, processes, and ideas, or to improve any existing technology into new products, processes or ideas. It also pertains to the outputs of non-R&D projects or activities that are funded by either the University of Rizal System or by external funding agency.

**Intellectual Property (IP).** This is the term used to describe intangible assets resulting from the R&D, creative works or innovations of the faculty and students of URS. It also refers to creations of the mind, such as inventions, literary and artistic works, and symbols, names, images, and

designs used in commerce. IP can also refer to future tangible and/or intangible assets that may be recognized as intellectual property.

**Intellectual Property Rights (IPRs).** It refers to the rights recognized and protected under Republic Act No. 8293, otherwise known as the “Intellectual Property Code of the Philippines”, as amended. IPRs shall also include Plant Variety Protection as the term is defined under Title II, Sec 3 (j) of Republic Act No. 9168.

**Joint Venture.** This refers to a business arrangement in which the URS and the technology Takers agreed to utilize the IPs and use their resources for the purpose of accomplishing activities or tasks significant to commercialization and held responsible for profits, losses, and costs associated with it.

**Licensing.** It refers to a business arrangement in which URS can offer to its partner agency a permission to adopt the University’s technology following the terms and conditions as agreed upon by both parties.

**Literary Works.** These refer to original intellectual creations in the artistic domain protected from the moment of their creation and shall include, among others: **(1)** books, pamphlets, articles and other writings; **(2)** lectures, sermons, addresses, dissertations for oral delivery; **(3)** works of drawing, painting, architecture, sculpture and engraving; **(4)** original ornamental designs or models for articles of manufacture; **(5)** illustrations, maps, plans, sketches, charts and three-dimensional works relative to geography, topography, architecture and science; **(6)** drawings or plastic works of scientific or technical character; **(7)** photographic works including works produced by a process analogous to photography; **(8)** audio-visual works and cinematographic works and works produced by a process analogous to cinematography or any process for making audio-visual recordings; **(9)** computer programs; and **(10)** other literary, scholarly, scientific, artistic works and derivative works which are protected under Sec. 173 of the Intellectual Property Code.

**Outright Sale.** This refers to a sell of rights of the URS over a particular technology to its private partner for a term agreed upon in consideration of a fixed sum in cash or instalment.

**Product.** This refers to the URS research or innovative-based items offered for adoption by a potential taker.

**R.A. 8293.** It is an Act prescribing the Intellectual Property Code that established the Intellectual Property Office, Providing for Its Powers and

Functions, and for Other Purposes otherwise known as the Intellectual Property Code of the Philippines.

**R.A 10055.** It is an Act Providing the Framework and Support System for the Ownership, Management, Use, and Commercialization of Intellectual Property Generated from Research and Development funded by Government and for other purposes. Otherwise known as the Philippine Technology Transfer Act of 2009.

**RA 8439.** This refers to a Magna Carta for Scientists, Engineers, Researchers and other S & T Personnel in the Government, the S & T scientists, Engineers, Researchers and other S & T Personnel

**Revenue.** This refers to a monetary and non-monetary benefits derived from commercialization of the University's technology which may include income out of assignments and royalties from licenses.

**Research and Development (R&D).** This refers to research and development undertaken by the Faculty or student-researchers of URS through which aims to increase the stock of knowledge of the University in order to develop new applications or to innovate and introduce technologies, new products and services.

**Spin-off firm.** It refers to a juridical entity as an independent business technology taker with separate legal personality. This can be initiated through the initiative of URS in coordination with the technology generator.

**Spin-off.** It refers to the scheme that can be applied by the URS in the dissemination of information and start-up of the University's technologies to its partners or agency adopters.

**Technology.** This refers to the knowledge and know-how, skills, products, services, processes, practices, inventions, designs, and/or innovations derived from funded R&D or projects.

**Technology Adopter/Taker.** It refers to any person or any legal entity who undertakes technology transfer arrangement with URS for utilization or commercialization activities.

**Originator.** This refers to the researcher, faculty, student(s) of the URS who substantially contribute to the creation and generation of the IP whether it's an invention, a utility model, a trademark, an industrial design or creative and literary works.

**Technology Officer / Technology Business Management Office.** This refers to a person or persons or an office designated by the President of the URS to manage IP/technology transfer and commercialization activities.

**Technology Transfer Act of 2009.** It is an Act which provides the framework and support system for the Ownership, Management, Use, and Commercialization of intellectual property generated from Research and Development funded by Government.

**Technology Transfer.** This refers to the process of the URS in the systematic transfer of technical know-how for the manufacture of a product, application of process or rendering of service to potential adaptors. This involves the assignment or licensing of IPs for commercialization.

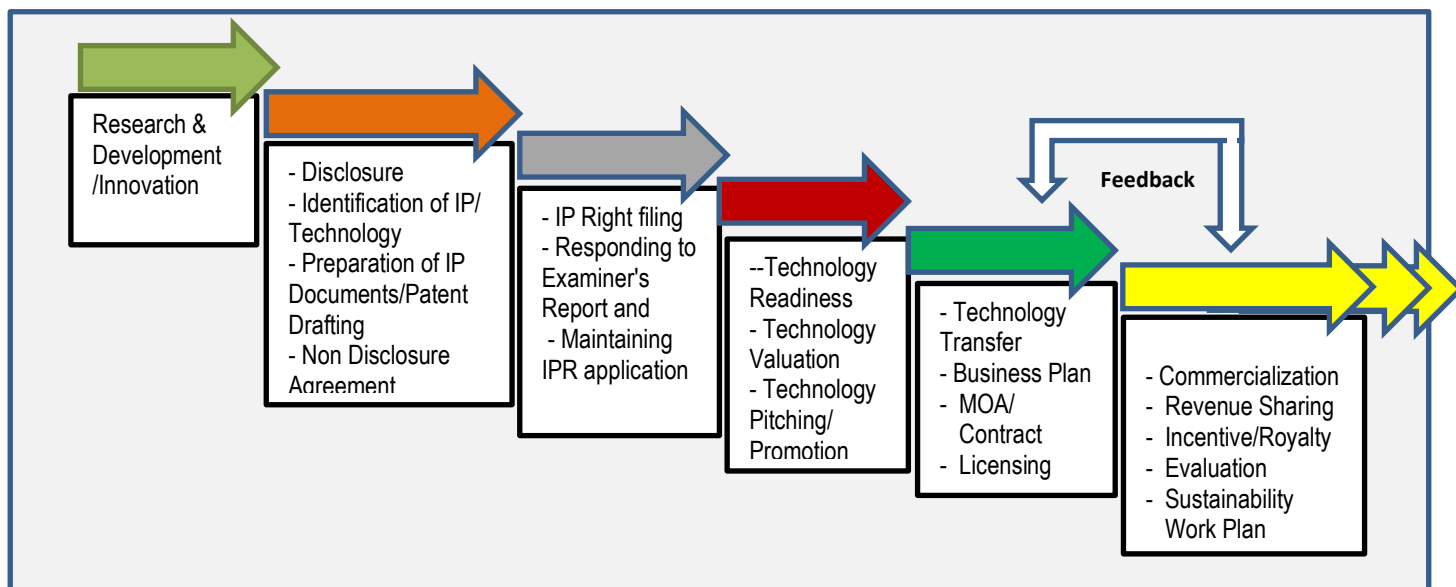
**Technology Transfer Protocol.** It refers to the written policies, strategies and processes or procedures which URS adopts to identify, protect, manage and commercialize IPs and/or IPRs and undertake technology transfer activities.

**Up-Scaling.** It refers to the URS strategy towards improving the quality of its IPs to come up with a technology that is more appealing to affluent consumers or buyers.

**URS-IPTBM.** This refers to the Intellectual Property Office of URS designated to manage the facilitation of IP Rights registration, technology transfer and/or commercialization of technology.

**URS.** It is an acronym for University of Rizal System, the only State University in the Province of Rizal.

### III. ROAD MAP: FROM R&D/INNOVATION TO COMMERCIALIZATION



#### **IV. GENERAL PRINCIPLES and TECHNOLOGY TRANSFER PROTOCOL APPROVAL**

The following principles were adopted to guide the University in all of its initiatives, activities and transactions on matters significant to R&D, production, utilization, technology transfer and commercialization.

**Principle 1.** As a State University, the URS fully recognizes that R&D and innovations are essentials to national development and progress;

**Principle 2.** As a State University, the URS recognizes science, technology and innovation as essential elements contributory to national development by prioritizing inventions, innovation, technologies, products, processes and services generated through research and applying means for possible utilization and commercialization;

**Principle 3.** As a State University, the URS is guided by truth, relevance, and excellence in the pursuit of its four-fold functions. These functions seek to deliver excellent products and services to its community and stakeholders. This principle also serves as a guide for the University in all of its decision on matters pertaining to funding and resource allocations;

**Principle 4.** As a State University, the URS encourages and directs its faculty, students and researchers to adopt full freedom in the identification, generation and protection of the intellectual properties resulting from funded R&D or innovations they have conducted;

**Principle 5.** As a State University, the URS offers its support by providing scientific and technology based environment for the exploration of new knowledge, technologies, products or services.

**Principle 6.** As a State University that supports R&D and innovations, the URS reserves the right to own, protect, manage and commercialize or establish a start-up business of the technologies derived from funded R&D or innovations.

#### **V. STATEMENT OF PURPOSE**

Generally, this Technology Transfer Protocol was developed in support to the State policies and objectives in the promotion and facilitation of transfer, dissemination, and effective use, management, and commercialization of the intellectual property, technology and knowledge resulting from research and development funded by the government for the benefit of the nation's economy.



Specifically, the Technology Transfer Protocol is designed for the University of Rizal System to have an effective management of the University's intellectual properties and efficient facilitation of transfer of technology, dissemination, utilization and commercialization. It aims to define the process and spell out the requirements as well as the procedure for technology transfer leading to adoption and commercialization partnership with the potential investors.

## **VI. SCOPE**

**Sec.1** This Protocol adopts the generally recognized laws and principles referred to in RA 10055; RA 8293, otherwise known as the IP Code of the Philippines; RA 11293, otherwise known as the Innovation Act, RA 7459, known as Investors and Invention Incentives Act of the Philippines and other relevant Laws significant to Intellectual property management, technology transfer and commercialization. It covers URS funded researches, technology innovations, tangible research products, whether for commercial or non-commercial use as long as they were undertaken using the University resources. More specifically, the Protocol relates to the processes and procedures for the transfer and commercialization of University's technologies.

**Sec. 2** This Protocol applies to URS as a recognized State University that supports R&D activities in the form of financial, technical expert, facility and/or material support.

**Sec.3** This Protocol applies to all Faculty members (full time, part timer, office personnel and students) who are engaged in research development or technology innovations that may be made available to prospective technology adopters for commercialization partnerships.

**Sec.4** This Protocol also covers all technologies derived from R&D or innovations funded and supported by private or government funding agencies.

## **VII. RESPONSIBILITIES OF THE UNIVERSITY OF RIZAL SYSTEM**

The following are the rights and responsibilities of URS:

**Sec.1** Identify, protect, and manage the IPs generated from internally and externally R&D funded and pursue commercial undertakings diligently according to the Act.

**Sec.2.** Establish and strengthen the University's Technical Review Committee or IP Management Committee. The URS through its IP Office shall craft, develop and implement its Technology Transfer Protocols;

**Sec.3** University commercialization undertaking shall be subject to the provisions cited in Rule 11 of IRR of the Act;

**Sec.4** Provide a means to address any shortfall that may arise during the technology transfer and commercialization process;

**Sec.5** In the case of GFA funded R&D, the URS shall notify the GFA within a reasonable time of all IPR applications, licenses and assignments made. All applications for IP protection shall disclose any biodiversity and genetic resource, traditional knowledge, and indigenous knowledge, systems and practices. Report annually to the GFA on the progress of IP and/or IPR commercialization efforts and of all agreements entered and licenses granted;

**Sec.6** The URS shall accord its staff with incentives consistent with existing laws to sustain efforts in identifying valuable IP and in pursuing IP commercialization.

**Sec.7** The URS shall keep confidential from the public any document or information relating to potential IPRs that are not yet fully protected by law.

## **VIII. RESPONSIBILITIES OF THE URS-INTELLECTUAL PROPERTY OFFICE (URS-IPO)**

**Sec.1** The Intellectual Property Office (URS-IPO) shall be responsible for the execution of activities significant to intellectual property and technology business management towards transfer and commercialization undertakings;

**Sec.2** The URS-IPO shall be in-charged for the identification of potential technology adopters/takers, conduct IP audit and inventory, IP rights registration and training of URS personnel along IP filings, technology transfer, technology valuation and commercialization;

**Sec.3** The URS-IPO shall initiate the preparation and packaging of IEC materials to be used in the promotion and dissemination of potential IPs resulted from URS or external funded researches and innovations;

**Sec.4** The URS-IPO shall send its staff to trainings in product branding, packaging and other related training and seminars to ensure their capacity and readiness.

**Sec.5** The URS-IPO shall prepare and submit project or activity proposal, annual work plan, budget, progress reports, DPCR, accomplishment reports and other significant documents to the appropriate Office/s for reference, evaluation and for approval.

## **IX. Duties and Responsibilities of Technology Transfer Officer/Head**

**Sec.1** The Technology Transfer Officer/ Head shall prepare and submit a proposal for the organization of Campus IP representatives.

**Sec. 2** The Technology Transfer Officer/ Head shall be responsible in evaluating the outputs of funded R&D and innovations in coordination with the Director for Research, Campus IP representatives and IP Experts in the identification of potential intellectual properties or innovative works that may be derived from it.

**Sec. 3** The Technology Transfer Officer/ Head shall conduct audit and inventory of the University's funded R&D and innovations for identification of potential IPs and technology/ies and conduct necessary document drafting for IP rights protection registration, technology transfer arrangement, packaging of business arrangement and commercialization activities.

**Sec.4** The Technology Transfer Officer/ Head shall conduct assessment of the marketability of the identified technologies using a standard product marketability assessment checklist.

**Sec.5** The Technology Transfer Officer/ Head shall evaluate externally funded researches based on the pre-signed agreement between parties involved. The technologies, products or processes resulted from the said researches shall also be audited to determine any IPs that may be derived from it and assessed using a standard product marketability assessment checklist for technology transfer and commercialization purposes.

**Sec.6** The Technology Transfer Officer/ Head shall conduct IP spotting, prior arts search and patent drafting/patent documents preparation of the technology or innovation disclosed by the researcher/s. The Office shall assist the researcher/s in filing of IP Right registration application to

appropriate agency and in responding to the examiner's (IPOPIL /NLP) subsequent reports.

**Sec.7** The Technology Transfer Officer/ Head shall conduct valuation of the technology following the DOST-PCAARRD valuation procedure or the URS approved valuation instrument.

## **X. TECHNOLOGY TRANSFER PROCESS**

### **Sec. 1 Management of Intellectual Property**

- a. Potential technologies, products or processes generated from research shall be disclosed by the researcher with the URS-IPO using a Disclosure Form. The Office shall immediately conduct the necessary prior arts search, right/s spotting and patent document preparation in coordination with the researcher and have it filed to the IPOPIL/NLP for registration within five months after its disclosure.
- b. Potential technologies, products or processes resulting from theses, dissertations or creative works shall be disclosed by the student-researchers concerned. The outputs shall also be applied for IP right registration prior to any paper presentation or publication. Disclosure procedure shall be facilitated by the URS-IPO at most one month before actual presentation or publication. This shall be done in coordination with the Campus research Head and with the student/s and shall follow the URS approved IP policy.
- c. If presentation or publication of the research is made without having it disclosed, the researcher shall be directed to follow the URS-IPO disclosure process and have the IP be filed for registration not later than six months after actual presentation and publication.
- d. Faculty and students shall be encouraged to disclose their IPs and technologies yielded from innovations for the facilitation of the necessary documents relevant to IP right registration. This ensures the protection of their respective IP and enables it to be used, transferred or commercialized to help enhance and support the University's efforts to increase its revenues which may in turn be used to support the teaching, research and development and production thrusts of the University.

- e. Drafting of required documents for registration shall be prepared in coordination with the concerned Campus IP representatives and the researchers and have it filed with the Intellectual Property Office of the Philippines (IPOPIL) in the case of patents, utility model, design and trade mark. Copyright registration may be filed with the National Library of the Philippines or IPOPIL. Preparation of documents shall be based on the disclosure and from the data gathered from the result of interview with the researcher/innovator
- f. Patent documents for IPRs registration shall be endorsed to the Office of the President through the VP for Administration and Finance by the VP for Research and Development, Extension and Production for the necessary funding support.
- g. Registered technologies or with pending IPRs registration that are found to have high marketability based on assessment and valuation shall be endorsed to the Office of the President through the VP for RDEP for the necessary approval of the conduct of transfer and commercialization activities.
- h. The valuation of research or non-R&D activities funded by a government funding agency must be carried out prior to acquisition of fairness opinion report.

## **Sec. 2 Technology Valuation**

Intellectual Properties like any other assets of URS can be considered as a source of income for the University. Properties as intangible assets of the University such as invention patents, utility model, trademarks, copyrights, industrial designs and the like shall be protected before they can be utilized or commercialized. The University's tangible and intangible assets share a common thing since both have certain property rights, attributes and value. Tangible assets such as technology resulting to a product, process or services shall also be protected prior to any sort of utilization or commercialization activities. Once an intellectual property or technology is registered or filed for rights registration, valuation begins as a way to efficiently determine and illustrate the economic and financial value of the technology. Valuation lets the URS appraise or assess the estimated value of both the intangible and tangible assets taking into account the economic and legal concept of

a technology that the University hopes to transfer to its prospective adopter.

Valuation of the technology shall be conducted at the time that it is ready for transfer and for commercialization. Valuation can be used by URS as leverage during the negotiation proper with the prospective adopter or taker. Before entering into any agreement, the URS has to value the technology so that potential adopter will easily understand the technology that the University is trying to transfer.

Valuation of technology shall be performed by the URS-IPO in collaboration with experts along technology valuation. The URS-IPO may create a Panel of Valuators and endorse it to the Office of the University President for approval of their designation. In addition, the URS-IPO may invite IP experts and financial specialist as external Valuators to assist the designated Panel of Valuators in the conduct of technology valuation.

The following methods shall be considered by the URS-IPO with the Panel of Valuators in establishing the economic and financial value of a particular technology. These valuers are faculty of URS who are trained by DOST-PCAARRD along Intellectual Property Master Class, Technology Valuation and Commercialization Mentorship Series and Technology Promotion Mentorship Series. As part of the technology valuation, the panel of valuers can refer to the Intellectual Property Assessment Manual.

- a. Cost Method;
- b. Income Method;
- c. Market Method;

### **Sec. 3 Technology Promotion**

a. The promotion and dissemination of potential technologies resulted from University's IPs or technologies shall be part of the duties and responsibilities of the URS-IPO. For the Office to carry out its function, it shall collect and manage the following documents to be used in the evaluation of the R&D and innovations.

1. Inventory of URS or externally funded R&Ds and projects;
2. Copy of MOA and Certificate of Acceptability of conducted research issued by the Office of the President;
3. Signed Disclosure Agreement consisting of technical description, drawings, process, initial prior arts search, etc.;

4. Signed Non-Disclosure Agreement between parties involved; and
  5. Other pertinent Documents.
- b. The URS-IPO shall initiate networking and promotional activities relevant to technologies resulted from research or project-based technologies of URS.
1. The URS-IPO shall facilitate packaging and branding to provide a brief description of the identified technologies. The Office shall also conduct an initial survey to determine any relevant current market value for the technology prior to promotion and pitching.
  2. The URS-IPO shall prepare a technology transfer agreement and draft a commercialization plan in collaboration with potential technology adopter/taker.
  3. The URS-IPO shall develop an IEC material such as video, poster, webpage, etc. for the technologies that the URS intends to promote to potential takers or investors.
  4. The URS-IPO shall promote or showcase URS technologies for community-wide information in view of commercialization partnerships with potential organizations. Promotion may be done through technology pitching through online platforms.
  5. In addition, the URS-IPO shall attend to the following concerns in order to realize the success operation and function of the office.
    - a. Conduct evaluation of the commercial potential of the IPs/technologies, products, services;
    - b. Coordinate with the appropriate agencies for possible technology transfer and commercialization partnership;
    - c. Collaborate with government and private sectors, industries and other Universities;
    - d. Implement the procedure to protect the interests of the parties involved in the conduct of technology transfer and commercialization; and
    - e. Execute the guidelines for ownership of IP, technology disclosure, licensing, establishment of spin-off, sharing of income and benefits from commercialization the University's technology.

### **Sec. 3 Technology Transfer, Adoption and Commercialization**

- a. The URS through the URS-IPO shall consider licensing, direct selling, provision of technical assistance or service, conduct of technology demonstration and training, technology incubation, expert consultancy or establishment of spin-off firm prior to commercialization of the technologies.
- b. The URS-IPO shall develop and utilize a variety of IEC materials (information, education and communication) relevant to the conduct of technology presentations/pitching as a means of promoting the identified technologies of the University.
- c. A business plan shall be prepared by the technology taker/s in collaboration with URS-IPO and come up with a business agreement for the conduct of the commercialization.
- d. A letter of intent shall be forwarded to the Office of the University President by any business entity that wishes to partner with URS as technology adopter. A series of meetings shall be scheduled by the URS-IPO for better understanding and appreciation of the University's technologies. The URS-IPO during the meetings shall provide the necessary information, requirements, and reference materials, and possible arrangement or terms of reference for the transfer and commercialization agreements.
- e. To ensure the efficient transfer or commercialization of University's technologies, the URS-IPO shall identify the technology adopters which shall be chosen based on the following:
  1. Company profile, background and other significant information and documents such as ownership, organizational structure and administration.
  2. Capability in terms of financial status, human workforce, facility and capability of acquiring required resources.
  3. Compliance with legal, statutory, business and other registration requirements.
- f. During meetings, prospective technology adopter shall be requested by the URS-IPO to submit pertinent documents to the URS through the Office of the President.



g. The URS through the URS-IPO shall establish close coordination with the prospective technology adopter on the negotiation with respect to the terms of this technology transfer protocol. The URS-IPO shall conduct validation of the company's submitted documents.

h. The URS and the potential technology adopter shall sign a confidential information agreement (Non-Disclosure Agreement) on issues and matters that may have been disclosed during the negotiation period.

i. The URS-IPO shall draft a licensing agreement or contract or any relevant agreement, whichever is appropriate, to suit the technology transfer and commercialization scheme favourable to both parties. A copy of the drafted agreement shall be forwarded to the technology adopter for review and comments before its finalization.

j. The URS shall submit the drafted license agreement and other necessary requirements to the DOST Secretary through the GFA for recommendation and to secure the needed fairness opinion report (FOR).

k. With the recommendation of the DOST and favourable fairness opinion report the Agreement shall be subjected to a review by the IPOPHL to make sure that the said agreement ensure compliance with the IP Code especially Sections 87 and 88. The final agreement, on the recommendation of the DOST, must be signed by the relevant parties for implementation.

l. Any governmental or private company interested in adopting any of the URS technologies will be charged appropriately following the signed agreement and to their type of institution. As described in the Philippine Technology Transfer Act of 2009, non-profit organizations shall enjoy minimal charge for revenues/royalties.

## **XI. PROCEDURES FOR THE EFFECTIVE AND EFFICIENT GENERATION AND COMMERCIALIZATION OF TECHNOLOGIES**

**Sec. 1 Steps for the Commercialization of IPs.** The commercialization and acquisition of a protected intellectual property shall take place through legal relationship between the URS and of the technology adopter. Commercialization procedure as described here shall be in accordance with the steps and procedures for the effective and efficient commercialization of technology. For the successful and efficient

commercialization of the adopted technology, the following steps need to be taken.

**Step 1 IP Creation.** A technology idea is generated from research and development activities, funding may be supported by URS or external funding agency through a research contract, research funding agreement, or a research grant.

**Step 2. IP Disclosure.** Researchers, inventors, creators, designers or makers shall be required to fill out and submit an IP disclosure form to the URS-IPO for the conduct of prior arts search and IP/technology spotting.

**Step 3. Evaluation\_of\_IPs.** Review of the disclosure in the areas of technology in the form of product, process and services and relevant legal aspects shall be conducted prior to IPRs document preparation and filing. The first part of the evaluation is the technical review and determination of the novelty, industrial applicability, inventive steps, market viability and overall significance of the IPs/technology in relation to adoption and commercialization undertakings. In the commercial review and assessment, the URS-IPO shall provide and prepare the necessary information. In the IPRs review and assessment, the URS-IPO shall perform its tasks to do the evaluation process. Otherwise, a team of patent experts shall be organized to determine the registrability of the IP and identification of possible infringements. On the commercialization aspect, once the technology is found to be low in terms of business potential, it shall be returned to Step 1, otherwise, it will proceed to Step 4.

**Step 4. Technology Development.** Pilot-testing and prototyping may be conducted as part of the R&D or innovations. IPRs registration, documents shall be prepared prior to transfer and commercialization. Initial production may be planned and executed by the URS through the Production services and through the University Campus Business Affairs for sampling, marketing and determination of readiness of the technology before the actual transfer and commercialization activities.

**Step 5. Assessment of Business Commercial Potential.** The Disclosure document shall be prepared and submitted by the concerned

researchers or innovators to URS-IPO for the conduct of an appropriate assessment to determine if the technology has a potential IPs that needs to be protected and has a high value for commercialization. If the probability of market success is low, the process will return to Step 4, otherwise, it shall advance to Step 6.

**Step 6. IP Protection.** Protection of all IPs generated shall be sought through the deposit of materials or any other registration application filing to the appropriate government agencies.

**Step 7. Technology Transfer and Business Development.** A business plan shall be crafted for the commercialization of the technology. The URS-IPO shall be responsible for this aspect in coordination with the faculty, the concerned offices and the prospective Adopter.

**Step 8. Incubation and Pre- Market Launch.** Should the URS opt for start-up or build-to-sell, the University through URS-IPO and Production Services shall undertake technology incubation prior to the actual commercialization process. This incubation activity may also be done in collaboration with the prospect technology adopter as initial effort towards transfer and commercialization.

**Sec. 2 Determination of IP and commercial potentials of R & D** - URS may, without sacrificing its original mandates, shall focus its R & D programs and projects towards IPs that can generate technology with commercial potential.

**Sec. 3 IP rights registration or protection before commercialization-** the most important factor for transfer and commercialization is the IP Rights protection registration and determination of ownership. IPs or technologies that are generated from University supported or funded R&Ds and innovations shall be owned by URS. The URS and the technology generator shall receive appropriate revenue once the IP or technology is adopted and commercialized.

**Sec.4 Awarding and Execution of Technology Commercialization Contract-**Before the awarding of technology transfer and commercialization contract, the URS through URS-IPO shall conduct technology promotion or pitching. In the case of more than one party who gets interested to adopt and commercialize a specific technology of URS, a bidding of the technology shall be conducted. It shall be opened to interested parties following a scheme favourable to URS

being the owner of technology, to faculty or student-researchers as technology generator and to the adopter involved. The bidding ensures transparency of transactions and assures the prospective adapter who may invest in the adoption and commercialization of the technology. If failure of public bidding happens, the URS may still enter into a technology adoption and commercialization contract with the adopter through negotiation and other modes of agreement. After undergoing a competitive and transparent process of seeking a technology taker, one of the models listed below may be adopted by the University:

- a. **Joint venture-** the URS may enter into a joint venture arrangement with the private entity in commercializing the technology, provided that the URS is the owner. The technology may constitute the URS agency's investment in the partnership;
- b. **Outright sale-** the URS may sell its rights over a particular technology to private partner in cash or instalment basis;
- c. **Up scaling-** URS technologies may be commercialized by raising them to a higher level, upgraded, or resized according to the technology commercialization or business plan for the technology of the URS;
- d. **Licensing-** the URS may simply license the technology to the private business and collect royalties on the basis of gross or net sales or any mode agreed upon; or
- e. **Spin-off-** the URS may opt to initiate a start-up and enter into technology transfer agreement with the independent business technology taker provided that revenues for both parties are properly and appropriately distributed.

## **XII. SHARING OF REVENUES, ROYALTIES & INCENTIVE OUT OF TECHNOLOGY ADOPTION**

Revenue shall be distributed in accordance to the contract or agreement between the URS and the technology taker. The URS through its URS-IPO in coordination with the technology adopter shall determine an appropriate system for sharing of revenue out of commercialization according to the signed agreement. The URS and the technology adopter may adopt the percentage distribution as indicated below but still needs to be systematically discussed and agreed by both parties.

### **Sec.12.1.1 Distribution of Revenues**

- a. Revenues shall be distributed based on the following:

30 % is for URS

70 % is for Technology Taker/adopter

c. The revenue shall be deposited to the trust fund of URS and shall be used in support to R&D, IPRs protection registration, technology generation, transfer and commercialization undertakings. The URS shall have the preferential use of such funds to strengthen support specifically in the development of research and innovation capabilities.

d. All non-monetary revenues shall be converted to cash value and the URS shall have the discretion to determine the cash conversion value of the non-monetary benefits consistent with the signed agreement, contract and in accordance with implementing rules and regulations for RA 10055.

#### **Sec. 12.1.2 Distribution of Royalty and Incentive**

According to Republic Act No. 8439 otherwise known as the Magna Carta for Scientists, Engineers, Researchers and other S & T Personnel in the Government, the S & T scientists, Engineers, Researchers and other S & T Personnel shall be entitled to receive share in royalties. The share in royalties shall be on a sixty percent-forty percent (60%-40%) basis in favor of the Government and the personnel involved in the technology generation or activity which has been produced or undertaken during the regular performance of their functions.

The URS shall follow an appropriate scheme for granting royalties to the faculty or student researchers concerned as technology generator (inventor/creator/maker/designer/author/) of the IPs or technologies derived from R&D or innovative works. Royalties out of funded commercialized R&D or innovation shall be given to them in recognition of their contribution to the URS commercialization efforts. The IP Office and its staff shall be given incentive for the services rendered in the management of the IP and technology of the University and preparation of IP Rights related papers and document. Thus, the IP Office and its people should receive incentive in recognition of their works contributory to the development of technology transfer and commercialization activities.

a. Royalties for technology generator and URS-IPO shall be taken from the 30 % revenue shares of URS out of commercialization and shall

be distributed based on the signed agreement between the URS and the technology generator. An agreement shall be developed in consultation with the concerned technology generator prior to transfer and commercialization activity. The following percentage distribution may be adopted in the distribution of royalties. However, an agreement shall be developed, finalized and signed considering applicable royalty and incentive distribution.

- 60 % of the 30 % of the revenue share is for URS
- 35 % of the 30 % of the revenue share is for IP Generator
- 5 % of the 30 % of the revenue share is for URS IPO

b. The URS and technology generator shall receive a percentage share and other benefits in net income revenue generated from the commercialized technology regardless of classification, subject to the terms and conditions stipulated in the signed agreement between the URS and technology generator.

c. Share in royalties shall be obtained from the proceeds of commercialized technology. If there is more than one technology generators involved, the distribution of royalty shall be determined by them taking into consideration their respective individual contribution in the development and generation of their technology.

c. In the event of death of the technology generator, his/her royalty shall be given to his/her heirs or assignees in accordance with existing laws. If royalty of the faculty or student-researchers cannot be distributed within five (5) years of diligent search for such heirs or assignees, it shall be reallocated under the discretion of the Board of Regents. Any person who has legal claim for any royalty shall be informed and advised to submit a letter of intent to the Office of the University President.

d. Other Incentives such as awards, prizes, honoraria and the likes to be given to the technology generator as recognition for his/her achievement in the development of the technology/IP shall not be considered part of the royalty.

### **Sec. 12.1.3 Royalty and Incentive from University initiated Commercialization**

The URS may choose to initiate the production and commercialization of funded R&D and innovation-based technologies

before they are promoted or presented to potential partners. This will help the University to prepare its technologies in the form of products, processes or services prior to technology transfer. This commercialization activity will help strengthen the promotion of University's revenue generation through the help of Production Services and Corporate Business Affairs. The scheme below may be adopted by URS in giving royalty and incentive to all concerned. The distribution of royalties and incentives shall depend on the scheme as discussed and agreed by all the parties concerned.

50 % is for URS  
35 % is for IP Originator  
10 % is for Corporate Business Affairs  
5 % is for URS-IPO

**Sec. 12.1.4** Revenue, Royalty and Incentive from Commercialization of Externally funded R&D/Innovations

Any R&D or innovation funded by an external agency or GFA shall be considered by URS in its technology transfer and commercialization efforts. The recognition of collaboration between the parties involved in R&D and innovation activities will surely generate additional revenues for the URS. Therefore, the income distribution and incentive scheme set out below is proposed as one of the options that may be adopted by the parties concerned. However, an appropriate scheme must be determined, discussed and approved by them.

a. Distribution of Revenue

5 % is for External Funding Agency  
70 % is for Technology Taker/adopter  
25 % is for URS

b. Distribution of Royalty/ Incentive

30 % of the 25 % revenue share is for URS  
65 % of the 25 % revenue share is for IP Originator  
5 % of the 25 % revenue share is for URS IPO

### **XIII. ADMINISTRATIVE and CIVIL LIABILITY**

**Sec.1** Failure of the URS to serve its functions and responsibilities under the Technology Transfer Act of 2009 or violation of any provision by any takers, natural or juridical, shall be subjected to appropriate administrative or civil liability, under applicable laws.

### **XIV. SPECIAL SITUATIONS/EXEMPTIONS and RESOLUTION OF CONFLICTS**

The URS-IPO through the Vice President for RDEP, under special circumstances, may request deviations of any part of this Policy for a good cause. Such deviation shall require consent from the University President upon recommendation of the University Administrative Council.

Technology transfer and commercialization-related complaints shall be done in writing and addressed to the University President, who shall within fifteen (15) working days (RA 6713) from receipt thereof, respond to complaint. The reply shall contain the action/s taken on the submitted complaint.

### **XV. AMENDMENTS**

Any amendments made in this protocol shall be subject to the approval of the Board of Regents (BOR). The VP for RDEP and the URS-IPO shall review this Protocol every three (3) years or as it is deemed necessary. Amendment shall be consequently presented to the University Administrative Council and to the Board of Regents for approval.

### **XVI. SEPARABILITY CLAUSE**

In the event of conflict between any provisions of this Protocol and that of the existing URS IP policies, guidelines and regulations and relevant laws, only the provision(s) affected shall be rendered ineffective.

### **XVII. EFFECTIVITY**

This Technology Transfer Protocol shall be approved by the Board of Regents and shall take effect fifteen (15) days after its publication in the University's official web site.



