

REGULATION REGARDING THE PROTECTION OF RESEARCH FINDINGS

AT THE REY JUAN CARLOS UNIVERSITY

(Approved by the Governmental Council on March 26, 2004)

The Rey Juan Carlos University has achieved sufficiently levels of research at present that these, when viewed alongside its accumulated experience, amply justify the approval of a self-determined regulation stipulating the framework and instruments wherein the proper protection of its findings is enunciated, one that determines the modalities and amount of participation that researchers and the University are due, as defined in the Statutes of Article 180 regarding the distribution of proceeds, the latter of which entrust the Governmental Council to establish the scheme wherein teaching and research personnel share in proceeds derived from the commercial use of the findings they have reached in their scientific, technical or artistic work.

In addition, the University has clearly developed a strategic policy for fomenting and stimulating quality research that articulates the distribution of responsibilities, obligations, and proceeds derived from the use of research findings within the framework of Law 11/1986, of March 20, on Patents, as well as that of Law 20/2003, of July 6, on the Legal Protection of Industrial Design.

Article 175.5 of the Statutes of the Rey Juan Carlos University stipulates that the university shall adopt an administrative structure that permits the efficient and swift management of resources directed at research. The present regulation proposes regulating the actions of the principal actors involved in the research findings protection process, so as to preserve their right to share in the proceeds derived from the use of said findings and safeguard the institutional image of the University associated with the use of the same.

Article 1.

The present regulation regulates the procedure for protecting the findings of research carried out by personnel at the service of the Rey Juan Carlos University, via: Patents, Industrial Designs, Utility Models, Semiconductor Topographies, Plant Obtainment, and Computer Programs.

Article 2

- 1.- The University shall establish the instruments as well as the human and material resources necessary for the quality management of Industrial and Intellectual Property.
- 2.- The budget of the University shall anticipate the budgetary provisions necessary to cover expenditures derived from the protection of research findings, which it shall defray at quantities to that effect anticipated in the annual budget and, when necessary, with the income originating in their use.

Article 3

- 1.- The Vice-Chancellor responsible for Research shall be entrusted with setting the procedures covering the protection and use of research findings generated at the University.

2.- It shall be within the authority of the Vice-Chancellor responsible for Research whether or not to call for and renew the registration of research findings, after taking into account the opinion of the Permanent Subcommittee of the University Research Committee, created within the protection of the norm on the “Functions and Composition of the Research Committee of the Rey Juan Carlos University,” approved by Governmental Council of June 30, 2003.

Article 4

All personnel at the service of the Rey Juan Carlos University, who in exercising the duties entrusted to them during their tenure at the Rey Juan Carlos University, or who in making substantial use of the infrastructure and resources of the University bring to fruition any invention, design, computer program, plant obtainment, or semiconductor topography that might generate a need for rights of ownership, and who wishes to proceed to its specific or commercial protection, shall be required to:

1.- Notify the University via the Research Service of its discovery, invention, or development, facilitating all the documentation and information needed to perform an analysis of the viability of its protection and, if it be the case, the preparation of the corresponding request.

2.- Cooperate with the University in any action undertaken relative to the protection and defence of the corresponding property rights.

Article 5.

The ownership of research findings obtained by personnel at the service of the Rey Juan Carlos University as a result of duties entrusted to them or from their having made substantial use of the infrastructure and resources of the University, shall correspond to the Rey Juan Carlos University, without prejudice in the acknowledgment of the corresponding inventors and authors. Excluded are questions of intellectual property except in cases involving computer programs.

Article 6.

The personnel of the University shall, in any case, reserve the right to participate in proceeds obtained by the Rey Juan Carlos University from the use of or transfer of rights to the findings from research they have performed.

Article 7.

In cases wherein the University has no interest in protecting the findings of said research, it shall cede its rights to ownership to the inventor or author, while reserving the right to a non-exclusive, non-transferable, and free operating license.

Article 8.

When research personnel make an invention by way of a contract with a public or private entity, the contract must specify whom among the contracting parties shall have ownership of said invention. In those cases wherein a co-ownership arrangement between the Rey Juan Carlos University and the public or private entity is reached, the percentage of costs and proceeds corresponding to the University shall be specified.

Article 9. The Research Service, in coordination with the economic and accounting Services of the University, is entrusted with the administrative and economic processing/management of industrial and intellectual property rights resulting or deriving from research findings whose ownership corresponds to the Rey Juan Carlos University.

Article 10.

The Research Service shall create a procedures manual that facilitates cooperation between the researcher and said Research Service so as to protect research findings, in which shall appear the maximum lengths of time wherein all actions undertaken by the participants throughout the entire process (Researchers, Research Service, and Vice-Chancellor of Research) must be settled.

Article 11.

All members of the University participating in the protection process for research findings shall be required to maintain absolute confidentiality with regard to all findings and avoid any dissemination of such, whether oral or written, given that this may constitute grounds for exclusion from protection under patent.

Article 12.

For the purpose of preventing the loss of the confidential character of findings, generators of industrial property rights, all contact with third parties aimed at establishing contracts for the further development or continuation of a R&D project, for technical assistance, or even for preliminary contacts, must be done by means of Confidentiality Agreements.

Article 13.

Once the proceedings at the Rey Juan Carlos University have been settled, the Research Service shall present the corresponding request to the applicable Registry, while keeping the researcher or researchers informed of all developments that might occur during the processing of said request.

Article 14.

The University may cede the ownership or rights to use for inventions to a public or private entity, it being understood that the Center for Innovation and Technology Transfer (CINTTEX), which is recognized as the Office for the Transfer of Research Findings by the Minister of Science and Technology, in common agreement with the authors of the same, shall be entrusted to carry out its management and monitoring, and to determine the conduit whereby to enact the transfer of rights of use.

Article 15.

CINTTEC shall undertake all measures necessary to arrange for the use (dissemination, commercialization...) of the protected research findings, as a means of incorporating R&D findings within the socioeconomic environment.

Article 16.

In the event of a disagreement between involved parties, the Permanent Subcommittee of the Research Commission shall decide. To counter the settlement of the same, a sole appeal may be presented before the Honourable Chancellor.

First Additional Provision.

This norm shall also apply to all work done by students and used for their evaluation, so long as it is used for any purpose other than the evaluation of the student or students, such as the use or commercialization of the same.

The student or students who have carried it out are considered co-authors as are the professor or professors who have directed, coordinated, or participated actively in its completion.

If the proposal for academic work originated at the initiative of the professor, the participation of the student in the possible economic proceeds derived from its commercial use shall be acknowledged by the director of the work in accord with his or her participation in the collective project. By contrast, if the proposal originated at the initiative of the student, the participation of the same in the proceeds that it generates shall be directly acknowledged, in accord with the agreement reached between the parties in question.

Second Additional Provision

In cases wherein University personnel develop computer programs as part of their research activity and wish to make commercial use of it by means of a license known as "Software Libre," or that of any other type ("Shareware", "Freeware"...), so long as the restrictions on use permit it, they shall be permitted to do so according to the procedures and instruments that the University develops for them.

Likewise, computer programs developed by means of practical academic work may be disseminated via free software licenses, so long as the students and professors who are the authors of the same agree to do so.

Annex to the norm on the Protection of Research Findings at URJC: Economic Aspects

Net proceeds originating in the use or transfer of technology resulting from research findings or from license agreements involving trade secrets, shall be distributed as follows:

Rey Juan Carlos University.-	30%
Center.-	10%
Department.-	10%
Inventor(s).-	50%

If the personnel at the service of the university obtain proceeds from the use of research findings due to the release of ownership rights by the Rey Juan Carlos University, the latter shall have the right to participate in 20% of the same, which shall be distributed in the following way:

Rey Juan Carlos University.-	10%
Center.-	5%
Department.-	5%