

3. COMMERCIALISATION

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3.1. DITTC evaluates the commercial potential of the IP

DITTC will build on the truncated commercial potential assessment undertaken in Step 1 and undertake a detailed commercial potential assessment of the disclosed IP. The commercial potential assessment will include, among others, the following:

- Potential applications of the technology
- Size of the market
- Assessment of Stage of Development of the technology compared to similar/competing technologies
- Potential investment required to develop the technology and estimated time to market
- Assessment of potential licencees and likelihood to adopt the new technology

This assessment will in turn feed into the Protection Strategy for the disclosed IP.

3.2. Commercialisation Strategy

There IP can either be licensed to an existing or a new company (3.3) or the University can create a company to exploit the IP (3.4.).

3.3. Licence the technology to another company

If DITTC, based on its assessment, is of the view that the most appropriate route to commercialisation would be through licensing, it will then prepare suitable marketing material for targeted potential licencees.

A potential licencee may propose any of the following routes:

1. Option Agreement – provides the company with a time-limited right to obtain a licence before the expiry of the option period.
2. Licence Agreement – the right of the company to commercially exploit the IP. In line with the IPR Act, the University prefers non-exclusive licences. When licensing technologies, DITTC shall, in line with the IP policy of Unisa, give preference to:
 - a. BBBEE enterprises
 - b. Small and medium enterprises
 - c. Companies with local manufacturing capabilities

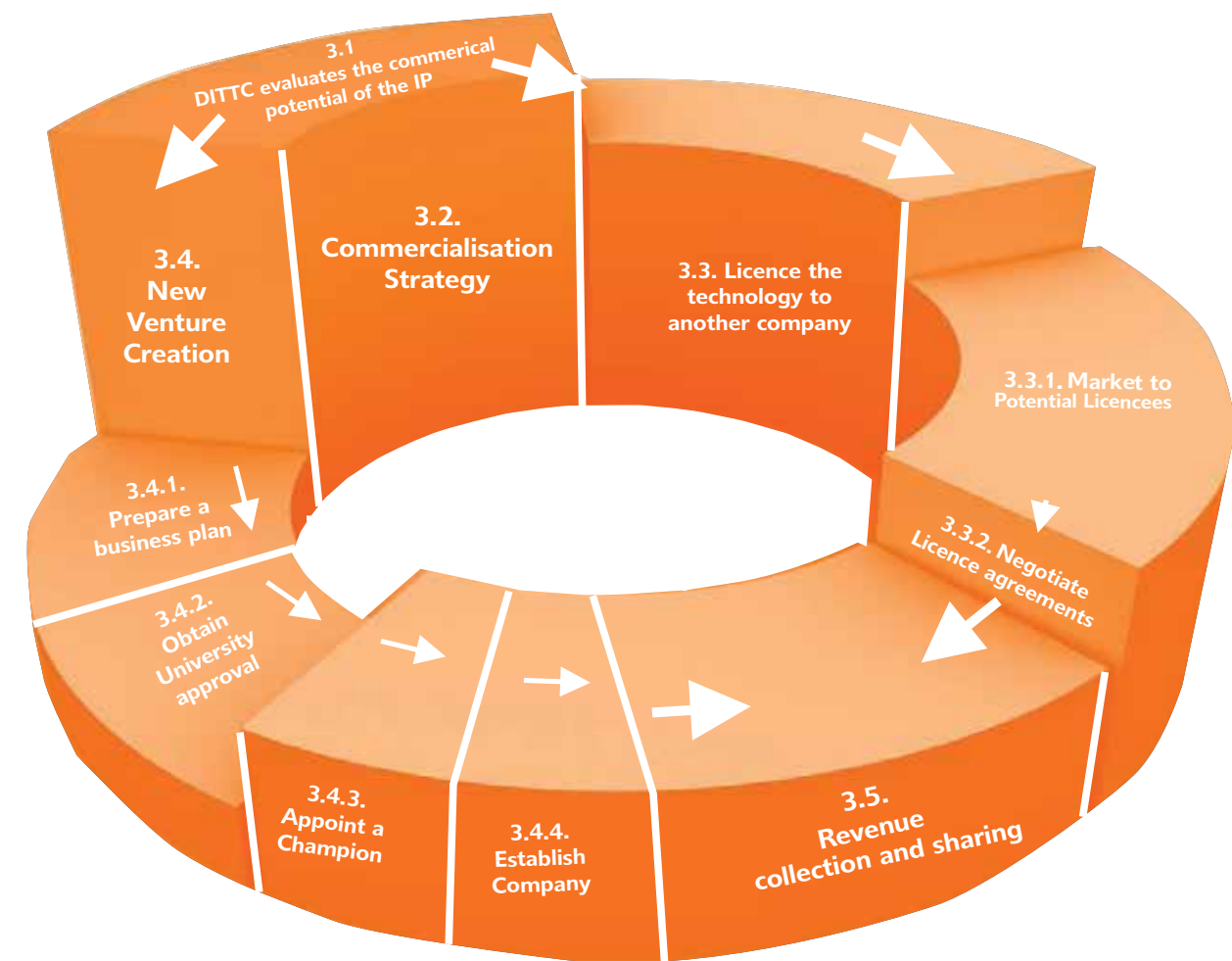
3.4. New Venture Creation

When the IP relates to a platform technology that offers options of creating multiple products, and which offers superior benefits over existing technologies, and where incumbents are not in a position to take on the new technology, then the University will consider creating a start-up company to exploit the IP. In such a case, DITTC shall, if preliminary indications are that the IP relates to a platform technology, develop a business case for establishing a new company. The business case shall, after being endorsed by the IP and Commercialisation Committee, be approved by the University. The University can then identify from within or appoint a champion to lead the establishment, capitalisation and running of the new company.

3.5. Revenue collection and sharing

DITTC shall collect and distribute any revenue accruing from exploitation of University owned IP.

For more information on benefit sharing, consult the Unisa IP Policy. DITTC will undertake a detailed assessment of the Commercial Potential of the disclosed IP, which will determine the appropriate strategy to commercialise the disclosed IP. The strategy is informed by a number of factors including the strength and maturity stage of the developed technology, and the size and location of potential markets for the IP. On the basis of the above, DITTC may opt to licence the technology to an existing entity or to create a new entity to commercialise the IP. In both cases the IP creator is entitled to share in the monetary and non-monetary benefits accruing from such IP.



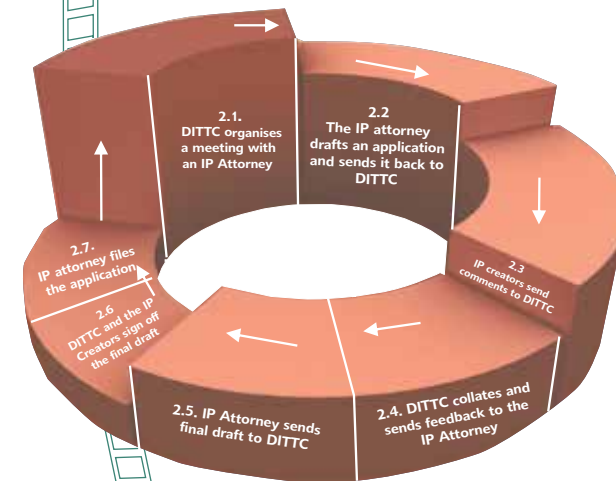
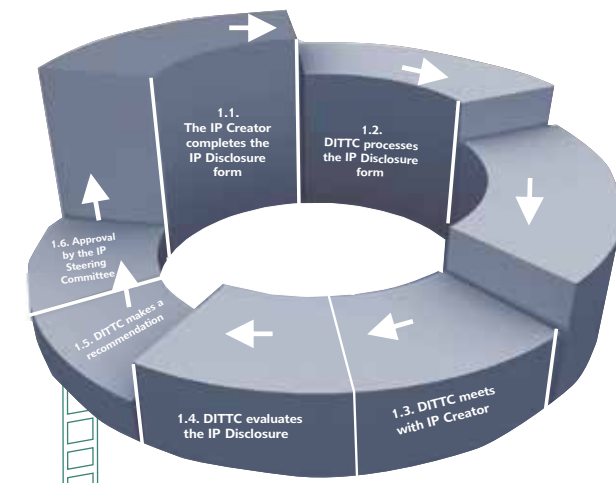
Do you have a brilliant idea?

DITTC can assist you.

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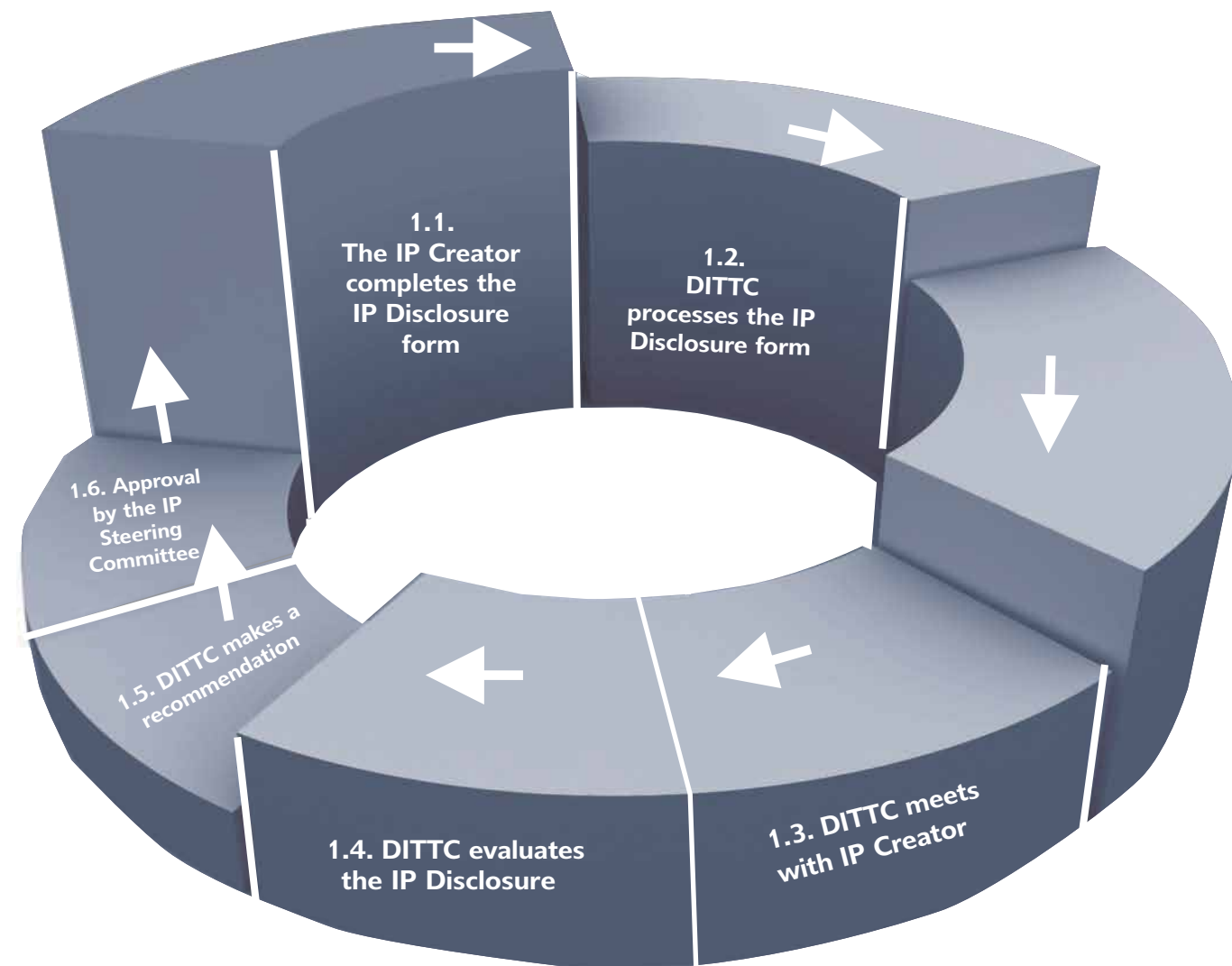
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Define tomorrow.

1. INTELLECTUAL PROPERTY (IP) DISCLOSURE EVALUATION



1. INTELLECTUAL PROPERTY (IP) DISCLOSURE EVALUATION

1.1. The IP Creator completes the IP Disclosure form

The IP creator completes the IP disclosure form. The IP disclosure form is very important for record and reporting purposes. It is a simple and confidential document wherein an IP creator discloses his/her IP and material circumstances surrounding the creation of such IP e.g. collaborators and their role, funding sources, etc.

1.2. DITTC processes the IP Disclosure form

Once DITTC receives an IP Disclosure form, it shall send an acknowledgement of receipt not later than five days of receipt of the form. The disclosure form will be allocated a reference number, which will be used in all future communication regarding the disclosure. DITTC will screen the completed disclosure form for completeness. DITTC will assign the disclosure form to a Case Manager for further processing. The Case Manager will henceforth be the contact person regarding that particular disclosure.

1.3. DITTC arranges a meeting with the IP Creator

The Case Manager will arrange a meeting with the IP creators in order to get more detail and clarity about the disclosed IP, relating to ownership of the IP, the funding used towards the creation of the IP, the contribution of the collaborators, and the contribution of the listed IP co-creators, and any third party rights that may encumber the IP.

1.4. DITTC evaluates the disclosure

The Case Manager will thereafter undertake a value proposition assessment to determine the following:

- Whether the IP disclosed is new or novel, and the appropriate protection route thereof. Towards this end, the Case Manager will undertake or solicit a novelty search and/or opinion.
- Stage of development of the technology, and the potential funding required for developing it further.
- The commercial potential of the disclosed IP and possible route to market for the disclosed IP.

1.5. DITTC makes a recommendation

Based on its evaluation, DITTC will make a recommendation to the IP and Commercialisation Committee on how the IP disclosed should be dealt with; protection and form of protection, whether in South Africa or in other Jurisdictions, etc. In support of its recommendation, DITTC will submit to the IP and Commercialisation Committee such reports as may be necessary to support its recommendation and to enable the IP and Commercialisation Committee to take a decision. The IP and Commercialisation Committee is an advisory structure created in terms of Section 7 of the Unisa IP Policy.

1.6. The IP and Commercialisation Committee takes a decision

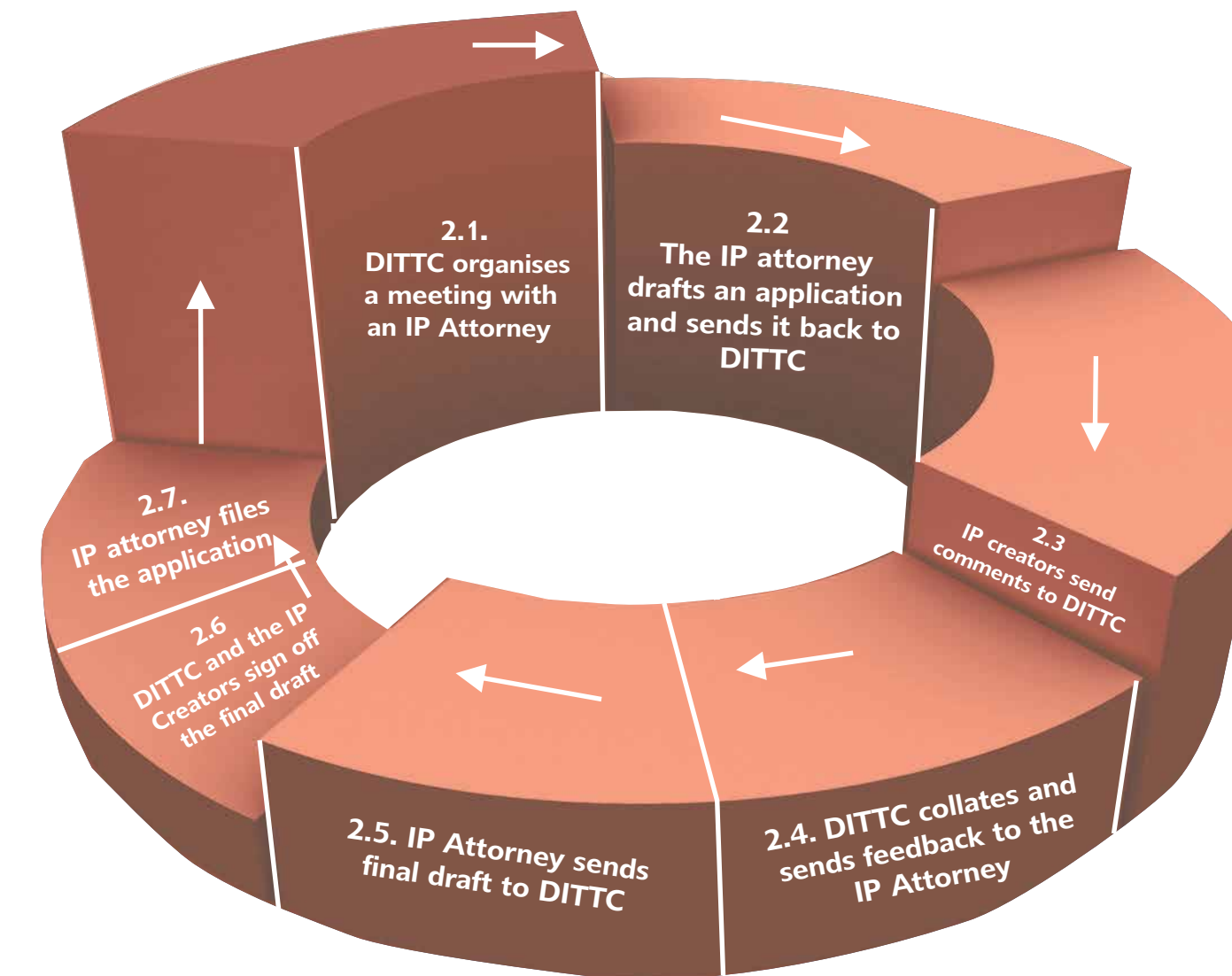
The IP and Commercialisation Committee takes the final decision based on the recommendation of DITTC, and its own resources.

The committee is at liberty to make the following decisions:

- Protect the IP by filing a patent and/or design or plant breeders' rights application.
- Keep the IP Confidential.
- Not to protect the IP. In such instances, such IP has to be referred to NIPMO for a decision.

IP creators are encouraged to use the disclosure form to disclose an Intellectual Property (IP) they create during the course and scope of their employment with the University or during their postgraduate studies at the University. The IP disclosed in the disclosure form will, after further engagements with the IP creator, be evaluated by DITTC to ascertain if it can be protected; the appropriate form of protection, and whether it addresses a need or challenge (whether there is a market for it or not). Once DITTC has completed its evaluation, it will make a recommendation to the IP and Commercialisation Committee that will take the final decision. The IP creator will be involved and informed in every step of this process.

2. IP PROTECTION



2. IP PROTECTION (Inventions, Industrial Designs, Plant Breeders' Rights)

2.1. DITTC organises a meeting with an IP Attorney

DITTC will organise a meeting between an IP attorney and the IP creators where the IP will be discussed. This meeting is very important to enable the IP attorney to draft a properly informed application capturing the salient features of the IP sought to be protected. Prior to the meeting the IP attorney would have been provided with a copy of the disclosure form and novelty search report or opinion undertaken in 1.5.

2.2. The IP attorney drafts an application and sends it back to DITTC

The IP attorney will send a draft application to DITTC for review. DITTC will forward the application to the IP creators for comments.

2.3. IP creators send comments to DITTC

It is very critical that researchers provide their comments to ensure that the technology and its potential/foreseen applications, as well as the technical aspects, are adequately and correctly described in the application.

2.4. DITTC collates and sends feedback to the IP Attorney

Depending on the extensiveness of the proposed change, additional meetings with the IP Attorney may be required.

2.5. IP Attorney sends final draft to DITTC

2.6. DITTC and the IP Creators sign off the final draft

DITTC will only instruct the IP attorney to file the application with Companies and Intellectual Property Commission (CIPC) once the IP creators have indicated in writing that they are happy with the application.

2.7. IP attorney files the application

Once approval of the final application has been granted, the IP attorney will file the application with the CIPC.

The processing of the application would follow the normal application processes prescribed by CIPC for the protection of various types of registrable IP.

If the IP and Commercialisation Committee has recommended that the disclosed IP be protected through the available forms of statutory protection (excluding Copyright which subsists on creation), DITTC will organise a meeting with an IP Attorney wherein the IP creator can explain his/her IP to the attorney. The IP attorney will draft the required documents and send them to DITTC and the IP creator for verification. Once the documents are signed off by DITTC and the IP creator, the IP attorney will effect the necessary filing.