

Republic of the Philippines
Philippine National Health Research System

***CHED-IP Philippines Tie-Up: Strengthening
Collaboration for IP Protection and
Technology Transfer in Higher Education
Institutions***

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I. CHED'S MANDATE

R.A. 7722 and Implementing Rules

Its coverage shall be both public and private institutions of higher education as well as degree-granting programs in all post-secondary educational institutions, public and private including State Universities and Colleges (SUCs) and Local Community Colleges and Universities.

Specific to IP protection, development, commercialization

“SEC. 8. Powers and Functions of the Commission. - The Commission shall have the following powers and functions:

- a) formulate and recommend development plans, policies, priorities and programs on higher education and research**
- b) formulate and recommend development plans, policies, priorities and programs on research;**
- c) recommend to the executive and legislative branches, priorities and grants on higher education and research;**
- x**
- x**
- x**
- j) direct or redirect purposive research by institutions of higher learning to meet the needs of agro-industrialization and development;**

X X X

- 1) administer the Higher Education Development Fund, as described in section 10 hereunder, which will promote the purposes of higher education;

X X X

- n) promulgate such rules and regulations and exercise such other powers and functions as may be necessary to carry out effectively the purpose and objective of this Act; and
- o) perform such other functions as may be necessary for its effective operations and for the continued enhancement, growth or development of higher education.”

R.A. 8292 and Implementing Rules

CHED Chairman and Commissioners head all Governing Boards of State Universities and Colleges

II. CHED-IP Philippines Tie Up:

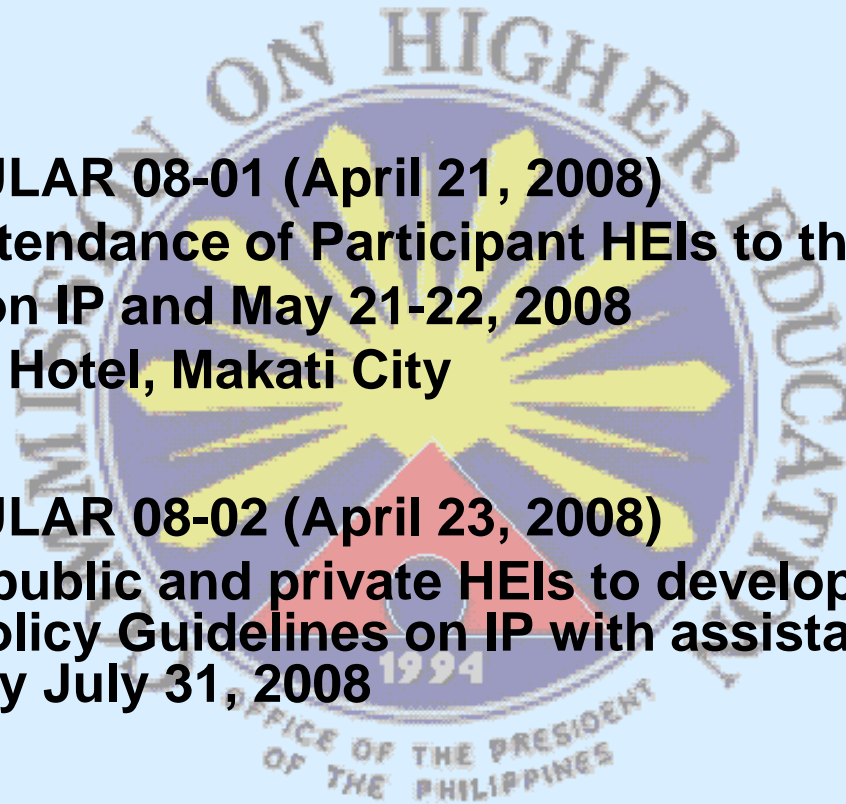
**MEMORANDUM OF UNDERSTANDING WITH IP PHILIPPINES
(April 2008)**

JOINT CIRCULAR 08-01 (April 21, 2008)

**Mandating attendance of Participant HEIs to the National
Conference on IP and May 21-22, 2008
Renaissance Hotel, Makati City**

JOINT CIRCULAR 08-02 (April 23, 2008)

**Directing all public and private HEIs to develop their
respective Policy Guidelines on IP with assistance of IP
Philippines by July 31, 2008**



CHED'S PRINCIPAL OBLIGATION UNDER THE MOU:

Defining areas of advocacy on IP including but not limited to:

- 
- a. Curriculum development, enhancement to include IP**
 - b. Utilizing the Zonal Research Centers as IPR Advocacy Units for public and private HEIs**
 - c. Developing viable modes of tech commercialization for public academic institutions compliant with government audit rules and regulations.**

III. CONTINUING ISSUES AND CONCERNS IN HIGHER EDUCATION RESEARCH:

A. Limited capacity for R & D and innovation – low competitive ranking of RP, 87th of 133 (2009-2010)

- Lack of trained R & D practitioners
- Only less than 5% of the total number of HEIs have been producing scholarly international publications in the last ten years
- Lack of funding for R & D in both public and private HEIs
- Faculty are overloaded, leaving no time for research work
- Lack of utilization of research outputs

B. Given the enormous human and resource constraints faced by HEIs to conduct research, strategic options are:

- (1) Fund activities that will yield Significant Contributions for a country still trying to instill a culture of research among colleges and universities.**
- (2) Select Research Institute (HEIs) that have a Niche or Research Advantage**
- (3) Promote and support Graduate Education in Priority Disciplines and Higher-Level fields to effectively respond to National Development needs**
- (4) Massive Faculty Development Program for Research and Graduate education**

C. Research activities and graduate programs, although important, are very expensive to undertake, hence the following are being encouraged:

- (1) Consortium Arrangements in research and graduate programs established on a regional basis**
 - (2) Complementation and Partnership between private and public HEIs to rationalize the graduate programs of public HEIs**
- Ex. Doctoral program in Information Technology (DIT) - UP Diliman, UP Los Banos, UP Visayas, University of the Cordilleras, Cebu Normal University, AUF with participation of Partido State University, Philippine State College of Aeronautics**

D. Promote Higher Education Research for Regional Development

- 1.1. Promote and provide support to HEI's research in aid of national-regional development through the Zonal Research Centers and Zonal Research Programs;
- 1.2. Institutionalize and strengthen development of a national system for the protection, dissemination and utilization of research outputs of HEIs;
- 1.3. Encourage HEIs to undertake relevant research that create new knowledge, technologies and practices that contribute to the generation of new wealth for the national economy
- 1.4 Promote, Facilitate and Sustain Partnership Between HEIs and Industrial Entities for Research and Extension Projects



E. In CHED, Research Output and Capability is an important criteria for:

- **Grant of SUC Budget based on Normative Funding Scheme**
- **Determination of SUC Leveling Status (I, II, III, IV)**
- **Entitlement to become a Center of Excellence or Center of Development**
- **Grant of Autonomous or Deregulated Status**
- **Selection to the Rebulika Award**

IV. POLICY DIRECTIONS IN CONTRACTS COVERING GRANTS FOR RESEARCH AND TECH COMMERCIALIZATION

1. Obligations of the Grantor

Provide funding resources

Facilitate venue for proper dissemination of research results

Owner of results is the Grantor

Grantor not liable for any amount in excess of that approved

2. Obligations of Grantee/Implementing Institution

Undertake/complete the project strictly as per Terms of Reference

Provide counterpart support, i.e. staff, salaries, facilities, equipmt

Designate Project Leader & Study Leaders to assure compliance with approved project

WFP and TOR

Submit final report w/project results & audited financial report

Implementing Institution responsible for taxes, duties and fees

Accountability remains until successful completion of project

3. Obligations of Monitoring Agency

Ensure implementation strictly per TOR in coordination with CHED.

Report to CHED any slippages or delay of the project

Verify through field visits/spot checks technical/financial reports.

Submission of quarterly monitoring reports

Process, certify on progress billings of the Grantee

4. Fund release in accordance with approved WFP and Line Item Budget

5. Implementing Institution not liable for project delay due to non- release or late release of funds by DBM.
6. Project Team prohibited from accepting any other grants, research projects, scholarship, fellowship, or leave station for more than a month w/out OPPRI Director's consent.
7. Project Team services discontinued after project completion.
8. No employer-employee relation between Grantor and research staff of Implementing Institution,
9. Subcontracting of any part of project shall require prior written approval.
10. Option to terminate or extend may be made by either Grantor or Grantee Institution based on a valid cause and prior approval of concerned CHED official

OWNERSHIP/USE OF IP

1. Research output **JOINTLY Owned** by CHED and Implementing Institution.
2. Publication shall **duly acknowledge** all parties involved.
3. Grantor can **freely utilize** project results; Grantee shall seek prior approval to use project output.
4. Copyrights, royalties, economic rights shall be owned by Grantor (up to 60%) and Grantee (up to 40%), registration for which shall be obtained by the Grantee. Documents evidencing registration/assignment of copyright shall form part of Terminal Report, otherwise, not accepted
5. Assignment of Rights or sub-contracting can only be done with prior consent of the Grantor CHED. Unauthorized acts shall be ground for immediate termination of contract.

V. CURRENT THRUSTS IN CHED TO COMPLEMENT THE TECHNOLOGY TRANSFER ACT OF 2009

A. ENSURE SUCCESSFUL TRANSFER OF GOVERNMENT-FUNDED R & D RESULTS THROUGH:

- (1) Proper Management of IP**
- (2) Development of Capacity of RDIs to become self-sustaining and competitive**
- (3) Enhancing interaction and cooperation with the Private sector through collaborative and contract research based on Equity, Fair Access and Mutual Benefit**
- (4) Establish means to ensure greater public access to technologies and knowledge generated from government funded from R & D and protection related IP**

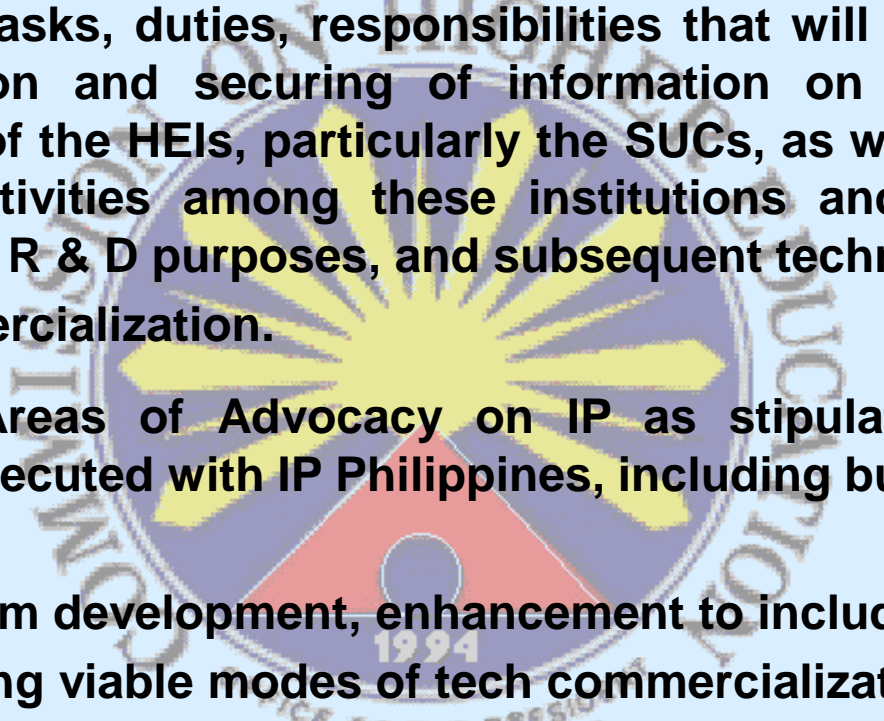
Declared Policy in Republic Act No. 10055

“Philippine Technology Transfer Act of 2009”

B. ISSUANCE OF THE COMMISSION'S IP POLICY GUIDELINES WHICH INTEGRATES ALL IP PROVISIONS FROM VARIOUS CONTRACTS & INCORPORATING TTA 2009 PROVISIONS

Provide an integrated and uniform Terms of Reference regarding the IP created/invented/produced in all CHED-funded research grants and tech com projects – CHED Memorandum Order.

- (1) IP rights over output of block grants, grants-in-aid and commissioned researches, as well as R & D and tech com projects in terms of Protection, Information Dissemination, Technology transfer and commercialization**
- (2) CHED policy concerning any income generated from the IP created from the projects, possible ROI from funding all these researches and tech com funded research**

- 
- (3) Database on Information re: Research and Tech Com programs and projects of the Commission including the information on similar activities and IP Policies of HEIs**
- (4) Responsible CHED Office/Unit tasked with the above and assigned tasks, duties, responsibilities that will include constant coordination and securing of information on IP issues and concerns of the HEIs, particularly the SUCs, as well as liaison and linkage activities among these institutions and viable funding entities for R & D purposes, and subsequent technology transfer and commercialization.**
- (5) Defining Areas of Advocacy on IP as stipulated in the MOU recently executed with IP Philippines, including but not limited to:**
- a. Curriculum development, enhancement to include IP**
 - b. Developing viable modes of tech commercialization for public academic institutions compliant with government audit rules and regulations.**

C. STRENGTHEN AND SUPPORT THE ESTABLISHMENT OF ZONAL RESEARCH CENTERS IN 16 REGIONS

- **ESTABLISHMENT OF ZONAL RESEARCH CENTERS**

Commission en Banc Resolution No. 128-2003 to plan and manage research activities in the regional centers in line with the National Research Agenda & Zonal Research Program

- **From 9 ZRCs in 2004 to 14 ZRCs in 2010 with efforts to create sub-ZRCs to widen the reach for information dissemination and collaboration;**

Target : 1 ZRC in each of 17 regions, 5 sub-ZRCs in each region

CHED Zonal Research Centers

LUZON AREA	ZRC DIRECTOR
1. U.P. Diliman, Quezon City	DR. JOSELITO P. DUYANEN
2. De La Salle University, Manila	DR. MADELENE A. STA. MARIA MR. LOUIE MONTEMAR – Asst. Director
3. Mariano Marcos State University, Batac, Ilocos Norte 3.1. St. Louis University – Baguio City	DR. MARILOU LUCAS DR. GASTON P. KIBITEN
4. Isabela State University, Echague, Isabela 4.1. St. Mary's University, Bayombong, Nueva Vizcaya	DR. DANTE AQUINO DR. BONIFACIO V. RAMOS
5. Angeles University Foundation, Angeles City, Pampanga 5.1. Central Luzon State University, Science City of Munoz, Nueva Ecija	DR. ROBERT PAGULAYAN

CHED Zonal Research Centers....

LUZON AREA	ZRC DIRECTOR
6. U.P. Los Banos, Los Banos, Laguna	DR. ENRICO M. SUPANGCO DR. ERLINDA AROMIN – Asst. Director
7. Bicol University, Legazpi City 7.1. Ateneo de Naga University	DR. ARNULFO M. MASCANAS DR. ALLAN A. SIOSON
VISAYAS AREA	ZRC DIRECTOR
8. Siliman University	DR. ANGEL ALCALA DR. ORENCIO LACHICA – Asst. Director
9. University of San Carlos	DR. ELIZABETH REMEDIO
10. Visayas State University	DR. ROTACIO GRAVOSO
11. Leyte Normal University	DR. LENARDO ONATE

CHED Zonal Research Centers...

MINDANAO AREA	ZRC DIRECTOR
11. MSU – IIT	DR. ROBERTO M. MALALUAN
12. U.P. Mindanao	DR. LARRY N. DIGAL
13. University of Southern Mindanao 3.1. Ateneo de Zamboanga University	DR. EMMA K. SALES DR. TERESITA G. MONTANO
14. West Visayas State University	DR. GRETA GABINETE



Thank you!