

The Regulation of Mahidol University
On the Administration of Patents of the University

B.E. 2547 (2004)

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For the well-arranged and efficient administration of patents of the University

By virtue of Article 16(2) and (11) of the Mahidol University Act B.E. 2530 (1987), the University Council on its 364 th Meeting on 19 May B.E. 2547 (2004) established this Regulation as follows.

Clause 1: This Regulation shall be called “The Regulation of Mahidol University on the Administration of Copyrights of the University B.E. 2547 (2004).”

Clause 2: This Regulation shall come into effect from the day subsequent to its publication date.

Clause 3: The Regulation of Mahidol University on the Administration of patents of the University B.E. 2544 (2001) is repealed.

This Regulation shall be preemptive to all the regulations, rules, orders, declarations, or other decisions that resemble or are in conflict with it.

Clause 4: Pertaining to this Regulation:

“University” means Mahidol University.

“Faculty” includes graduate schools, colleges, institutes, centres, offices, other governmental bodies called by different titles with equivalent accreditation to Faculty, and organizations under the University’s supervision with equivalent accreditation to Faculty.

“Applied Centre” means Applied and Technological Service Centres

“Patent” includes petty patents

“Employee” means full-time and part-time employees paid by the income or annual budget of including employees working for the University and being paid by other earnings of the University.

“University Staff Member” includes full-time, temporary, and part-time staff members paid by income of the University, income of the offices of the University, or subsidies.

“Student” means Mahidol University student(s)

“Inventor” means government officials, employees, university staff members, students, research assistants, and those invited by the University to work as advisor(s) or project advisor(s), and those assigned or authorized by the University to work for or observe the operation at the university, and are those who make or originate the inventions, processes, or designs that may be protected under the law on patents.

“Invention” means any innovation or invention which creates a new product or process as well as any improvement of a known product or process that may be protected under the law on patents.

“Process” means any method, procedure, or process of producing, maintaining, or improving the quality of a product including the application of such process that may be protected under the law on patents.

“Design” means any form or composition of lines or colors of a product which gives a special appearance to a product and can be served as a pattern for a product of industry or handicraft that may be protected under the law on patents.

Clause 5: The University shall have the right to file a patent application on Invention, Process, or Design invented by an Inventor working for the University including University advisor or a project advisor or those assigned or authorized to work for or observe that operation at the University as well as those using methods, statistics, or reports obtained by the privilege of being government officials, employees, university staff members, students, or research assistants even though there is no contract of employment concerning the making of such Invention, Process, or Design.

In case there is a research sponsor who holds a contract on the right to an Invention process, Design, or Patent, the issue on right-holding shall be in accordance with such contract. Clause 6: Student must sign a letter of consent pertaining to the forms and procedures set by the University assigning the rights to the University to apply for a Patent on Invention, Process, or Design made or originated during the time they study at the University. The said letter of consent may not be revoked and shall exist indefinitely.

Clause 7: The University shall inform government officials, employees, university staff members, research assistants, advisors, project advisors, and those who perform works under the university’s supervision about the University’s right on Patent according to Clause 5, and make them sign a letter of acknowledgement pertaining to the forms and procedures set by the University.

Clause 8: Inventor(s) must not disclose substantial knowledge, information, and details of the Invention, Process, or Design that may lead to the filing of patent by natural or juristic persons other than the University, unless as provided in Clause 13.

Clause 9: The Applied Centre shall be responsible for filing a patent application and shall the following functions:

(1) prepare the letter of consent pertaining to Clause 6 and the letter of acknowledgement pertaining to Clause 7 in accordance with this Regulation;

(2) assess the commercial value and potential of the Invention, Process, or Design in order to file a patent application according to the law and in conformity with the criteria and procedures set by the President of the University. A committee may be formed to give recommendation and carry out the tasks;

(3) act as the coordinator in obtaining, holding, and protecting patents;

(4) consider commercializing potential copyrighted works;

(5) perform any other duties given by the president of the University.

Clause 10: In obtaining a patent application, an Inventor shall propose the Invention, Process, or Design together with complete, concise, and clear details that enable a person skills in the art or technology to which it pertains to be able to make or operate the said Invention, Process, or Design known to the Applied Centre.

In case an Inventor fails to present the Invention, Process, or Design to the Faculty he/she works for, the Applied Center must make an enquiry to the Faculty that the Inventor is affiliated with in order to verify that such Inventor has been responsible and has participated in the project. The Faculty must then respond to the inquiry within 15 days of the enquiry date.

In case there are more than one Inventor and each is from different department, the Applied Centre must make an enquiry to every Faculty that the Inventor(s) are affiliated with.

The operation under Clause 10 paragraph one, two, and three must be done confidentially.

Clause 11: Inventor(s) shall have the duties to submit the factual data on the Invention, process, or Design to the Applied Centre or any assigned person(s) including assist and support the processes on filing of patent application for such Invention, Process, or Design.

Clause 12: The Applied Centre shall file a patent application under the name of the University for Invention, Process, or Design approved by the University.

In case a patent is obtained in Thailand and the inventor would like to obtain a patent abroad without the University's approval, the inventor may take action on his/her own, in which case, the University shall assign the right to file a patent application under the name of the University to such Inventor.

Clause 13: For any Invention, Process, or Design that the University disapprove to be filed for patents, the Applied Centre must inform the Inventor within 3 months of the Inventor's request as stated in Clause 10. The Inventor may file a patent application on the Invention, Process, or Design under his/her own name. However the Inventor must not use or refer to the name or symbol of the University unless permitted by the university in writing.

Clause 14: The Cost of Patent application both in Thailand and foreign countries including costs in acquiring benefits from the patents, in maintaining the patents, and in protecting the patents done by the Applied Center or other related organizations under the name of the University shall be paid from the Fund for Benefits of Applied and Technological Service.

Clause 15: To promote the creation of copyrightable works, the University shall allocate any benefits received from the utilization of copyrighted works amongst person(s) and organization(s) as follows:

- (1) the Inventor
- (2) the University
- (3) the Faculty
- (4) the Department

The allocation of the benefits under paragraph one shall be done with the consideration on the use of the resources of the University and in accordance with the regulations and rates set by the University in the form of University announcement. The allocation of the benefits under paragraph one shall be completed within one month of the receiving of the benefits.

Clause 16: The benefits received by the University pertaining to Clause 15 (2) shall be deposited into "The Funds for Benefits of Applied and Technological Service" in order to support the administration and promotion of works on intellectual property of the university.

Clause 17: The President of the University shall govern the provisions of this Regulation.

Declared on 31 May B.E. 2547 (2004)
Honorable Professor Natee Rukspollmusng
President of Mahidol University Council