

## **Guidelines of the Leibniz Institute for Baltic Sea Research Warnemünde (IOW)**

### **for the treatment of intellectual property**

#### **Validity of these guidelines alongside to the “Regulations for safeguarding good scientific practice”**

The Leibniz Institute for Baltic Sea Research Warnemünde (IOW) committed itself and its employees to a legally and scientific-ethically faultless treatment of intellectual property by their “Regulations to ensure good scientific practice at the Institute for Baltic Sea Research (IOW) and provisions in case of scientific misconduct”. These regulations are also applicable without restriction of any kind to inventions and other patentable research or development results.

#### **Treatment of invention reports**

According to the Law on Employee Inventions, unexceptionally all employees of the IOW are obliged to report their inventions created during their term of employment to the institute management in written form using the provided invention form. Along with the invention report, all co-inventors and their respective shares in the invention must be named.

Inventions created during a term of employment are all those inventions which either have been developed from the scientific or non-scientific task of an employee at the IOW or which significantly base on the experiences or works resulting from this. The legal obligation to report inventions explicitly includes all those inventions resulting from third-party-funded projects.

Guests, who are not employed by the IOW (e.g. scholarship holders or alumni) may be equated with employee inventors on a voluntary basis.

The institute management receives all invention reports via the technology transfer representative. The reception of an invention report is confirmed in written form by the Director.



## **Principles for claim or release of inventions**

Upon receipt of the invention report, the institute management – if necessary commissioning a patent exploitation agency – verifies the patentability and prospects of exploitation for the invention. In the invention report, the inventor already should comment on exploitation possibilities from his/her point of view. Inventions are released if the examination indicates that they are not patentable or if they are assessed as not exploitable or if there are no resources for the financing of a patent application. A claim of inventions shall be made especially if the patent registration may be useful for the IOW.

After the claim of an invention, there must be at least a priority-protecting national property right registration. The invention will be released to the inventor – concluding the examination of exploitation prospects - for all those countries, in which the IOW does not strive for protection by patent.

Inventions generally are released to the inventor if the exploitation efforts definitely prove to be unsuccessful.

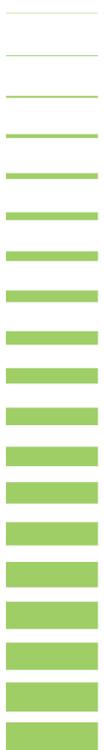
## **Principles for the exploitation of protected research results**

The inventions will be exploited by sale or licensing. The IOW generally tries to exploit inventions, which originate from the research activities of its employees, at the best possible rate. As far as resources can be provided, the IOW hires a patent exploitation agency for the property right exploitation; a transition of property rights to the patent exploitation agency, however, is not involved.

If on the IOW inventor's side there is an interest in a spin-off, this form of exploitation in the course of a start-up project is to be given priority over any other form of exploitation.

Property rights of the IOW may be made available to employees interested in start-up projects, especially the inventors themselves, by means of a licence or option contract, which contains a licence fee depending on the revenue and a predetermined amount for the complete transfer of the property rights to the start-up enterprise.

Wherever possible, the IOW tries to strengthen the regional or national economy with the transfer of property rights.



In case of a successful property right exploitation, the inventor of the inventions claimed by the IOW – regardless of the assignment to a particular status group – is provided with an inventors compensation of 30% of all gross exploitation profits.

**Principles for projects with third parties (cooperational and contract research projects with enterprises and/or research facilities), also for the handling of background and foreground intellectual property or inventions**

The IOW concludes contracts in the field of scientific cooperation, third-party-funded research, especially contract research, and other scientific services in such a way that an appropriate, fair, and lawful handling of background and foreground knowledge is warranted.

For scientific cooperation, it generally should be arranged that every partner has the unrestricted right to use foreground or background knowledge or inventions of inventors allocated to this partner. In the case of group inventions a collaborative right of use should be agreed on; an appropriate, market standard payment should be arranged in return, if one cooperation partner wants to have the exclusive right of use of inventions or invention shares.

In the field of contract research, it may be in the interest of the client to have unlimitedly dispose over the contracted research results. As far as the research project is calculated on the principle of full cost calculation regardless of the invention's value, and the aspired, contractually agreed research result contains inventions, the client shall be able to demand their transmission for an additional appropriate, market standard payment.

The Union's framework for State aid measures to promote research, development and innovation is to be respected in its respectively valid version.

\* The Union's framework of the EU prevents that government grants falsify the competition in the internal market and hence affect the trade between member states in a way that is opposing the mutual interests. It prohibits government grants according to article 107 (1) in the Treaty on the Functioning of the European Union.

For further questions, please contact Dr. Regine Labrenz, Department of Scientific Management

