



**Tax Area, Investee Companies, Privacy, Regulation,
Management Control, Transparency, Anti-Corruption Area**

Office for University Regulatory Procedures

UNIVERSITY REGULATIONS ON INDUSTRIAL PROPERTY

(Issued by Rector's Decree no. 77 of 19 January 2021)

Article 1

Definitions

The following activities are defined for the purposes of this Regulation:

- (a) **Collaborative research activity:** University research activities carried out by permanent or fixed-term employees, currently working, financed by research agreements financed or co-financed by public and private entities, making use of know-how, equipment and facilities of the University of Calabria, and/or of funding and, in any case, of economic resources administered by the University;
- (b) **Commissioned research activity:** University research activities financed by private entities and carried out by permanent or fixed-term employees within services on behalf of third parties, defined by research contracts, making use of know-how, equipment and facilities of the University of Calabria, and/or of funding and, in any case, of economic resources administered by the University;
- (c) **Institutional research activity:** University research activities, developed autonomously, carried out by permanent or fixed-term employees, performing their duties and making use of know-how, equipment and facilities of the University of Calabria, and/or of funding and, in any case, of economic resources administered by the University;
- (d) **Protection costs:** expenses for patenting, registering or otherwise protecting research results under applicable industrial property law, such as: professional fees for services related to patenting or registering; filing, search, examination fees; fees for patenting or registering and maintaining industrial property rights; expenses that may be due to opposition proceedings whatsoever;
- (e) **Employees:** permanent or fixed-term employees, including professors, researchers and technical-administrative staff of the University of Calabria;
- (f) **Unregistered industrial property rights:** industrial property rights that may arise as a result of specific legal prerequisites pursuant to Legislative Decree No. 30 of 10 February 2005 on the "Industrial Property Code, Article 15 of Law No. 273 of 12 December 2002, no. 273" as subsequently amended and supplemented. (IPC - Industrial Property Code), such as distinctive features other than registered trademarks, trade secrets, geographical indications and designations of origin;
- (g) **Registered industrial property rights:** industrial property rights that are created through patent or registration processes; in detail, the following rights constitute industrial property rights: patents for industrial inventions, including computer-implemented inventions for utility models and for new plant varieties; registered trademarks, registered designs and registered topographies of semiconductor products. Industrial property rights also include those rights provided by international conventions, Community law, national law or the law of any other state;
- (h) **Property rights:** the rights arising from inventive results - except for the moral right to be acknowledged as the author of the invention - which are alienable and transmissible;



- (i) **National patent application and registration:** a request for national protection submitted to the relevant offices through the relating University office;
- (j) **International Patent Application:** a request for simultaneous protection in many different countries, by submission of a single international patent application, under the Patent Cooperation Treaty (PCT);
- (k) **Inventor:** permanent or fixed-term employees, carrying out inventions;
- (l) **Know-how or Trade Secrets:** technical-industrial information and experience, subject to holders' legitimate control, to be considered confidential, to have economic values, as secrets, and to be protected by reasonably adequate measures to maintain its secrecy;
- (m) **Industrial property:** industrial inventions, utility models, topographies of semiconductor products, know-how or trade secrets and new plant varieties, trademarks and other distinctive features, geographical indications, designations of origin, designs and models, pursuant to the IPC (Industrial Property Code);
- (n) **Inventive results:** any result produced during institutional, commissioned or collaborative research activities or research and/or study and training programmes and/or laboratory teaching activities, which has an asset value and is deemed susceptible to constitute the subject matter of registered or unregistered industrial property rights pursuant to the IPC;
- (o) **University temporary and contract staff:** University staff, who, despite not being permanent employees of the University of Calabria, are involved with the University of Calabria in working and/or in collaborative activities, entailing research works or, in any case, in activities that may lead to an inventive result. Specifically, contract lecturers, research grant recipients, research fellows, temporary and contract staff and collaborators of all kinds, students, students enrolled in postgraduate and PhD courses;
- (p) **Technology Readiness Level (TRL):** the level of technological readiness of inventive results, based on a value range from 1 to 9, where 1 corresponds to the definition of basic principles and 9 to a system already used in an operational environment, as accepted by the European Commission.

Article 2

Objectives and scope of implementation

1. In accordance with its statute and in compliance with the regulations in force, the University of Calabria (Unical) promotes innovation also through the technological transfer of research results, fosters the protection of industrial property, and supports and encourages the promotion of the above-mentioned results through its own departments.
2. Inventive results achieved by one or more Unical employees and/or by fixed-term contract personnel – even if temporarily located at other host facilities, including foreign facilities – are subject to the current Regulations.
3. The current Regulations also apply to inventive results achieved by entities referred to in paragraph 2 jointly with third parties with which Unical has stipulated or stipulates specific agreements.



Inventor's rights and obligations

1. The parties referred to in Article 2, paragraph 2, that achieve inventive results in the performance of institutional research activities are entitled to assign Unical the property rights arising from such results. Specifically, costs for patent protection shall be paid by Unical (University Patent Fund, Department(s) and/or Structure(s) of the inventors involved), as described in Art. 6.
2. If the parties avail themselves of the option referred to in paragraph 1, they shall submit the relevant declaration of assignment of the property rights on the inventive results achieved in favour of Unical, the latter being entrusted with the responsibility for protection procedures, as specified in Article 5.
3. Should inventive results be achieved in the course of commissioned or collaborative research, Unical owns the property rights of the results produced with the inventive contribution made by its inventors.
4. Should inventive results be achieved in synergy and/or with the contribution of several inventors, the resulting rights are awarded to all inventors in a percentage corresponding to the share of the inventive contribution provided by them.
5. In the circumstances of commissioned or collaborative research activities, scientific supervisors are responsible for ensuring that the requirements of these regulations or other relevant university regulations are fulfilled. Furthermore, before stipulating agreements, signing contracts, organising programmes or research projects, where the University is a party, scientific managers shall submit them to the relevant University office for an appropriate review and verification with reference to aspects related to the management of industrial property.
6. As per inventive results achieved in collaboration with third parties (universities, institutions, companies, etc.) and not governed by any prior agreement, Unical permanent and fixed-term employees are required to promptly notify the relevant office of the University, so that the latter may start procedures to reach an agreement on the ownership and management of the results achieved.
7. If inventive results are produced in the performance of institutional research activities, inventors – should they decide not to avail themselves of the option set forth in paragraph 1 – must promptly notify the Rector of their intention to file the application for protection on their own (or to assign a third party the right to file it); furthermore, inventors have to notify that they have already filed it as well as inform the Rector about the assignment or licensing of the resulting rights to third parties.
8. Should inventors avail themselves of the option set forth in paragraph 1, in so far as it does not invalidate the application for protection, they are obliged to protect requirements of novelty and to keep inventive results achieved and related know-how thereto strictly confidential.
9. Any dissemination and/or publication inventors might wish to carry out with regard to inventive results is subject to completion procedures designed to protect them. Interactions with companies or other parties interested in these results must be governed through special contracts drawn up by the relevant University office.
10. Inventors are obliged to ensure the highest degree of cooperation with the relevant office of the University at every step of the protection procedure and actions concerning exploitation rights.
11. The obligations shall, in any case, be fulfilled, even if the agreement between inventors and Unical eventually ends.
12. Should inventive results be achieved by students without academic support, Unical may sustain the resulting activities about industrial property protection in such a way as to promote their merit and to give emphasis to innovative projects. Once the project has been positively evaluated, the



Assessment Board identifies a Unical scientific referee to be entrusted with its supervision as referred to in Article 7. In order to start procedures for the protection of inventive results, students are required to assign Unical the relevant property rights.

Article 4

Rights and obligations of the University of Calabria

1. Unical is the exclusive holder of property rights deriving from inventive results obtained by permanent and fixed-term employees during institutional research activities, that have been transferred by inventors to Unical pursuant to Article 3, paragraph 1, or during commissioned or collaborative research activities pursuant to Article 3, paragraph 3, or obtained by students pursuant to Article 3, paragraph 12. The inventors' moral right to be recognised as authors of the inventive results achieved, shall be preserved.
2. Should inventors submit the application for protection in their own name or in the name of a third party, Unical will nevertheless be entitled, as per Article 65(2) of the IPC, to share in any revenues derived from the commercial exploitation of the industrial property rights, as set forth in Article 6(7).
3. With reference to subsection 1, Unical shall have the right to establish – independently or jointly in case of co-ownership – procedures for the property exploitation of industrial property rights through the use of the most appropriate contracts to be signed with third parties (e.g. licences or transfers and assignments).
4. Should the requirements for submitting applications for protection not be met, the know-how (or trade secret) must be protected pursuant to and for the purposes of Article 98 of the IPC and Directive 216/943/EU of the European Parliament and of the Council dated 8 June 2016 "on the protection of confidential know-how and confidential businesses information (trade secrets) against unlawful acquisition, use and disclosure", as transposed by Legislative Decree No. 63 of 11 May 2018.
5. Unical will publish the protected inventive results, that it aims to exploit economically through technology transfer operations, on its website or other dedicated platforms, in compliance with the regulations in force. After 30 days from the date of the publication and in the event of no spontaneous expressions of interest, Unical promotes actions aimed at identifying parties interested in exploiting one or more of these inventive results.
6. While assessing the promoting activities, the economic value of the contracts referred to in paragraph 3 shall be determined on the basis of specific elements such as, for example, the territorial scope of the protection, the technological spin-off and the potential commercial value of the inventive result, as well as the direct and indirect costs incurred and/or to be sustained (for protection, maintenance, research and development activities, promotion, etc.), also taking into account the guidelines set forth in Communication 2006/C 323/01 of the European Commission dated 30 December 2006 on 'State aid rules for research, development and innovation'.

Article 5

Application procedure for protection

1. The request for the protection of inventive results on behalf of Unical is approved by the University Board of Directors (BoD).
2. The parties referred to in Section 2(2) who intend to submit a request for the protection of the inventive result in the name of Unical must start the following protection procedure:



- a) the inventor, submitting the request, sends the request for protection of the inventive result by e-mail to the relevant University office, including the following documents:
 - i. request for protection of the inventive result;
 - ii. declaration of transfer and assignment of property rights;
 - iii. notification of the inventive result;
 - iv. novelty analysis of the inventive result;
 - v. any other documentation deemed useful for request assessments;
- b) the relevant office of the University forwards the documentation to the President of the Assessment Board, referred to in Article 7, who then summons the latter;
- c) the Assessment Board draws up a report including the final opinion on the suitability of protecting inventive results and the draft and forwards it to the BoD;
- d) the Board of Directors decides on the protection of inventive results and appoints the relevant University office to start the procedure.

Article 6

Costs and revenues

1. Unical shall pay protection costs through the University Patent Fund, the Department(s) and/or Structure(s) of the inventor(s) involved in the cases referred to in Article 4(1). The percentage of costs borne by the University patent fund is determined by taking into consideration elements such as: Technological Readiness Level (TRL), forms of collaboration with industrial partners, clarity in the definition of the industrial development of the idea, as indicated by the referring inventor in the notification form of the inventive result. The remaining share of the costs shall be paid by the Department(s) and/or Structure(s) of the inventors involved.
2. A bonus in terms of a higher cost-sharing through the University Patent Fund can also be attributed, if at least one of the parties referred to in Article 2(2) is an inventor involved in other patent applications or registrations.
3. The cost-sharing fee is determined by the Board of Directors on the proposal of the Assessment Board, as referred to in Article 7.
4. If permanent or fixed-term employees do not assign the rights in favour of Unical, as provided for in Art. 3 para. 1, and start the protection procedure in their own name, they shall bear the costs thereof.
5. Once costs incurred have been reimbursed, the revenues generated by the economic exploitation of industrial property rights owned by Unical are allocated based on the following criteria: 50% to the inventors and the remaining 50% to the University Patent Fund, the Department(s) and/or the Structure(s) which the inventors belong to, according to their respective cost shares.
6. Should inventors be more than one, the distribution of their revenue shares among them, as referred to in paragraph 5, shall be calculated by taking into account the inventive contribution declared by them in the appropriate documentation or, in the absence of such declaration, in equal parts.
7. In the case referred to in paragraph 4, permanent or fixed-term employees are required to pay Unical 30% of the revenues deriving from the exploitation of industrial property rights once the costs incurred have been reimbursed.



UNIVERSITÀ DELLA
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Article 7

ASSESSMENT BOARD

1. The Assessment Board gives its opinion on the feasibility to proceed with the protection procedure, after having previously carried out:
 - (a) formal check of the documentation submitted;
 - (b) analysis of the novelty search submitted;
 - (c) evaluation of the technical, economic and strategic characteristics of inventive results.
2. The Assessment Board also takes into account the degree of involvement shown by the inventors.
3. After checking the level of technological readiness of inventive results and/or expressions of interest and/or existing collaborations and/or projects such as proofs of concept and/or other valuable elements to support the assessment, the Board expresses its opinion on negotiation acts (assignments, licences, etc.) in the field of technology transfer and the management of the University's industrial property portfolio (national patent application and registration, international patent application, entry into regional and national stages, maintenance, etc.).
4. The Assessment Board shall submit any amendments to these Rules and Regulations to the Board of Directors.
5. The Assessment Board, appointed by Rector's Decree, shall be made up of
 - a) a Rector's Delegate, who shall chair it by right;
 - b) three Unical department lecturers, covering the widest possible range of competences;
 - c) two members of the relevant University office.
6. To perform the tasks assigned to it, the Assessment Board – having the role of aggregate member – may rely, from time to time, on an expert from Unical having knowledge in the discipline area of the request for protection or management of industrial property.
7. Moreover, in specific circumstances, the Assessment Board may draw on the support of external experts, also by exploiting the national networks for the research promotion where Unical is a member.
8. The Board shall remain in force until the new Rector's Decree for appointment.

Article 8

Transitional Rules

1. For matters not expressly provided for in these Rules and Regulations, please refer to the provisions of the relevant legislation in force.
2. These Regulations replace the "Regulations for the management of innovation and intellectual and industrial property", issued by R.D. No. 1597 of 19/10/2015, amended by R.D. No. 579 of 08/04/2020.