

APPROVED
by Vilnius University Council
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INTELLECTUAL PROPERTY MANAGEMENT REGULATIONS OF VILNIUS UNIVERSITY

CHAPTER I GENERAL PROVISIONS

1. The Intellectual Property Management Regulations of Vilnius University (hereinafter –the Regulations) provide for the rights and obligations related to the intellectual activity outcomes created by the employees and students of Vilnius University (hereinafter referred to as the University), including persons participating in other activities of the University, and define the order of management, use and commercialization of intellectual activity outcomes, including related implementation.

2. The Regulations have been prepared in accordance with the Statute of Vilnius University and the laws and implementing secondary legislation of the Republic of Lithuania applicable to the protection of intellectual property rights.

3. The Regulations apply to the University staff and students and other persons engaged in other activities of the University related to the creation of intellectual property. The Regulations do not regulate the procedure for granting and using the University's name and trademark.

4. The definitions used in these Regulations shall be as defined in the Law on Copyright and Related Rights of the Republic of Lithuania, the Law on Taxation of Registration of Industrial Property of the Republic of Lithuania, the Law on Patents of the Republic of Lithuania, the Law on Trademarks and other laws of the Republic of Lithuania regulating intellectual property, including implementing secondary legislation.

CHAPTER II PRIORITIES IN INTELLECTUAL PROPERTY MANAGEMENT

5. Intellectual property management at the University is organized and the Regulations are implemented with the following priorities in mind:

5.1. the University's educational mission and priority fields of educational activities;

5.2. widest possible dissemination of the results of research and development (hereinafter referred to as R&D) for the purposes of research, teaching and greater publicity of the University;

5.3. innovation, creativity and knowledge creation that can contribute to the promotion and development of social and economic well-being and progress;

5.4. effective and socially responsible management and use of intellectual activity outcomes to achieve an optimal balance between socio-economic benefits for the stakeholders and society, while ensuring that the interests of intellectual property creators, the University and third parties, including the end users, and the needs of society are properly aligned.

CHAPTER III COPYRIGHT AND RELATED RIGHTS

6. Where the subject of copyright and related rights is an employee of the University, the transfer and use of property rights and related rights at the University level shall be carried out in the following manner:

6.1. property rights to the objects of copyright in the study process (material specially prepared for lectures, seminars, exercises, laboratory works, methodological tools), except computer

programmes and databases created by University employees while performing their official duties or job functions and provided for in employment contracts, job descriptions, unit-specific regulations or other internal legislation of the University, shall be transferred to the University for a period of 5 years, unless otherwise provided for in the contract.

6.2. property rights to computer programmes and databases created by University employees while performing their official duties or job functions and provided for in employment contracts, job descriptions, unit-specific regulations or other internal legislation of the University, shall be transferred to the University for good, unless otherwise specified in the contract.

6.3. property rights to textbooks, literature, research (monographs, scientific articles, conference abstracts, reports, book chapters, research data or sets thereof and similar works) and artistic works belong to the University staff who created them, unless otherwise specified in the copyright or other agreement or the creation of these works was not commissioned and funded by the University.

7. Where the subject of copyright and related rights is a student, the transfer and use of property rights and related rights at the University level shall be carried out in the following manner:

7.1. property rights and related rights to objects of copyright and related rights (reports, laboratory papers, course papers, research papers, theses, monographs, scientific articles, conference theses, research data or sets thereof, dissertations, dissertation summaries, etc.) created while performing the student's duties in the study process at the University as defined in the applicable law and by using the financial support, equipment, materials, premises or other property of the University, shall belong to the student and the University, unless otherwise specified in a respective agreement. Any publication or other use of these works for commercial purposes shall be subject to a separate agreement between the student and the University.

7.2. the property rights to computer programmes and databases created by the student shall be transferred to the University for good if they are created by using the University's experience, financial support, equipment, materials, premises or other University property, unless otherwise stipulated in the contract.

8. Where the publishing of works created by the University staff and students referred to in Subparagraphs 6.3 and 7.1 is financed by the University, the property rights to these works shall be transferred to the University for a period of 5 years, unless defined otherwise in a respective agreement. In the event that the publishing of works created by the University staff and students referred to in Subparagraphs 6.3 and 7.1 is financed by the University and the property rights of such works are shared between the author and the University, the author shall contribute to the publishing costs in proportion to the share of property rights assigned to them. Other issues related to the management of property rights shall be defined in a respective agreement.

9. If the publication of a work prepared by the University staff, students and co-authors from other institutions is paid for by the University or the University and other institutions, the obligations of the University and disposal of the intellectual property rights to the work shall be defined in a respective agreement.

10. Property rights to objects of copyright and related rights that are an outcome of intellectual activity of the University staff which is not related to the performance of their official duties or employment functions under employment contracts, job descriptions, unit regulations or other internal legislation of the University, or are an outcome of intellectual activity of the University students which is not related to the performance of the duties of the student in the study process or the use of the University's symbols, financial support, equipment, materials, premises or other University property, shall belong to their creators.

11. The property rights of the employees and/or students of the University to the objects of copyright and related rights may be transferred or assigned to the University by concluding a copyright transfer or licence agreement. Requirements for the preparation, conclusion, registration and storage of copyright agreements shall be established by the internal legislation of the University.

The property rights of authors may also be transferred to the University in another manner prescribed by law. The transfer of copyright to the University may be total or partial, reimbursable or non-reimbursable.

12. When publishing or otherwise publicising works created by the University staff or students of the University, irrespective of who owns the property rights to them, a note 'Vilnius University' shall be made or the author's connection with Vilnius University shall be otherwise displayed. This provision shall not apply to personal creative work which is not related to research or study activities at the University.

13. All publications and research data or collections thereof created by the University staff and students are stored in public and limited (internal) access databases managed by the University and in the repositories of the Electronic System of Lithuanian Science and Study Electronic Documents as provided for in the procedure established by the University. Publications of employees and/or students published by other Lithuanian or foreign publishing houses shall be placed in an institutional repository and shall be openly accessible to the public under the conditions specified in the licensing agreement concluded between the University and the author, unless otherwise provided for by the author and the publisher. The University library shall register the objects of copyright and related rights which have been published or otherwise made publicly accessible.

14. The accounting of objects of copyright and related rights as intangible assets is performed by the University's Finance Department.

15. Originals of the objects of copyright and related rights to which the University holds the rights (if the University has the original) shall be stored at the University's academic units in which they were created throughout the period for which the copyright and related rights are held by the University. Upon expiry of the University's rights to the objects of copyright, the works, if requested, shall be transferred (returned) to the authors.

16. After the expiry of 5 years from the date of transfer of copyright to the University in accordance with Subparagraph 6.1 of the Regulations, the author shall resume the copyright, unless otherwise provided for in a respective agreement. The University, having regard to the use of intellectual property, has the right to propose to the author to extend the term of granting the property rights to the University.

17. The University supports and promotes open access to research data, scientific information and research works, insofar as it is in compliance with the laws of the Republic of Lithuania and the University's internal legislation.

CHAPTER IV INDUSTRIAL PROPERTY RIGHTS

SECTION ONE GENERAL PROVISIONS

18. Property rights to industrial property, including know-how, protected as a commercial secret or subject to any other form of protection, and related tangible property created by University employees and students and persons participating in other University activities related to the creation of intellectual property shall belong to the University if they are created:

18.1. while performing official duties or job functions as defined in employment contracts, job descriptions, unit regulations, other internal legislation of the University and or while fulfilling lawful assignments given by the employer;

18.2. when participating in the study process defined in the study programmes and other legislation of the University regulating the implementation of study programmes;

18.3. when using the University's experience, databases, financial support, equipment, materials, facilities or other University assets, unless stated otherwise.

19. A separate contract with the employee and the student may be concluded for a period after which the University's property rights to the industrial property object shall be transferred to the inventor.

20. University employees and students shall hold the property rights to the industrial property objects created by them, including the rights to commercial secrets and related tangible property, unless they have been created under the circumstances referred to in Paragraph 18.

21. In joint projects of the University with business and/or other entities (partners, clients, etc.), the rights to the created industrial property objects and the conditions of disposal of intellectual property shall be determined in advance by signing a respective agreement. Depending on the financial and intellectual contribution, the following options are available for the disposal of intellectual property:

21.1. if industrial property is created using previous intellectual property, material basis, etc. owned by the University, and the intellectual and/or financial contribution of a business and/or other entity (partner, client, etc.) is insignificant, the rights to the created industrial property object shall belong to the University;

21.2. if industrial property is created as a result of contract R&D, the property rights to the industrial property object shall belong to the business or other entity (partner, client, etc.), and are assigned to the University only upon receipt of the prior consent from the business or other entity (partner, client, etc.) ;

21.3. if industrial property is created with the contribution of all partners, the property rights to the created industrial property shall be jointly owned by the University and the business or other entity (partner, client, etc.). The rights to individual industrial property objects created as a result of joint activities of the University and a business or other entity (partner, client, etc.), but which due to their independent nature may be used separately, belong to the University and the business or other entity (partner, client or other) respectively.

SECTION TWO EVALUATION, ACCOUNTING, PROTECTION AND COMMERCIALIZATION OF INDUSTRIAL PROPERTY

22. A University employee, student or other person engaged in other University activities related to the creation of intellectual property, who has created an industrial property to which the University holds property rights shall immediately notify the University's Central Administration unit responsible for the management and commercialization of the University's industrial property (hereinafter – the CA Unit) by completing an electronic disclosure form of the invention and delivering its signed paper copy to the CA Unit. Information on other industrial property objects (trademarks, design, topography, etc.) shall be provided to the CA Unit in writing (free format).

23. The intellectual property protection process shall be organized by the CA Unit.

24. The evaluation of the disclosed invention or other object of industrial property shall be performed by the University Intellectual Property Management and Investment Committee (hereinafter referred to as the Committee). The Committee makes advisory decisions on the potential protection and/or commercialization potential of the disclosed invention or other industrial property (e.g. patenting, licensing of knowledge or technology to a business entity(s), establishment of a University spin-off or start-up company, or transfer of property rights to the disclosed invention to the inventor(s), etc.).

25. Patent protection is sought by the University only in case of commercially viable inventions.

26. The University may commercialize an industrial property object by transferring or licensing the intellectual property belonging to the University for a respective fee, establishing a University start-up company or investing in a University spin-off.

SECTION V DISTRIBUTION OF REVENUE

27. The revenue from the commercialization of an industrial property object, after deduction of costs incurred in relation to its commercialization, shall be shared between the University and the inventor, who is an employee of the University, or any other person referred to in Paragraph 3 of the Regulations.

28. After receiving the proceeds from the commercialization of an industrial property object, the University shall first make respective deductions to the Innovation Fund thus refunding the expenses actually incurred by the University's Fund in relation to the protection of the industrial property. The remainder of the revenue shall be shared between the inventor and the University.

29. In the case of commercialization of an industrial property object, the University pays the inventor a portion of the proceeds received by the University as the holder of property rights to the industrial property object. The revenue shall be shared between the University and the inventor(s) of the industrial property object as provided for in a respective agreement signed between the University and the inventor(s). This agreement shall be concluded no later than six months after the issue of a registration certificate of an industrial property object or within one year of putting the industrial property object into use. If the invention or design, as the case may be, was put into use before the grant of the patent or design registration certificate, and in the case of other industrial property or know-how, this shall be done within six months of the signing of the licensing or sales agreement. The Parties shall be free to agree on the amount, payment and calculation of remuneration in accordance with the laws of the Republic of Lithuania.

CHAPTER VI SUPERVISION AND PROTECTION OF INTELLECTUAL PROPERTY RIGHTS

30. If the University holds property rights to an object of intellectual property, it shall be responsible for the supervision of these rights. The University is responsible for the protection of its intellectual property rights during the period for which the intellectual property rights belong to the University in accordance with the procedure established by the laws of the Republic of Lithuania.

31. If the University has waived the property rights to intellectual property objects and transferred them to the author, the author is responsible for the supervision and protection of the rights. It is the responsibility of the author to supervise and protect respective non-property rights.

32. The University and a business or other entity (partner, sponsor, etc.) shall agree on the maintenance and protection of property rights to intellectual activity outcomes resulting from joint projects by concluding respective agreements.

CHAPTER VII PREVENTION, MANAGEMENT AND RESOLUTION OF CONFLICTS OF INTERESTS

33. University staff and students must avoid conflicts of interests both in the creation of intellectual property and in the commercialization of industrial property.

34. University staff and students must ensure that the rights or legitimate interests of the University as the holder of intellectual property rights are not violated in dealing with any third parties.

35. The procedure of notification of a potential conflict of interests, respective preventive measures of such conflicts and ways of solving them shall be established in the internal legislation of the University.

36. University staff and students must ensure that the rights and legitimate interests of third parties are not violated during the creation of intellectual property and the commercialization of industrial property. In the event of such breach, the University staff and students shall be personally liable for any resulting damage or loss suffered.

CHAPTER VIII
FINAL PROVISIONS

37. The University's legislation implementing the Regulations shall be approved by a respective Decree of the Rector or a person duly authorized by them.
