

Regulations regarding Inventions by Researchers of the University of Pisa

D.R. 8 October 2001 No. 01/1163	Issue
D.R. 21 July 2003, No.01/926	Modifications to regulations
D.R. 23 December 2003, No. 01/1687	Modifications to regulations
D.R. 13 February 2007, No. 2268	New issue
D.R. 25 May 2007, No.1/8286	Modifications to regulations

1 Coverage of the Regulations

1. These regulations cover industrial inventions that can be patented and intellectual property, to which provisions made by law are applicable, regarding inventions made by one or more researchers who are employees of the University of Pisa (hereinafter: the University).
2. In particular, the inventions made by full time academic staff (professors of first and second levels, researchers are subject to these regulations and to Clause 65 of Italian Legislative Decree No 30 dated February 10, 2005 (hereinafter: the Industrial Property Code).

2 Right to patent on inventions made by researchers at the University

1. The right to patents on inventions made by researchers at the University belongs to the inventor or co-inventor under Clause 65, paragraph 1, Industrial Property Code.

3 Agreements and contracts for research

1. If the invention has been achieved in research sponsored in whole or in part by private entities or are carried out under specific research projects funded by public entities other than the University, it shall be subject to the legal and financial clauses stipulated in the act of funding and in accordance with Italian law. In particular the ownership shall be predetermined by clauses signed by the researchers regarding any possible future patents obtained from the research, and charges and fees for the University and the researcher.
2. In accordance with the information provided by the Patents Committee described in Clause 6, the University sees to the preparation of forms and standard clauses regarding the results of research and for use in research funded by private or public entities.

4-Inventions made by persons other than the university employees

1. Individuals with temporary contracts to perform research at the University (such as PhD students, fellows, grant holders, and contractors of all kinds; didactic staff of any kind that are not employees; and collaborators of any kind other than employees of the University) make a declaration before beginning their work period in which they accept the application of Clause 65 of the Industrial Property Code and of the current Regulations.
2. If, for the attainment of an invention there is a collaboration with entities outside the University, the property rights of such entities are regulated by the law.

5 The organs responsible

1. The organs responsible for matters relating to inventions are the Dean and Board of Directors, as provided by law and by the regulations.
2. In case of particular urgency in terms of acts concerning inventions and patents, the Dean has the right to take appropriate measures, subject to subsequent ratification of the same by the competent bodies.

6 Patents Committee

1. The Patents Committee is established by decree of the Dean. It is made up of seven members, who may also come from outside the University, appointed by the Board of Directors, from experts in the field of the protection of intellectual property and patent procedures. The Vice Dean, with a special proxy, also takes part at Committee meetings.
2. In order to make a more thorough examination of proposals for patents that have been put forward for its assessment, the Committee may be supplemented by "assessors" with specific experience in the specific discipline of the patent application.
3. The members of the Patents Committee remain in office for four years.
4. The Patents Committee meets periodically and in any case at least once a year with the Spin-off Committee in order to discuss common issues and to plan future activities on the basis of policy guidelines proposed by the Vice Dean.
5. The members of the Patents Committee are required to treat documents and information brought to their knowledge in the utmost confidentiality, with particular reference to new inventions and the content of patent applications not yet made accessible to the public.

7 Responsibilities of the Patents Committee

1. The Committee deals with issues relating to the protection and development of inventions in the University, and in particular:
 - a) expresses its opinion and provides assessments on the possible transfer of a patent right under Clause 9;
 - b) expresses its opinion, in the manner set out in Clause 10, on the request of the inventor for advance payment of costs by the University for the patenting procedure;
 - c) provides guidance with regard to forms and standard clauses for use in research contracts;
 - d) with respect to inventions for which the University has the ownership, the Committee expresses its opinion on the scientific/technical and commercial opportunities of initiating a patent process, in terms of the most appropriate strategies for the University, and regarding the legal aspects;
 - e) give its opinion on contractual issues (such purchases, sales, licenses, orders) regarding the inventions of the University;
 - f) at the request of the interested parties, it provides assistance or advice with regard to inventions owned by university staff.
2. Every two years the Patents Committee publishes a report in the University bulletin on the status of

university patents and inventions at the University.

8 inventor's obligation to inform the University of filed patent application

1. In the case provided for by Clause 2 of the Regulations, the inventor shall inform the University of the filing of a patent application, by sending the Patents Committee a copy of the filed application within thirty days.
2. In the case of financial exploitation or transfer of whatsoever type of the technical results of previous research to (or in the absence of) issuance of the patent application, the researcher shall immediately notify the University within not more than thirty days of the date when financial usage began or the transfer to the third parties by sending the Patents Committee the documentation certifying the transfer to third parties.
3. The researcher who fails to carry out the described notification may be subject to administrative and disciplinary penalties provided by law and the provisions of Clause 15, paragraph 2 of this Regulation.

9 Transfer to the University of the patent rights

1. The rights to the patent may be offered to the University by the inventor or co-inventor together. The University invites the researchers involved to submit the proposal to transfer by filling in the form which is available from the University.
2. The Board of Directors decides on whether or not to accept offer, by assessing the cost-effectiveness based on consultation with the Technical Committee under Clause 6.

10 Patent application on behalf of the inventor and at the expense of the University

1. In special cases the University may advance, in whole or in part, the costs of the patent process on behalf of the inventors, upon written request of the same.
2. The request referred to in paragraph 1, signed by all concerned and sent to the Technical Committee (Clause 7) shall contain the following information:
 - a) a description of the invention along with a report on the possibility of industrial exploitation;
 - b) the name of the inventor(s) and their relationship with the university;
 - c) any constraints arising from contractual relationships with third parties;
 - d) the reasons justifying the request for advance of expenses.
3. The Committee after completing their investigation, expresses their views, and if favorable, outlines the terms of a possible agreement between the University and the inventor regarding the sharing of costs for the patent process and a common management of the patent between the University and the inventor.

11 External assistance on patents

1. For each transaction in the patent search, the university also makes use of the services offered by the Chambers of Commerce, which stipulates agreements in this regard. For the procedures for patents in Italy and abroad, the University may use one or more representatives who are experienced in dealing with patent offices, who are selected on the basis of specific skills, availability, affordability, promptness. The University also tries, where possible, to select a variety of representatives.

2. The appointment of agents referred to in paragraph 1 is carried out by the Dean via an act in which the aim of the mandate must be specified.

12 Patent costs

1. For inventions owned by the University or for which the university shall bear the costs, pursuant to the preceding Clauses 9 and 10, the costs of patent procedure are derived from specific University funds.

2. The international extensions of the patents referred to in Clause 12.1, shall be subject to the existence of at least one of the following requirements:

- a) in the Patent Committee's opinion, there is a highly innovative value and significant industrial interest;
- b) the extension is requested as part of a collaboration or contract aimed at an industrial exploitation of the invention, or in the presence of an industrial organization interested in acquiring rights of exploitation;
- c) the exploitation of the patent is part of a program to set up a company (a spin off of the research).

3. The Patents Committee has the task of annually monitoring active patent files and submitting a report to the Board of Directors every 12 months.

13 Transfer to third parties of the rights of ownership of the University regarding inventions

1. The University, on the basis of the advice of the Patents Committee, draws up agreements with third parties for the transfer of rights to inventions owned by the University.

2. In particular, priority will be given to the transfer of rights to inventions to companies and consortiums sponsored by the University.

3. The University reserves the right to insert a clause into such contracts that protects the University in cases where the financial returns from the patent clearly exceed the amount stipulated when the Agreement was drawn up between the parties.

4. These guidelines also apply to shared ownership rights of the University on patents and inventions carried out in collaboration.

5. The transfer contracts referred to in this Clause shall be signed by the Dean.

14 Inventions made by several partners

1. In the case of inventions made in collaboration with several universities, the University, assumes in the absence of further notice signed by all co-inventors, that in dealing with the same co-inventors that the co-ownership shares are equal.

15 Income allocation

1. The university, as part of its autonomy, establishes in accordance with the provisions of Clause 65, paragraph 2 and 3, Industrial Property Code, the revenues and fees in its favor for the exploitation of inventions made by university staff, according to the following schedule:

Total Income for each calendar year

Total net income	< 25,000 euros	25,000	>100,000
------------------	----------------	--------	----------

		<x< 100,000	
Inventor	70%	60%	50%
University	30%	40%	50%

2. The percentages for the University indicated in the above paragraph apply to inventions whose authors or coauthors have notified the University in the terms set forth in Clause 8. In the case of failure or delay in notification, the percentage of the proceeds and royalties for the University shall be 50%.

3. In the case of transfer of rights by the researcher to the University as set forth in Clause 9, and provided there are no special situations, the University grants the percentage for the inventor referred to in paragraph 1 of this clause, after any expenses incurred.

16 Disputes

1. In the event of litigation regarding patents and inventions in which the University is a part, the University offers for the sake of speed, deflation litigation before state courts, and confidentiality, to transfer, where applicable by the law, disputes to an arbitration tribunal made up of three members: one for each party, with the third being appointed by agreement between the two parties, or in the case of disagreement, by the President of the Arbitration Court at the Chamber of Commerce of Pisa, subject to prior completion of a conciliation.

17 Final rules

1. Although not specifically provided for herein, reference is made to the laws in force

2. This Regulation shall enter into force on the fifteenth day following its publication in the Official Bulletin of the University. It is also published via a posting on the official notice board of the University and on the web page of the University.

2.b Amendments to these Rules are published on the University website and take effect fifteen days after their issue, unless otherwise provided in the ordinance amendment.