

APPROVED
at Senate session 29 October 2012
Protocol Resolution No. 563

Riga Technical University Intellectual Property Rights Management and Use Policy

Riga, 2012

I. General Provisions

1. Riga Technical University (hereinafter - the University) as a state-founded higher education institution, dividing the responsibility for the development of education and science in Latvia, supports and encourages the involvement of Students and Employees in the creation of intellectual property, as well as participation in projects with collaboration partners.
2. The University's IPR management and use policy is aimed at ensuring the creation of intellectual property, its legal protection and efficient use in the interests of Riga Technical University, its employees, students and the whole society.
3. The policy defines the general guidelines and preconditions of the University for the creation and use of intellectual property in the University, including the incentive mechanism of income distribution between its developers and the University.
4. The policy states that the University in accordance with the principle of equality shall promote the cooperation with merchants and other collaboration institutions through the use of knowledge and technology transfer mechanisms.
5. The University protects its owned inventions if after evaluation by assessment criteria specified in paragraph 41 of this policy the intellectual property has been recognized as beneficial to the University, unless otherwise provided by the concluded agreements.
6. The University responsibly and rationally exercises their proprietary rights to its owned intellectual property or a part thereof, subject to existing laws and regulations, including the author's moral rights specified in the Patent Law and the Copyright Act.
7. The University is trying to reach a compromise with the Intellectual Property's proprietary owner (s) for its commercialization, taking into account the interests of all involved parties.

II Terms Used

8. Terms in this document are used in the following meaning:

8.1. Policy - Intellectual Property Rights Management and Use Policy;

8.2. The author's moral rights - the author's inalienable rights referred to in the Patent Law and the Copyright Act, including but not limited, to the authorship (the right to be recognized as the author, the name (name/pseudonym indication or anonymity), etc.

8.3. The author's property right - exclusive rights specified by regulatory enactments, including but not limited to alienate, publish the intellectual property, etc.

8.4. Intellectual property - invention, copyright object, derivative work, trademark, design or know-how.

8.5. Invention - a new device, method, substance, substance composition or biological material, which according to the Patent Law has an inventive step and which is industrially applicable. An invention shall not be considered discoveries, scientific theories, mathematical methods, aesthetic creations, plans, intellectual activity, business or gaming rules and practices, as well as computer programs and methods of information delivery.

9. Copyright objects regardless of expression form, type (i.e. paper or electronic form, etc.) and the values are objects referred to in the Copyright Act, including but not limited to:

- literary works (including but not limited to study papers, books, brochures, speeches, computer programs, training and methodological materials, lectures, addresses, reports, and other similar types of works);
- sketches, layouts and designs of buildings, structures, architectural works, and solutions of buildings and structures, other architectural products and other copyright objects specified in the Copyright Act.

10. Derivative works, regardless of expression form, type (i.e. paper or electronic form, etc.) and values are:

1) translations and adaptations, reworks (including but not limited to training materials, summaries, methodical materials), annotations, reports, summaries, reviews, musical arrangements, screen and stage adaptations and similar works for use mainly in education or life-long learning or further education or for work needs;

2) collections of works (encyclopedias, anthologies, atlases and similar collections of works), as well as databases and other compiled works, which in material selection or arrangement are the result of innovation and is intended for use mainly in education or life-long learning or further education or for work needs.

11. Know-how – a scientific and technical, commercial, organizational knowledge or information. It may contain trade secrets, non-patented process descriptions or other information still undisclosed for general public.

12. Commercial potential – intellectual property profit gain potential.

13. Employee – a natural person who, according to the Labour Law, has entered into an employment contract with the University or uses the University resources or a person who with the University has entered into a legal agreement (such as undertaking agreement and other contract) on the development or implementation of a project associated with the intellectual property, or uses resources of the University.

14. Cooperation partner - a natural or legal person other than the University (its commercial companies, research institutes, etc.) Students and Employees.

15 Students – a person matriculated in the University study programme.

16. Commercialization agreement - an agreement between the University and the Employee or Cooperation partner on the economic exploitation of intellectual property.

17. The Commission - the University intellectual property management commission established by instruction of the rector.

18. The principle of equality – upon equal actual and legal circumstances of the case, the institution shall adopt identical decisions regardless of the process actors' gender, age, race, colour, language, religion, political or other opinions, social origin, ethnicity, education, social and material status, type of occupation and other circumstances.

III Policy Application

19. Use of Intellectual Property is being implemented in accordance with the Patent Law, the Copyright Act, the Design Law, the law "On trademarks and geographical indications", Law on Protection of Topographies of Semiconductor Products, Plant Variety Protection Law, Law on Scientific Activity, Law On Institutions of Higher Education and other regulatory enactments effective in the Republic of Latvia, as well as norms of intellectual property regulated in international agreements, which are binding on Latvia.

20. Intellectual property issues, which are not specified in this Policy, shall be solved in accordance with requirements of effective regulatory enactments.

21. The Policy relates to Employees, Students and Cooperation Partners.

IV Rights to Intellectual Property

22. The University has the primary proprietary rights to Intellectual Property (paragraph 8.4), which has been created by the Employee or the Student unless otherwise specified in effective legal enactments, agreement with the Employees or the Students or also in contracts with the Cooperation Partners.

23. Proprietary rights to the Student-generated intellectual property belongs to the University if resources of the University have been used in the intellectual property creation process, unless a written agreement provides otherwise.

24. If the Intellectual Property creation process used/uses resources (including but not limited to sponsorship, information acquisition and processing) of natural or legal persons unrelated to the University, with which the University has not concluded an agreement, at the same time with resources of the University, proprietary rights to such created intellectual property shall be distributed in proportion to the value of the utilized resource, on which a separate multilateral written agreement is made, including also the confidentiality conditions.

25. Resources of the University shall be considered, including but not limited to: laboratories, libraries, databases, equipment, materials, software, funds (including the grant), the University's paid invested labour of the Employee or person working under civil contract, etc.

26. The Student or the Employee prior to intellectual property creation, at the time or after its creation may enter into an agreement with the University on procedure of notification about the created intellectual property, distribution and/or use of proprietary rights to the intellectual property.

27. Within the framework of this Policy, the University has the right to fully or partly waive the right to intellectual property. In this case, the Employee or the Student has the right to commercialize it, in cooperation with the University or independently.

28. If the Intellectual Property is the result of collaboration with the Cooperation Partners, the rights to the Intellectual Property is divided in proportion to the contribution of a particular institution part in the creation of the Intellectual Property, or also in accordance with procedure provided in mutually concluded agreement. This being the case, the involved parties conclude the Commercialization Agreement, including among all the confidentiality conditions.

V Derivative Works

29. The University has the primary proprietary rights to derivative works (paragraph 10), which are being or have been created by the Employee or by the Student unless otherwise provided in effective legal acts, agreements with the Employees or the Students.

30. When developing a derivative work, the Employee and the Student shall be obliged to respect the original work authors' rights that are specified in laws and regulations (such as the original work author's permission for its translation, publication, issue, etc.).

31. The Students and the Employees, taking into consideration the Copyright Act, and with obligatory indication of the work title and the author's name, without the author's consent and without compensation, shall be entitled to use the announced or published works or their fragments in textbooks, radio and television programmes, audio-visual works, in visual aids and the like, which meet the educational standards and are specially created and used in educational and research institutions in a non-mediated teaching and research process, in a scope meeting their activity objectives for non-commercial purposes.

32. The University is entitled to use derivative works belonging to it at its discretion (including but not limited to publishing, entering in the University's electronic databases), subject to regulatory requirements.

33. The University carries out protection of derivative works regardless of whether the works from which they are derived or contained therein are protected by copyright.

VI Notification of Intellectual Property and its Evaluation

34. Structural unit of the University responsible for implementation of the Policy is the service of Pro-rector for Research.

35. The Employee or the Student shall inform the University about the created intellectual property within two weeks after the time of its creation by submitting an application to the Pro-rector for Research (Policy Annex), except in case when otherwise specified in agreement mentioned in paragraph 10 of the Policy or in contracts with Cooperation Partners.

36. The Employee or the Student has the right not to inform in accordance with procedure specified in paragraph 35 of the Policy about the creation of the following intellectual property objects if they do not have a significant commercial potential:

36.1. literary works (including but not limited study papers, books, brochures, speeches, computer programs, training and methodological materials, lectures, addresses, reports, sermons and other similar types of works);

36.2. sketches, layouts and designs of buildings, structures, architectural works, and solutions of buildings and structures, other architectural products and other copyright objects specified in the Copyright Act.

36.3. derivative works.

37. The Student and the Employee shall be liable to make known persons specified in paragraphs 37.1. and 37.2. about creation of intellectual property. A decision on whether the created intellectual property has an essential commercial potential, in accordance with paragraph 35 of the Policy shall be taken by and shall inform the Pro-rector of Research:

37.1. with regard to the Student's created intellectual property – a person who coordinates the Student's

activity associated with creation of specific intellectual property;

37.2. with regard to the Employee's created intellectual property – head of structural unit where the Employee carries out work legal responsibilities, or also a person responsible for employment of the Employee.

38. In case persons mentioned in paragraphs 37.1. and 37.2. doubt whether intellectual property specified in paragraph 35 has commercial potential, they are entitled to ask the Pro-rector of Research for his opinion.

39. The Pro-rector of Research Service provides moving the Employee's application towards consideration by the Commission, as well as takes the necessary steps to request and receive documents connected with the application. The Commission shall prepare and submit all necessary information to the Rector for decision-making on proprietary rights.

40. The procedure of consideration and progress of the Employee's or the Student's application, as well as of decision-making about proprietary rights of the University, is specified by internal regulatory enactment approved by the Rector.

41. When deciding on intellectual property, evaluation shall be made of:

41.1. its commercial potential;

41.2. volume of resources necessary for its commercialization and maintenance;

41.3. its intended use;

41.4. patentability of invention.

42. Decision on the University's property rights in relation to intellectual property created by the Employee or the Student shall be taken the Rector not later than 90 days after submission day of the Employee's or the Student's application, unless otherwise provided in mutually concluded agreements or arrangements.

VII Distribution of Income from Use of Intellectual Property

43. Distribution of income from use of intellectual property is carried out in accordance with paragraph 45 of the Policy, unless otherwise specified in agreements concluded between the University and the Students or the Employees.

44. Amount of income divisible between the parties shall be calculated by deducting from income the costs which are necessary for ensuring the protection of intellectual property.

45. Share of income of the Student, the Employee and the University for respective financial year is calculated using the following percentage breakdown:

Income from Intellectual Property, LVL	Employee/Student	University
Up to 50,000	70%	30%
50,001 to 100,000	50%	50%

Above 100,000	30%	70%
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46. If rights to intellectual property are corroborated between the University and the Cooperation Partner, then the Commercialization Agreement shall be concluded on income distribution, which is mentioned in paragraph 16 of the Policy.

47. Prior to adoption of the Rector's decision mentioned in paragraph 42 of the Policy and signing of including the confidentiality conditions, the Employee or the Student shall be liable to take care of nondisclosure of information associated with intellectual property, if not otherwise provided in the concluded written agreement or contract.

VIII Final Provisions

1. Disagreements associated with Intellectual Property and its use shall be solved in the way of negotiations. If the parties cannot reach agreement in negotiations, then all disputes and disagreements shall be solved in accordance with procedure specified in regulatory enactments.

2. Rector of the University shall have the right to make decision on commencement of specific dispute settlement in a court procedure.