



**AGREEMENT N°. 535**  
(Intellectual Property Policy)

**THE BOARD OF DIRECTORS  
OF PONTIFICIA UNIVERSIDAD JAVERIANA**

**WHEREAS:**

1. That the Pontificia Universidad Javeriana in the process of planning is committed to the scientific and technological development, innovation, entrepreneurship and cultural growth in all fields of knowledge related to their university work, for which it is desirable to adopt a policy on Intellectual Property that provides a framework for the development of the creation and management of intellectual production, to make possible encouragement and a suitable protection and exploitation of results obtained.
2. That this Council approved in the process of the 2007-2016 University Planning, by goal 1947, the preparation of a proposal for the Policy of Intellectual Property.
3. To comply with the request of the College Board, this responsibility was assigned to the Academic Vice Rector at the main campus and to the Legal Department of the Office of the Rector.
4. That this proposal was analyzed carefully with the body of directors of the Cali campus and discussed with a group of academics and experts in the subject, and as a result of the deliberations a set of requested recommendations were formulated which were requested to be incorporated in the document.
5. That in the month of October 2010 the document "Proposal of an Intellectual Property Policy for Pontificia Universidad Javeriana " was presented to the Rector.
6. That in accordance with the provisions of the Statutes of the University in Number 116, sections a) and b), in function of the University Board "Adopt, at the proposal of the Rector, the general policies of the University ...." and "At the proposal of the Rector, to set general policies relating to planning, organizing, directing and controlling the activities of the University. "

In accordance with the above following Intellectual Property policy is adopted:

**IT IS AGREED**

**ARTICLE FIRST. OBJECTIVE.** Pontificia Universidad Javeriana, in the context of international community and national law, and according to its Mission and Educational Project, to the purposes and goals of the University Planning 2007-2016 as well as experience in the field of Intellectual Property for the last three decades, adopts an Intellectual Property Policy so that the University and each of the members of the educational community actively participate in ongoing intellectual property creation, and in the implementation of best practices for their management.

**ARTICLE SECOND. - PURPOSE.** The Pontificia Universidad Javeriana recognizes and appreciates the creative, entrepreneurial and innovative work of human beings, and especially that of professors, students and administrative staff of the University and of those with whom they are related, as a factor for development and institutional growth. In turn, [PUJ] recognizes the importance that IP and its management have for social, economic and cultural development of the country. Therefore [PUJ] reaffirms its interest to ensure the promotion of human talent, the promotion and dissemination of the instruments that protect the rights of the creators, the formation of students in an environment that fosters creative exercise and respect of Intellectual Property Rights, and for the proper development of processes of transfer and social appropriation of knowledge.



**ARTICLE THIRD. - PROMOTION.** The Pontificia Universidad Javeriana encourages human effort involved in the creation process and, to safeguard it in conditions of respect, transparency and justice for the creator, the institutional contribution and rights and duties of the educational community and society in general, under the assumption that the assets eligible for protection and recognition by way of Intellectual Property Rights expressed in products, procedures, publications, pictures, and artwork, among others, must be in function and service of those creators, participants and beneficiaries, all without prejudice of the possibility for the University to exploit materially, or define the licensing conditions on those creations in which it is the holder of the rights.

**ARTICLE FOURTH. - LEGALITY.** Within the framework of the law, this policy will be an instrument to stimulate the generation and use of contents, to facilitate the access to information, and to establish guidelines regarding the stimuli and recognitions that could be had in the academic, economic, or other level, so that the entire school community benefits from Intellectual Property rights and commits to the generation of knowledge.

**ARTICLE FIFTH. - INVENTORY AND VALUATION.**

- 5.1. The Pontificia Universidad Javeriana will advance, in different areas of management and work an ongoing process of identification and monitoring, to detail those activities in which there might be processes that can generate assets that are subject to protection of Intellectual Property rights.
- 5.2. In relation to the assets subject to the system of Intellectual Property rights Pontificia Universidad Javeriana identifies as their own, or those in which it shares its prerogatives with other entities, such as new creations (patents, utility model patents, industrial designs), distinct brands (trademarks, slogans, names, emblems, geographical directions), business secrets or integrated circuit designs, or plant varieties, or rights over artistic or literary works protected by copyright, or artistic services phonographic productions or rights of broadcasters protected by related rights, so that such inventory shall serve for the University to manage and properly dispose of those assets having clarity about its rights therein, restrictions for use, territorial coverage for legal protection lifetime and reach.
- 5.3. The University will maintain complete information in the areas of work that are identified as generators or managers Intellectual Property to take appropriate decisions to duly safeguard Intellectual Property rights. For the above it will keep under consideration:
  - 5.3.1. That legal recognition of property rights protected by Intellectual property is not a unique ending. What mainly interests and encourages the University is that such creations are an instrument of development for teaching, for research, and for general services provided by the University for the benefit of the society, and that in turn [they] will help to create an environment conducive for creativity and innovation.
  - 5.3.2. The University will promote the creation that has been identified as protectable by intellectual property rights [and] submit, if applicable, to the formalities necessary for the recognition of the rights by competent national and international governmental agencies, as appropriate.
  - 5.3.3. Inventories, audits and assessments that are structured around contents protected by intellectual property rights shall, to the extent possible, be a user-friendly tool and fulfill the purpose of involving the entire school community in the use and access to such content, so the process of creation will be dynamic and that all the results benefit as many people as possible.
- 5.4. The institutional image, brands, domain names, and any other distinctive brand that identifies the Pontificia Universidad Javeriana must be registered in Colombian territory. [They] may be registered at any other place in the world in accordance with the national and international laws, as appropriate in each case.

**ARTICLE SIXTH. GENERATION OF CONTENTS.**

- 6.1. This policy should encourage the creation of assets covered by this type of rights, fulfill a role in strengthening institutions, contribute to the enhancement of knowledge, scientific and cultural progress, and favor ongoing social benefit.
- 6.2. The Academic Vice Rectors of various campuses of the University, having identified the potential with respect to the assets of Intellectual Property rights shall lead an advocacy on the foundation of this type of legal prerogatives, conditions for recognition of rights, necessary precautions in contracting intangible rights, and illustration in relation to the conditions of participation rights as applicable in each case.



## ARTICLE SEVENTH. RULES OF PARTICIPATION.

7.1. This Policy of Intellectual Property does not define specific rules that regulate the agreements governing participation rights or benefits that could result from the exploitation of intellectual property rights, because that casuistry in this area is crucial to establish the rules of each negotiation. However, the following general principles that shall inspire such agreements are established:

7.1.1. Recognition. The law foresees the rights of the creators as natural people and rights of the contracting entities, including the University itself. In furtherance of this principle, [it] will be safeguarded that the rights are recognized and remain rooted in favor of whomever it concerns according to the law applicable in the field of intellectual property and the contractual rules established in each case.

7.1.2. Equity: The University will recognize the rights that are available in an equitable manner according to the creative contribution, institutional inputs, the prior know-how, the learning curve of participants, the present and future applications of the results, the different forms of use and exploitation, and the investments in economic terms that have contributed to obtaining a result, among other factors.

7.1.3. Transparency. From the beginning of the activities related to the creative process of contents protected by Intellectual Property rights rules of engagement will be established, such that each person or entity is fully aware and has complete clarity on how their activity or contribution will result in the recognition of rights and economic participation, whenever this occurs.

In furtherance of this principle, the Student Handbook, the Regulations of the Faculty, Administrative Staff Rules, labor contracts, service delivery and other legal acts that must be subscribed by the university will consider provisions or clauses, as applicable, so that each participant understands how their contribution involves the acquisition or lack thereof, of any rights and scope.

Similarly in the University's relationship with individuals or external entities, the mechanisms for the recognition of intellectual property rights and securing the benefits economic resulting there from will be defined.

7.1.4. Purpose. The acquisition of intellectual property rights brings as a consequence the possibility of executing exclusive authority by the respective owners and the possibility of economic exploitation of the creations. Without prejudice to the authority that the University may have to economically exploit intellectual property rights that it holds, it will give preference to the design of such participation schemes in which it has the broadest powers possible, with the intention of making information and content protected by Intellectual Property copyright in question benefit the university community, the society, and become inputs for new developments that support and sustain the process of knowledge generation and transfer.

7.1.5. Legality: Good practices should be encouraged through the use of contents protected by Intellectual Property rights, preventing on campus and academic activities in the university and administration that would tolerate or encourage the violation of such rights.

7.2. In situations in which the University contracts or is contracted to develop a work protected by copyright, or deliver services protected by related rights, or any other object subject to legal dispute of intellectual property rights will be taken into account:

7.2.1. If an institution of any kind contracts consulting or other kinds of services with the University, and requests that the results will recognize, in whole or in part, the exploitation rights derived from the Intellectual Property rights or any part thereof, the University will so inform professors, students and others who participate in the implementation, without prejudice or discrimination from the safeguarding of moral rights of moral to whom they belong.

7.2.2. The University will promote schemes in which the know-how it possesses are not necessarily transferred through the services engaged and guarantees the use of the products obtained for academic activities and without intention to profit.



- 7.2.3. The University may agree contractually with their teachers, external contractors, advisors, consultants and any others in a similar position, that the patrimonial rights resulting from the creations and that are pursued as fruit and object of the labor belong to the University.
- 7.2.4. Other types of production, such as the work of students or the achievements of professors who have not been determined in its Work Plan, or any other for that matter, may be acquired by the University with the formalities prescribed in law and in strict respect for the right of its creators.
- 7.2.5. In the two cases referred to above the responsible contracting authority must inform the appropriate agency within the University, about the results obtained, so that these creations can be properly inventoried, protected and achieve their maximal usage.

#### **ARTICLE EIGHTH. ACCESS.**

- 8.1. The University will educate the community about the mechanisms that consider the Intellectual Property rights to balance the rights and obligations involved that are foreseen in the laws under the names of compulsory licensing, limitations and exceptions to recognized rights, so that they go to such mechanisms when appropriate.
- 8.2. As is compatible with the legal principles and the way in which the respective rights have been negotiated, the University will provide the best conditions for access, promote consultation and facilitate that all progress scientific advances, publications, phonographic productions and other objects protected by intellectual property rights are a living material, of ongoing consultation for these rights and creations to which they are related [and] fulfill its role as a factor for development.

#### **ARTICLE NINTH. - INCENTIVES.**

- 9.1. Due recognition of the participants and institutional support for the generation of content protected by Intellectual Property rights is one of the major stimuli that the University will promote. Without prejudice to above, in the Student Regulations, Administrative Staff Regulations and Faculty Regulations ways will be considered in which the active participation of students, staff and faculty will translate into a tool of academic or employment promotion and subsequent economic stimuli.
- 9.2. The logistical, financial and any other support that is available for the research, artistic or literary creations, or for creations subject of protection of industrial property rights, or rights to the plants obtained, are a way to encourage participation in the creative processes, and to prevent the drain of human capital trained by the University. Another type of stimulus is the support of management processes and transfer of generated knowledge, that enables it to be suitable for sectors that require it, contributing to the generation of innovations.

#### **ARTICLE TENTH. ENFORCEMENT.**

To avoid risk of violation of intellectual property rights the University assumes the commitment to prevent, to the best of their ability, in campus and academic activities, of the university and administrative environment that encourage or tolerate the violation of such rights.

To ensure the enforcement of intellectual property rights the University commits to:

- 10.1. In the Student Regulations, the Faculty Regulations, the Administrative Staff Regulations, contracts with service providers, civilian or employees, will be advertised the need to ensure that the works, services or other objects subject to Intellectual Property rights correspond to an appropriate task of those who offer them, or that if they are from third parties the authorizations that are required by law exist, and that in such cases the University will be exonerated in case of defaulting in any way to this obligation.
- 10.2. The Administrative Vice Rectors or General Directors, as is the case, at the campuses of the University, will ensure having updated inventories and audits that guarantee that the informatics platform of the University respects and safeguards the licenses and other authorizations that have been conferred to it.
- 10.3. The University resolves the conditions and maintains in effect the authorizations that by law are applicable to effect the reproduction of works written in different campuses.

10.4. The University will adopt measures to prevent the marketing in their facilities of any type of goods that involve a violation of Intellectual Property rights, such as music or videos that are copies reproduced in violation of the rights of the owners, or misbranded products, or any other conduct of the same nature.

10.5 The University will advance information and awareness activities for all members of the educational community about the content and scope of Intellectual Property rights and about the need to promote realization of original and innovative work that do not infringe, violate or in any form involve violations of these rights. In particular plagiarism or any form of usurpation of rights are behaviors not tolerable within university activity, and if present, will be categorized as a voluntary violation and all measures provided under the respective internal regulations will be taken.

**ARTICLE ELEVENTH. - MANAGEMENT.** In order for Intellectual Property to be considered as an instrument to stimulate the generation of knowledge and the recognition of the creators, the University shall implement actions to manage this form of property so that the benefit rebounds for the country.

Managing University Intellectual Property is an academic function that for its development relies on agencies who exercise administrative and university environmental functions.

**ARTICLE TWELVTH. - COMMITTEE OF INTELLECTUAL PROPERTY.** The Intellectual Property Committee of the University is created as an advisory body to the direction and management of Intellectual Property. The Committee shall consist of the Academic Vice Rector at the main campus, by the Academic Vice Rectors of other campuses and five additional members appointed by the Rector of the University, for periods of two years, renewable indefinitely. The Chair of this Committee will be assumed by the Academic Vice Rector of the main campus.

**ARTICLE THIRTEENTH. - INFRASTRUCTURE.** The personal authorities of government, academic units and other institutional bodies that assume the coordination and operation of the various aspects of the inventory, promotion, negotiation and protection of the intellectual output of the University should be defined on the part of the Rector of the University at the main campus in a period not longer than six (6) months from the date of issue of this agreement.

**PARAGRAPH:** In other campuses, the Board of Directors of the campus will designate the body required to assume this role in accordance with its organizational structure in the span of time the Rector of the campus deems appropriate.

**ARTICLE FOURTEENTH. IMPLEMENTATION.** To make the implementation of this Agreement feasible, the Universidad Javeriana will generate within the institutional context, the mechanisms, strategies and appropriation of human and financial resources so that this process is progressive, continuous, sustainable and has the necessary and sufficient support by the university authorities.

**ARTICLE FIFTEENTH: EFFECT.** - This Agreement is effective from the date of issue.

Given in Bogota, DC, October 13, 2010



**JOAQUIN EMILIO SANCHEZ GARCIA, S.J.**  
Chairman of the Board



**JAIRO HUMBERTO CIFUENTES MADRID**  
Secretary of the Board