



UPPSALA
UNIVERSITET

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Guidelines for Intellectual Assets created at Uppsala University

Approved by the Vice Chancellor 2014-12-09

Introduction

The purpose of these guidelines is to draw up and establish principles for the management of IP at Uppsala University (UU.) Consideration has been given to common practice at UU. In its Code of Practice (2008) the European Commission has recommended that the universities of the Member States develop policies for IP and it is intended that these guidelines also meet the recommendations of the EU.

Intellectual creativity, sharing of ideas and openness are central values in an academic environment. The aim is always to build upon knowledge and encourage its spread. Generation of intellectual property (IP) is a natural result of working in an academic environment and UU wants to secure the interests of both the university and the employees, while striving to maintain openness and continued sharing of knowledge.

In these guidelines IP denotes those intellectual assets that have, or may have, intellectual property rights according to existing legislation, such as patents, copyright, including database rights, trademarks and design rights, but also the results of intellectual work such as inventions, prototypes, models, software, texts, compilations, computations, calculations, information, materials, data, research results, knowledge, methods, drawings, etc. These guidelines do not cover teaching materials.

1. Ownership

At UU the rights to IP that are created as part of research, or by students as part of their training, belong to the author/inventor¹. Authors/inventors can be either students or staff at UU. As long as an author/inventor is employed at UU the rights fall to the employee, unless otherwise agreed. This is a consequence of the teachers' exemption², but also of a wider interpretation of this exemption, arising out of common practice at UU, to include more than just patentable inventions. UU has no right to students' IP, unless otherwise agreed.

2. Principles regarding collaborative and contract research

Regarding contract research, refer to the "Guidelines for contract research at Uppsala University" (UFV 2013/799).

Regarding collaborative research, the following principles have been established at UU:

- UU shall always secure the possibility for its researchers to publish their results within a reasonable time of their creation
- UU shall always ensure that researchers can research further based on their own results
- if a collaboration involves ownership or use of IP being transferred to a collaborating party, payment corresponding to the value of the profit/utilization shall be paid to the author(s)/inventor(s).

2.1. Specifically, on information to researchers participating in contract research

For the convenience of heads of departments in connection with, for example, drawing up contract research agreements, UU provides the form "Conditions for participation in the following projects at UU." The head of department can use this form to ensure the principal researcher at UU is informed of

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¹ The creator of a literary or artistic work is the originator and has copyright on the work, unless otherwise agreed. Cf. law (1960: 729) on Copyright in Literary and Artistic Works. See patent law (1967: 837) relating to inventions and inventorship.

² "Teachers' exemption", see Act (1949: 345) on the Right to Employee Inventions § 1.

the conditions for participating in the project and is committed to only allowing other people who have done the same to work in the project.

2.2. Specifically concerning Uppsala University Holding AB (UUAB)

UU strives to both participate in international research projects and to respect the teachers' exemption on the basis that this benefit both education and research as well as utilization and commercialization.

Some research collaborations require the transfer of all or part of the participating researchers' rights under the teachers' exemption. In order to participate in these collaborations, the university needs to handle research results in a professional manner. This requires, among other things, the ability to manage IP.

In such cases, if UUAB and the participating researchers reach an agreement, the researchers can assign their IP to UUAB, or a subsidiary company to UUAB. In such cases, the project may have to bear the costs incurred.

2.3. Specifically concerning students' project works

Students' project works may require special regulation regarding ownership and confidentiality in relation to third parties. The students shall in such cases be informed of any regulations that affect the performance of the project work and sign the necessary agreements before starting the work.

3. Contributions to intellectual creation

All who have contributed intellectually to an academic work, whether it is a written work or other type of intellectual creation, shall be recognized for that by their acknowledgement as the creator(s) of the work, through reference or by citation.

3.1 UU's right to recognition

UU shall encourage its students and employees, when research results are published or presented, to acknowledge UU as the provider of infrastructure and educational and research activities.

3.2 Authorship

It is the responsibility of the researcher to ensure that their research is published or otherwise made publicly available. This is the responsibility of all those who contributed significantly to the research that is to be published. The authors of a publication shall be deemed to be those, and only those, who have made a significant intellectual contribution to the publication. All who have contributed significantly to a publication should be named as authors. Graduate (PhD-) students are primary authors of their dissertations and generally lead authors of publications based on their dissertations. Students are primary authors of their theses. Being a recipient of external funding, or holding a leading position in a research environment, does not in itself provide entitlement to be included as an author of a publication.

4. Specifically concerning patenting in relation to publication

Researchers who intend to apply for patent protection of IP are encouraged to delay publication or other public presentation of that particular IP until patent protection has been sought.

5. The right to a share of the revenue from commercialisation

If the results of academic work are to be commercialized, the originators shall share any income that results, unless an author actively decides to refrain, or unless otherwise agreed between the authors/owners.

6. Notification

Employees at UU who have generated IP and intend to commercialize it, have the opportunity to report this to UU Innovation (UUI). The employee is then able to receive help from UUI with commercialization and patent protection. Notification to UUI allows UU the possibility of collecting essential statistics on commercialization activities originating from UU.

7. Third party rights

Employees at UU should respect the rights of third parties, i.e., should not infringe on others' IP.

8. Specifically concerning conflict of interest and conflict and dispute resolution

Conflicts in connection with the rights to IP and interpretation of the principles of agreements described in these guidelines should primarily be resolved through mediation or other informal processes.

Regarding side-line jobs (<https://mp.uu.se/web/info/stod/hr-guide/anstallningsvillkor/bisyssla>) and bias (Administration Act §§ 11-12), [there are special rules and regulations](#).

9. Specifically concerning record keeping

Regarding record keeping see the current existing instructions for employees and those active at UU (<https://mp.uu.se/web/info/vart-uu/uuarkiv/foreskrifter> and any other instructions).

10. Specifically concerning fulfilment of the EU Commission's Code of Practice (2008)

The Code of Practice is a recommendation from 2008 developed by the European Commission in order to provide guidelines for the management of IP and knowledge transfer. Paragraph 1 of this recommends the development of IP guidelines for public research organizations, their publication internally and externally, and the assignment of a specific contact for issues related to this. UUI is specific contact ("Single Point of Contact") for issues related to IP and these guidelines.

11. Specifically concerning support functions at UU

UUI offers support and advice to researchers at UU regarding collaboration and commercialization. Specialist advice on IP issues is offered free of charge to researchers employed at UU.

Other support is also available, for example in the form of EU project coordinators, research secretaries, the finance department and the legal department.