Procedure for Managing Intellectual Property Created at the University of Tartu

Based on clause 15 (2) 16) and subsection 15 (3) of the Statutes of the University of Tartu, adopted by the senate regulation no. 11 of 21 July 2014 and approved by the council resolution no. 18 of 29 July 2014, I adopt the Procedure for Managing Intellectual Property Created at the University of Tartu (‘the procedure’). [effective as of 1 January 2016]

I. General provisions

1. The procedure for managing intellectual property establishes the procedure for treating the rights to the results of the creative activity (i.e. intellectual property) of the employees and students of the University of Tartu (‘university’) as well as of natural persons employed in the research and development activities of the university under a contract for provision of services (‘the author(s)’) at the university.

II. Ownership of economic intellectual property rights

2. The economic rights to the results of the author’s creative activity may be held by the university on the basis of legislation governing intellectual property, an agreement concluded between the author and the university or any other written document.

3. The author’s economic rights to lectures, computer programmes, databases and other works that have been created during the performance of the direct duties of the author belong to the university pursuant to the Copyright Act.

4. The university waives its economic rights in favour of the author(s) with regard to the scientific papers, conference papers and the related materials (presentations, abstracts, etc.). The waiver of the economic rights by the university is provided in the employment contract entered into with the author(s).

5. In respect of course books and monographs, the author(s) and the university agree on the ownership of the economic rights of the author separately in each case.

6. The university has the sole right to allow or restrict the use of databases that are not protected by the copyright law but contain data for the collection, acquisition, verification, systematisation or dissemination of which the university has made considerable investment.

7. The author’s economic rights to objects of industrial property (an invention, a utility model, know-how, etc.), including the right to apply for the protection document (patent, etc.) and the right to own the patent or other protection document, belong to the university if the author has
transferred this right to the university in the employment contract, any other agreement or written document.

8. The transfer of the economic rights from the author to the university is formalised in a written document if the object of industrial property is created:

8.1. as a result of the author’s creative activity in the process of carrying out work duties;

8.2. by the author when fulfilling the obligations of an agreement concluded between the university and its research and development partners; or

8.3. using the property of the university (equipment, premises, etc.), unless the university and the person using the property have agreed otherwise.

9. Confidential information (including business secrets and know-how) must be kept secret at least until the application for the patent or any other protection document has been filed with the Estonian Patent Office or during the term stipulated in the agreement between the university and its research and development partner.

III. Organisation of the assessment, protection and use of objects of intellectual property with business potential

10. An object of intellectual property with business potential is a result of research and development activity which, when further developed by an enterprise or other user, creates economic added value and/or solves the users’ problems more efficiently thanks to new or improved products or processes.

11. The Office of Research and Development of the university organises the assessment, protection and use of intellectual property with business potential as well as the related administration, including establishing the form specified in sections 12 and 13 of this procedure and publishes it in the UT intranet.

12. If employees or students of the university create an object of intellectual property with business potential (an invention, a utility model, know-how, a biological substance, a database, a computer programme, etc.) under the conditions described in sections 8.1–8.3, they must inform the head of the structural unit and the Office of Research and Development, using the form developed by the latter.

13. The form mentioned in section 12 must include at least the following information about the object of intellectual property with business potential: name and short description of the object; names of authors; contact information of a contact person; sources of financing used in the development of the object; the closest solution known to the authors based on scientific literature, patent databases and/or existing products; information about publishing; enterprises potentially interested in using the object.

14. The Office of Research and Development organises the analysis of the possibilities to protect and use the object of intellectual property with business potential and gathers the required additional information together with the authors.

15. Within 30 days from being informed of the object of intellectual property with business potential, the Office of Research and Development submits a written proposal to the vice rector for research to:
15.1. start the commercial use of the object of intellectual property with business potential, including submitting the patent application or an application for registering the utility model, with the related costs covered by the Office of Research and Development;

15.2. keep the know-how with business potential secret during the specified term;

15.3. organise additional research (patent research, market research, etc.) to decide on the protection and use of the object of intellectual property with business potential; or

15.4. waive the protection of the object of intellectual property with business potential and surrender the economic intellectual property rights, including the right to apply for a protection document of the invention, to the author(s).

16. Within 10 days, the vice rector for research makes a decision on the basis of a proposal specified in section 15. The decision will be communicated to the author(s) and the head of the relevant structural unit by the Office of Research and Development.

17. Intellectual property with business potential is transferred for use either by:

17.1. assigning the economic rights to the object of intellectual property with business potential; or

17.2. giving the licence (authorisation for use) to third parties.

18. To transfer an object of intellectual property with business potential for use to a person not affiliated to the university, the Office of Research and Development organises negotiations, the signing of contracts and the surveillance of the fulfilment of contractual duties.

19. The net income received from the transfer for use of the university’s intellectual property with business potential is divided as follows: 65/80 to the author(s) and 15/80 to the development fund of the structural unit of the author(s). If there are several authors, the income is divided between the authors and the development funds of their structural units according to the proportion agreed by the authors. The amounts paid to the authors include all state taxes related to the payment.

20. The net income specified in section 19 means the received amount excluding VAT after deducting the overhead appropriation and any documented costs directly related to the legal protection of the intellectual property with business potential: direct costs related to the application, publication, continued validity and termination of a patent, utility model or trade mark.

21. The university and the author(s) may agree on a different way of covering the cost of legal protection and other costs related to a particular object of intellectual property with business potential. Similarly, income received from the transfer for use of such object of intellectual property may be divided differently than stipulated in section 19.

22. The Office of Research and Development keeps an account of the costs related to the legal protection of the intellectual property with business potential and of the income received from the transfer for use. The Office of Research and Development also organises the payment of the income to the authors once a year by 30 June on the basis of income received during the previous calendar year.
23. The procedure for the treatment of inventions created at the University of Tartu approved by Decree no. 22 of 26 October 2004 is repealed.

24. This procedure becomes effective on 1 January 2014.