



UNIVERSITÀ  
DI TRENTO

**Crash course for the Protection and Valorization of Research – June 9, 2021**

# **UniTrento Intellectual Property Regulation**

Important notice: this is a courtesy translation from the Italian presentation of the UniTrento Intellectual Property Regulation. In all matters of interpretation, the Italian version is the sole version to have value.

## Protection and valorization of intellectual property

Research results can be protected by appropriate intellectual property right application. For example, industrial inventions, utility models, new plant varieties, can all be protected by a patent under the provisions of the **Code of industrial property rights** (Legislative decree no. 30/2005, as amended.).

Original works, including software and databases, can be protected by copyright under **Copyright law** (Law no. 633/1941, as amended).

Intellectual property rights give their holders the right to prevent any unauthorised use of intellectual property, sanctioning such use and providing remedies for the damage caused.

With Rector's Decree no. 539 of 22.7.2020, the University of Trento adopted the **Intellectual Property Regulation** (available [here](#) with Diagrams) which aims to support the valorization process of the research results in compliance with national, European and international laws.

## UniTrento Intellectual Property Regulation

**Field of application:** the Regulation applies to Researchers of the University who have created intellectual property in the performance of their research activity.

### Definitions (Article 2 Regulation):

- **Research activity:** any activity which may lead to the creation of IP by a Researcher, that is:
  - totally or partially funded by the University, or
  - taking place within research projects or programs of which the University or its departments and centers are part, or
  - conducted by the Researcher in an independent manner but through University facilities or economic and physical resources.



## UniTrento Intellectual Property Regulation

### Other definitions:

- **Intangible asset:** any useful result of research activity which has a value and may be covered by an exclusive right, including industrial inventions, utility models, designs, industrial models, new plant varieties, know-how, trademarks, software, databases, as established by national, European and international laws on intellectual and industrial property.
- **Intellectual property rights:** the rights, recognized or awarded by current national, European and international legislation on intellectual and industrial property, given to persons over creations of their minds, or as a consequence of a registration or patenting procedure.
- **Scientific coordinator:** the person responsible for the research activities and for the management of intellectual property. The Scientific coordinator is a member of the University's teaching and research staff.
- **Researchers:** full and associate professors, researchers with permanent and temporary contracts, technical and administrative staff with permanent and temporary contracts, language experts, contract professors, postdoc researchers, PhD students, holders of research grants, interns, collaborators, students.



## IP Ownership (art 6 Regulation):

### IPR belong to the **University**:

- when the patentable invention is the result of research:
  - **funded**, in full or in part, **by private entities**; or
  - conducted within specific research projects or programs **funded by public entities other than the University**, in compliance with the Code of industrial property rights.  
**Before the start of any research activity**, the **Scientific coordinator** is required to make sure that all the researchers involved in the research work have been informed on the rules on IP ownership.
- when the patentable work is a **software product** or a database **created by a researcher of the University** within his or her research activity, in compliance with the legal provisions on intellectual property rights. In any case, moral rights allow the researcher to assert rights to be known as the author of the work.



## IP Ownership:

### PhD students and IPR

PhD students own IPR on patentable inventions and copyrighted works including software, **except when their research work is funded by third parties** (through contracts with third parties, national, European or international funding).

Ownership of IPR must be carefully assessed because of the collaborative approach to research work, which is the reason why intellectual property rights are often shared among researchers and organizations.

PhD students who intend to protect their works must verify that such works have not been publicly released before filing for protection.

When they are filing for protection and about to defend their theses, PhD students may request the members of the thesis committee to sign a non-disclosure agreement.

When defending their thesis, PhD students are actually making their work public, which is why it is recommended to file for protection beforehand.

## IP Ownership

### Postdocs and IPR

Postdoc researchers sign a research agreement with the University of Trento that usually includes provisions on intellectual property rights deriving from research work.

Postdocs usually transfer any intellectual property rights deriving from their research project to the University.

The terms of the agreement can differ from case to case and must always be verified.

## IP Ownership

### Teaching / research staff and IPR

Article 65 of the Code of industrial property rights foresees that teaching and research staff owns IPR of patentable inventions, except when the research work is funded by third parties (through contracts with third parties, national, European or international funding).

Under article 12 of the Italian Copyright law, since teaching and research staff are employed by the University they are not entitled IPR on copyrightable works, like software and databases. In this case, IPR belong to the University, but they have the moral right to be known as the authors of the works.

**Note:** before filing for protection of the intangible asset (invention, software, etc.) or transferring the rights to third parties, the Researcher, through the Scientific Coordinator, is required to contact the Office for the Valorization and Impact of Research, so it can assess the ownership of IPR and explore possible protection options.



## The procedure at UniTrento for the protection and valorization of intellectual property

### 1. Technology disclosure

The Scientific coordinator supervising a researcher who has authored works that can be patented, registered or protected, must inform the Office for the Valorization and Impact of research using the "Invention disclosure form" or the "Software disclosure form", which must be duly signed.

Forms are available [here](#).

The Office will assess the **ownership** of IPR and explore possible protection options.

Ownership belongs to the researcher, the University, the research funder, based on the law or on the contract that regulate the relationship between the researcher and the University.

When IPR belong to the University, the Office may exploit them to the benefit of the University and of the researcher. When they belong to the researchers, the latter can patent, register or protect their invention but must award the University the value it is entitled to under article 65 (2) of the Code of industrial property and article 16 (2) of the University regulation, or they can transfer their IPR to the University.

## The procedure at UniTrento for the protection and valorization of intellectual property

### **2. Intellectual Property Rights assignment proposal (“Proposta di cessione”)**

The Scientific coordinator, on behalf of all researchers involved in the creation of the work who have not already transferred their intellectual property rights, can submit to the University a proposal to transfer the intellectual property rights in favor to it, using the "IPR assignment proposal" form, duly signed.

Form is available [here](#).

### **3. Intellectual Property Rights Committee**

The University has the right, but not the duty, to accept the proposal.

The role of the Committee is to assess the proposals submitted by the researchers through the "IPR assignment proposal" form and to make a decision about them.



## The procedure at UniTrento for the protection and valorization of intellectual property

### **4. IPR assignment agreement and filing for protection of IPR**

If the Committee decides to accept the proposal, the Office drafts a "IPR assignment agreement" for the researchers, to be signed to file an application for protection of IPR.

Form is available [here](#).

### **5. Exploitation of IP and distribution of revenues**

Once the IPR assignment agreement is signed, the University, in collaboration with the Scientific coordinator, takes action to exploit the protected work.

Any revenue generated by the exploitation of the work is distributed as follows (article 16):

- **50%** to the researcher [if there are several researchers, the shares are based on each one's contribution to the research work];
- **20%** to the Department or Centre participating in the project;
- **30%** to the University.

*Expenses incurred by the University will be subtracted from the revenue before distributing the shares.*



## UniTrento IP Portfolio

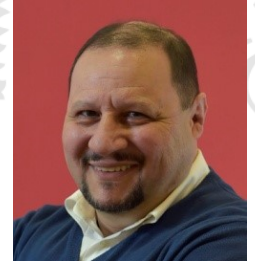
UniTrento IP Portfolio is available at this [link](#).

It contains details on University intangible assets. Patent applications/Patents/designs are divided into the following technological areas:

- [Biology and medicine](#)
- [Chemistry, Physics, new materials, advanced materials and microsystems](#)
- [AI, computer vision, radar systems](#)
- [FinTech](#)
- [Linguistics and didactic devices](#)
- [Photonics and data transmission](#)
- [Assistive robotics](#)
- [Design in ICT](#)
- [ICT innivation](#)

## Office for the Valorization and Impact of Research

- IPR Management
- Technology Scouting & Analysis
- Industry Engagement
- EU projects – support on IPR related issues
- Support to start-up Creation
- Licensing and contracting with external entities
- SMACT Competence Center point of reference
- EIT KICs point of reference



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