



Università di Scienze  
Gastronomiche di Pollenzo  
University of Gastronomic Sciences of Pollenzo

## **REGULATION ON INDUSTRIAL AND INTELLECTUAL PROPERTY**

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**Title I**  
**GENERAL PROVISIONS**

**Article 1 – Definitions**

In these Regulations of the University of Gastronomic Sciences of Pollenzo regarding industrial and intellectual property, the following expressions shall have the meanings indicated below:

- a) **“University”**: the University of Gastronomic Sciences of Pollenzo;
- b) **“Research Activity”**: any activity that may lead to the creation or achievement by the Researcher of one or more Intellectual Creations and which is:
  - (i) funded wholly or partially by the University;
  - (ii) carried out within research programs or projects in which the University or one of its Structures participates;
  - (iii) conducted independently by the Researcher but carried out using the University’s facilities or resources, whether financial or instrumental;
- c) **“Committee”**: the Committee whose composition, operating procedures and functions are governed in Article 11 of these Regulations;
- d) **“Intellectual Creation(s)”**: including, by way of example but without limitation, inventions, utility models, computer programs, databases, confidential information, and more generally any other form of knowledge, innovation or *know-how* capable of constituting the subject of an industrial property right, as defined by the applicable national and European legislation on intellectual and industrial property;
- e) **“Intellectual Property Right(s)”**: rights relating to Intellectual Creations as recognized or granted under applicable national and European legislation on intellectual and industrial property, either by virtue of the mere creation of an Intellectual Creation or following a registration or patent procedure;
- f) **“Industrial Property Right(s)”**: rights defined as such under Article 1 of the Industrial Property Code (Legislative Decree 10 February 2005, no. 30);
- g) **“Invention”**: any useful result deriving from Research Activity that may be the subject of a patent for invention and whose regulation is contained in Section IV of the Industrial Property Code;
- h) **“Researcher(s)”**: full and associate professors, fixed-term and permanent researchers, fixed-term and permanent technical-administrative staff, collaborators, contract lecturers, holders of research grants, post-doctoral appointments, research assignments, research fellowships, doctoral candidates, research fellows, interns, part-time collaborators pursuant to Article 11 of Legislative Decree 29 March 2012 no. 68 and subsequent amendments, collaborators however designated, and students at any level;
- i) **“Regulations”**: indicates these Regulations of the University of Gastronomic Sciences of Pollenzo concerning industrial and intellectual property;
- j) **“Structures”**: laboratories and other University facilities as indicated in the current University Statute;
- k) **“Third Parties”**: any persons who have no reason or need to know anything directly or indirectly related to the Research Activity.

**Article 2 – Objectives**

1. The University of Gastronomic Sciences of Pollenzo

- considering that Article 3.3 of the current University Statute recognizes the fundamental role of scientific research in every field of knowledge and promotes, supports and carries it out;
- considering that Article 3.4 of the current University Statute identifies among the missions and objectives guiding the University’s Third Mission activities the constant interaction with civil

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society as an integral part of its mission and, to this end, promotes opportunities for openness, exchange, interaction and knowledge at the local, national and international levels;

- considering that pursuant to Article 3.9 of the current University Statute, the University may enter into contracts and agreements for academic and research activities, professional consultancy and services for third parties; it may establish and participate in companies. The university also may establish interdepartmental and inter-university centers and services and develop collaborations in the research, academic and cultural fields; it may also promote or participate in consortia and associations with other universities, organizations and public and private institutions, both Italian and foreign;
- considering that the program agreements, contracts and arrangements referred to above may concern research activities and therefore may lead to the creation or accomplishment of results protected by the legal system through the attribution of an industrial or intellectual property right;
- considering that the proper management of industrial and intellectual property relating to knowledge and, more generally, to the results of research activities must be regarded as a fundamental tool not only for promoting such research but also for ensuring its appropriate exploitation;

hereby adopts these Regulations on Industrial and Intellectual Property.

### **Article 3 – University guidelines on industrial and intellectual property**

1. In accordance with the principles expressed in the European Charter for Researchers, the University determines and implements its policies on industrial and intellectual property through the adoption of regulations, resolutions, guidelines, contractual templates and any other acts suitable for this purpose, with which Researchers are required to comply.

### **Article 4 – Applicable rules**

1. For Intellectual Creations whose protection requires the completion of a patenting, registration or similar procedure, the provisions of these Regulations shall apply.
2. For all other Intellectual Creations falling within the scope of these Regulations, the rule shall apply whereby the rights belong to the University insofar as the Intellectual Creation derives from specific instructions, voluntary participation in institutional initiatives, or the use of university facilities.

### **Article 5 – Scope of application**

1. These Regulations apply to University Researchers who have fulfilled or otherwise obtained Intellectual Creations in the course of carrying out Research Activities.

## **Title II**

### **OWNERSHIP OF INDUSTRIAL AND INTELLECTUAL PROPERTY RIGHTS**

#### **Article 6 – Ownership of Intellectual Property Rights over Intellectual Creations**

1. Intellectual Property Rights relating to Intellectual Creations developed or obtained by a Researcher during Research Activities shall belong to the University.
2. Moral rights relating to Intellectual Creations developed or obtained by a Researcher during Research Activities shall belong to the Researcher.

3. Researchers who produce a patentable Intellectual Creation that does not derive from specific instructions, voluntary participation in institutional initiatives, and does not involve the use of university facilities shall retain full ownership of the right to the patent and/or the related Intellectual Property Rights.

### **Title III**

## **MANAGEMENT OF INDUSTRIAL AND INTELLECTUAL PROPERTY RIGHTS**

### **Article 7 – Confidentiality**

1. Without prejudice to the Researchers' interest in publishing the results of Research Activities, Researchers shall maintain confidentiality regarding any matters directly or indirectly related to Research Activities, to the extent necessary to safeguard the rights and interests of the University, including instances where the University must fulfill obligations undertaken toward third parties.

2. To the extent necessary to protect the University's rights, the Researcher shall:

- a) not disclose any information directly or indirectly related to the Research Activity or make it accessible in any way to Third Parties;
- b) use all appropriate means and undertake any reasonably necessary action to ensure that information relating to Research Activities is not freely accessible to Third Parties;

3. The confidentiality obligation shall not apply to:

- a) data, information and knowledge whose publication or dissemination does not harm the rights and interests of the University;
- b) data, information and knowledge that are or become publicly available through Third Parties;
- c) data, information and knowledge expressly intended for publication;
- d) information that the Researcher is required to disclose in compliance with legal or regulatory obligations or an order issued by a public authority.

### **Article 8 – Disclosure of invention**

1. A Researcher who, within the framework of Research Activity, creates or obtains an Intellectual Creation that may potentially be patented, registered or otherwise protected shall promptly notify the Committee referred to in Article 11.

2. Following a preliminary technical assessment regarding the possibility of implementing intellectual property protection measures, the Committee shall, within six months from receipt of the notification referred to in paragraph 1, file the patent application or notify the Researcher of its lack of interest in doing so. The six-month period may be extended for a maximum of three months, subject to communication to the Researcher, provided that the extension is necessary to complete the technical evaluation.

3. If the Committee does not file the patent application within the above-mentioned period, the Researcher may independently file the patent application in their own name. The Researcher may also proceed independently if the Committee, within the aforementioned period, has communicated its lack of interest in proceeding.

**Article 9 – Exploitation of Intellectual Creations and disposal of rights**

1. The University, in collaboration with the Researcher, shall undertake the initiatives deemed most appropriate to ensure the exploitation of Intellectual Creations.
2. The University may freely dispose of the rights relating to the Intellectual Creation and may in particular assign or grant, on an exclusive or non-exclusive basis, a license to the Intellectual Property Rights.

**Article 10 – Allocation of revenues**

1. When the University proceeds with the exploitation of Intellectual Creations, it shall distribute the revenues arising from such exploitation, including fixed and/or variable revenue resulting from exploitation agreements, granting the Researcher or Researchers an amount proposed by the Committee referred to in Title IV.
2. Where the Intellectual Property Rights relating to an Intellectual Creation belong to multiple Researchers, the allocation of revenues proposed by the Committee shall take into account the respective contributions to the Intellectual Creation as indicated by the Researchers in the invention disclosure referred to in Article 8.

**Title IV**

**COMMITTEE FOR INDUSTRIAL AND INTELLECTUAL PROPERTY**

**Article 11 – Composition and duties**

1. At the University of Gastronomic Sciences of Pollenzo, a Committee for Industrial and Intellectual Property is established to evaluate whether an invention should be patented. The Committee consists of three or five members. Members are appointed by the Rector, serve for three academic years, and may be reappointed. In carrying out its functions, the Committee may invite internal or external experts with experience in specific fields to participate in its work, subject to confidentiality obligations. The President convenes the Committee, also online, and sets the agenda. The Committee meets when an invention disclosure is received or when it is required to provide an opinion on matters relating to patenting. The Director General, or a delegate, participates in the Committee as recording secretary. The Committee is validly constituted when the majority of its members are present, and decisions are taken by majority vote. In the event of a tie, the President's vote prevails.
2. The duties of the Committee include:
  - a. providing its opinion on whether to proceed with patenting an Intellectual Creation;
  - b. providing its opinion:
    - on clauses concerning Intellectual Property Rights contained in contracts for commissioned research carried out by the University, as well as on agreements governing the joint ownership of patents with other public or private entities;
    - on any other agreements concerning Intellectual Property Rights relating to university inventions;
  - c. performing advisory functions regarding strategic choices and directions concerning applied research and the protection of the University's Intellectual Property Rights, including copyright matters;
  - d. proposing to the Executive Committee the allocation of revenues referred to in Article 10.

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3. Members of the Committee must notify the Rector of any potential conflict of interest relating to specific procedures and refrain from participating in decisions where such interest may arise.
4. No remuneration is provided for participation in Committee meetings or for the activities carried out by its members.

### **Title V**

#### **THIRD-PARTY AGREEMENTS**

##### **Article 12 - Inventions developed within the framework of third-party agreements**

1. The legal and economic regime governing inventions developed within the context of study, analysis and/or consultancy activities carried out for third parties (so-called third-party commissioned activities), whose subject matter consists of the fulfillment of routine activities using established skills or technological capabilities, including analyses, tests, investigations, or the preparation of known or standard products, shall be governed by the consultancy contract with the third-party client, including by reference to a subsequent agreement between the parties.
2. The acts referred to in the preceding paragraph must in any case specify the ownership or joint ownership of any patents, the terms and methods for exploiting the patent rights, while ensuring recognition of the inventor's moral right to be acknowledged as the author of the inventive idea and mention of the contribution provided by the University.
3. The client shall independently regulate the right to fair compensation owed to inventors who are its employees or otherwise affiliated with it. The client shall also indemnify the University against any financial claims made against it by such inventors.

### **Titolo VI**

#### **FINAL PROVISIONS**

##### **Article 13 – Entry into force**

1. These Regulations are adopted by the Executive Committee, following a favorable opinion of the Academic Council and shall be published on the University website and shall enter into force on the date of their publication, unless otherwise provided by a Rectoral Decree.
2. For matters not explicitly regulated herein, reference shall be made to the applicable legislation on patents.