

Technology Transfer Office

Rules for the Commercial Exploitation of Research



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Introduction

This leaflet is an overview of UniNE's "Règlement concernant la valorisation de la recherche" - herein referred to as Intellectual Property (IP) Rules - regarding ownership, management, and commercialisation of intellectual property (for full text of the IP Rules

please refer to [1]). Through the definition of its IP Rules, UniNE aims to foster collaborations with third parties and to make its research outputs available for the greater good of the economy, industry and the wider society as a whole.

Are these IP Rules relevant to me?

Most likely the answer is "Yes". The IP Rules govern all research activities undertaken by researchers as part of their engagement with UniNE, regardless of whether the research is funded by internal or external sources. Any IP arising from such activities, including any technological inventions, software, and other research results such as "Know-how", is subject to these rules. Defined within the IP Rules are internal responsibilities for the commercialisation of research. By implementing the rules the university seeks to avert future conflicts pertaining to the commercialisation of its IP.

Who owns the IP and how is it managed?

Ownership of all IP¹ generated by its researchers as part of their employment rests with UniNE (see "Loi sur l'Université" [2, art. 73])². The university through its Technology Transfer Office (TTO) manages the protection and commercialisation of its IP. This process crucially involves a close collaboration between the researchers and TTO staff.

Identification and initial disclosure of the IP

The university requires its researchers to identify all research results with potential for commercialisation and to discuss these results with the TTO prior to their public disclosure ([1, art. 10]). Be aware that conference presentations, blogs, abstracts, publications on the web or in peer-reviewed journals, or any other form of public communication are considered to be a public disclosure.

Protection of the IP

The TTO will assess the commercial opportunity and patentability of the IP. In consultation with the researchers and patent agents as the case may be, the TTO will then decide on appropriate protection measures. Clear communication between the parties is imperative to this process. In case a patent application is envisaged, the researchers are required to defer any publication of the IP until such time as the application has been filed with a patent office.

Commercialisation of the IP

In close consultation with the creators of the IP the TTO will define a strategy for the commercialisation of the IP, be it via licensing or assignment of the IP to an established company or to a UniNE start-up. The TTO will then negotiate a commercial deal and put in place appropriate agreements with the industrial partner(s).

¹ except for any copyright which is not software;

² Researchers without employment contract (e.g. Master students) retain IP ownership unless agreed otherwise.

Share of Revenues with the creators of the IP

UniNE shares income generated from the commercialisation of its IP with the creators of the IP. Revenues net of costs incurred in relation to the protection and commercialisation of the IP are distributed as follows [1, art. 14]:

- a) 1/3 for the UniNE creators of the IP;
- b) 1/3 for the chair, laboratory or department where the IP was created;
- c) 1/3 for the university which will allocate its share to the budget of the TTO.

For amounts surpassing CHF 3M, the rectorate retains its right to modify the distribution of revenues at its discretion.

Any earnings allocated to UniNE creators will be paid through payroll and are not treated as additional revenue (or "gains annexes") [1, art. 15]. The usual tax and social charges apply for these earnings.

How does my collaboration with industry affect the IP situation?

Research collaborations with industry are an excellent way to translate UniNE research into applied products. Depending on the nature of engagement the industrial partner will gain certain rights to access the generated IP. Prior to commencement of a joint project the TTO will therefore negotiate an agreement capturing, amongst others, the IP terms of the collaboration in order to avoid future misunderstandings.

What about my scientific publications?

The university strongly encourages the publication and dissemination of its research to address the challenges of an increasingly competitive and international academic world. However, premature publication or disclosure of results can prevent protection of the IP and may render its commercialisation impossible. Hence, the publication of commercially interesting results should be carefully coordinated and needs to be discussed with your TTO.

References:

[1] <http://rsn.ne.ch/ajour/default.html?416108.htm>

[2] <http://rsn.ne.ch/ajour/default.html?41610.htm>



Your Technology Transfer Office

For all matters regarding commercialisation and interaction with industrial parties or any other related queries, please contact us.

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