



Ilia State University

Intellectual Property Policy

Introduction

This document sets out the University's Intellectual Property (IP) Policy which governs the ownership and management of University IP and University's discretionary Reward to Inventors Scheme. This Policy applies to all University employees, and extends to Associates and students.

Purpose

The policy reflects the following goals:

- To create a university environment that encourages the generation of new knowledge by faculty, staff, and students.
- To facilitate wide transfer of useful inventions and writings to society.
- To motivate the development and dissemination of intellectual property by providing appropriate financial rewards to creators and the university, and administrative assistance to creators.

- To ensure that the financial return from the development of intellectual property does not distort decisions and operations of the university in a manner contrary to the mission of the university.

The policy is based upon the following principles relating the university to society:

- The mission of the university remains the generation and dissemination of knowledge.
- Intellectual Property will be generated within the university, and there exist an obligation to disseminate it. An interface is needed if better technology transfer is to be achieved, and the university will provide mechanisms for that function.
- Intellectual property is created by individuals, or by groups of individuals, who are entitled to choose the course of disclosure; academic freedom of individuals is a higher priority than possible financial rewards.

1. Definitions

For the purposes of this policy, certain terms being used in this document shall have the following meanings:

Intellectual Property- includes any patentable invention, any copyrightable subject matter, or trade secret. It also includes works of art, and inventions or creations that might normally be developed on a proprietary basis.

University- means **Ilia State University**

Student- means any graduate or undergraduate student, regardless of whether the student receives financial aid from the university or from outside sources. It is the responsibility of students who are also employees of other outside entities to resolve any conflicts between this

policy and provisions of agreements with their employers prior to beginning any undertaking at the university that will involve the development of intellectual property.

Faculty- means members of the university's Faculty Organization as defined in the Faculty Handbook, plus instructors and special faculty appointments (even in the first year), and part-time faculty.

Staff- means any employee of the university other than students and faculty as defined above. If a student is also a part-time university employee, he is considered as staff with regard to intellectual property developed as a result of his employment, and as a student with regard to other intellectual property. A full-time non-faculty employee who is also taking one or more courses is considered to be staff. Visitors to the university who make substantial use of university resources are considered as staff with respect to any intellectual property arising from such use.

Inventor- Shall mean a person covered by this policy who individually or jointly with others makes an item of intellectual property under Georgian patent laws and regulations.

Invention- Shall mean any patentable or potentially patentable idea or know-how and any associated or supporting technology that is required for development or application of the idea or know-how.

2. Policy provisions

2.1. Disclosure Obligation

Covered persons are required to notify the University's Technology Commercialization Office (TCO) of each invention through a disclosure document prescribed by TCO.

2.2. Ownership Determination

The university originally owns intellectual property created by students, faculty and staff with substantial use of university facilities. Moreover, researcher's **any** activity, except those consulting outside activities that **DO NOT** use University premises are subject to assign inventions to the University. Hence, all above mentioned people shall assign, transfer, and convey all of his/her right, title and interest in and to any and all said "ideas" that related generally to **University's** business, including, but not limited to any inventions, processes, improvements, ideas, copyrightable works of art, trademarks, copyrights, formulas, manufacturing technology, developments, writings, discoveries and trade secrets in spite of being ability of getting patent or copyright.

2.3. Filing of Patent Applications

TCO shall be solely responsible for determining whether a patent application shall be filed. Filing determinations may be made on the basis of commercial potential, obligations to and rights of third parties, or for other reasons which TCO, in its discretion, deems appropriate.

2.4. Commercialization

TCO shall have the sole discretion with respect to the commercialization of an invention, but shall take into account the public interest. TCO shall make decisions concerning commercialization as it deems appropriate and shall make reasonable efforts to keep inventor (s) involved and informed of its commercialization efforts.

2.5. Administering and maintaining patents

As the university is the owner of Intellectual Property created inside the university with substantial use of its facilities the latter is the sole owner of **patents** by holding unrestricted right to reduce the invention to practice, produce and sell respective products. Herewith, TCO staff shall have the sole responsibility for administering and maintaining patents.

2.6. Transferring rights to the inventor

If university decides whatever matter not to patent the invention, all rights, concerning the invention, shall be transferred to the inventor.

3. Copyrights

3.1. Ownership

Authors are entitled to own the copyright and retain any revenue derived from books, films, video cassettes, works of art, musical works and other copyrightable materials of whatever nature or kind and in whatever format developed, except computer software and databases. It is expected that when entering into agreements for the publication and distribution of copyrighted materials, Authors will make arrangements that best serve the public interest. As used in this policy, “Author” means any person covered by this policy who creates a work of authorship qualifying for protection under Georgian copyright law.

3.2. University ownership

The university, at any time, may acquire ownership or rights in copyright and copyrighted materials by agreement with the Author (s) on such terms.

4. Objects, which are not regarded as an invention

4.1. Discovery, scientific theory or mathematical method;

4.2. Artistic creation;

4.3. Algorithm, the computer program;

4.4. Education, teaching method and system, grammatical system, a method for performing mental acts, gaming rules;

4.5. Activities and organization management method;

4.6. Structures, buildings, the plan and scheme;

4.7. Submission of information.

4.8. These facilities shall not be considered patentable only in the case when it is an immediate object of application

5. Unpatented Materials

5.1. Unpatented materials include inventions being against public order. Moreover, inventions related to the surgical treatment of humans and animals, therapeutic and diagnostic methods. This rule doesn't apply to devices and substances, which are used in such methods. Apart from this, unpatented materials shall include inventions related to plant and animal species, as well as plant and animal breed primarily biological methods. This rule does not apply to microbiological methods and products obtained through these methods.

5.2. Ownership and Commercialization

The University shall own all rights in Unpatented Materials and may make appropriate distribution in the public interest, including licensing or transferring unpatented materials, for research and commercial purposes.

6. Royalty Sharing

6.1. The royalty sharing shall apply to all inventions developed during the period of business relations between the inventors, authors or contributors and the university, including inventions that have been developed by the technical and other means owned or possessed by the university.

6.2. The university shall pay to the above mentioned people royalties for use of the invention in the industry.

6.3. Royalty sharing shall be defined as 50-50% (fifty-fifty) percent between University and the inventor.

6.4. Before making shares as defined in Chapter 6.3., the university is entitled, first of all, to cover any intellectual property expenses incurred.

7. General Procedures

The creator of any intellectual property that is or might be owned by the university under this policy is required to make reasonably prompt written disclosure of the work to the university's TCO, and to execute any document deemed necessary to perfect legal rights in the university and enable the university to file patent applications and applications for copyright registration when appropriate. This disclosure to the TCO should be made at the time when legal protection for the creation is contemplated, and it must be made before the intellectual property is sold, used for profit, or disclosed to the public. Whenever legal protection for intellectual property is anticipated all persons engaged in such creative activity are encouraged to keep regular notebooks and records.

8. Effective Date of Policy

This policy will become effective February 26, 2015. Once effective this policy will be binding on new faculty, administration, and staff when hired, and on graduate and undergraduate students when admitted. Current faculty and staff will also become bound by this policy when they sign new employment contracts as the result of the renewal of limited-term appointments or promotion. The university should take all administrative steps necessary to ensure that employees and students sign, upon initial employment, registration or at other appropriate times, forms that indicate their acceptance of this policy.

9. Resolution of Disputes

This policy shall be governed by and construed in accordance with the laws of Georgia. The parties shall use all reasonable efforts to resolve amicably any dispute, controversy or claim arising out of or relating to this policy through negotiations. Should the parties fail to reach an agreement within 1 (one) month from initiation of the dispute, parties shall resort to the competent Georgian courts.

10. Amendments of the policy

TCO shall be responsible for interpreting this policy and resolving questions and disputes concerning it. TCO reserves the right to amend or modify any of the terms of this policy as it may determine from time to time. Intellectual property that is already developed or under

development at the time that an amendment to the policy is ratified will not be bound by the terms of the amendment without the voluntary written consent of both the creator and the university.

11. Miscellaneous

For the avoidance of doubt, except as otherwise specifically provided, it is not the intention of the policy or policy revision or revisions to apply to Inventions, Copyrights, and/or Unpatented Materials made or developed prior to the effective date of the revision or revisions if the revision or revisions would not have applied previously.

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