

ISTINYE UNIVERSITY INTELLECTUAL AND INDUSTRIAL PROPERTY RIGHTS MANAGEMENT DIRECTIVE

Chapter 1

General Provisions

Purpose

ARTICLE 1 - (1) This Directive defines procedures by which the University is to be notified of intellectual and industrial property developed by academic staff, faculty members, teaching assistants, research assistants, instructors, and foreign academic staff; and students and interns of Istinye University, including administrative personnel. It includes the evaluation of inventions, protection of inventors/designers and intellectual and industrial property rights arising from these products and the realization of commercialization activities consistent with the interests of the inventors/designers and the University.

Scope

ARTICLE 2 - (1) This Directive covers the rights and obligations surrounding the protection and commercialization of intellectual and industrial property rights (patents, utility models, designs, etc.) arising from "Inventions Made at Higher Education Institutions", "Inventions Falling within the Scope of Inventions Made at Higher Education Institutions", "Inventions Arising from Publicly Funded Projects" or "Employee Inventions." It applies to full-time, part-time, or visiting academic staff; faculty members (professors, associate professors, doctors); students (associate degree, undergraduate, and graduate) and interns; and administrative personnel who have contributed to the emergence of intellectual and industrial rights at Istinye University.

Basis

ARTICLE 3 - (1) This Directive is based on Industrial Property Law No. 6769 published in the Official Gazette dated 10 January 2017; on the Regulation on the Implementation of the Industrial Property Law No. 30047 published in the Official Gazette dated 24 April 2017; on Higher Education Law No. 2547 published in the Official Gazette dated 06 November 1981; on Labor Law No. 4857 published in the Official Gazette dated 10 June 2003; on the Law on Intellectual and Artistic Works No. 5846 published in the Official Gazette dated 13 December 1951; on the Istinye University Directive on Hiring Visiting or Adjunct Academic Staff; on the Istinye University Directive on Hiring Post-Doctoral Researchers; and on Regulation No. 30195 on Employee Inventions, Inventions Made at Higher Education Institutions, and Inventions Arising from Publicly Funded Projects published in the Official Gazette dated 29 September 2017.

Definitions

ARTICLE 4 – (1) This Directive defines terms listed below.

- a) Applicant: The natural or legal person who registers the patent, utility model, and/or industrial design, etc., subject to Intellectual and Industrial Property Rights (IIPR) and who owns the relevant industrial property right.
- b) Invention Notification Form (INF): A form containing all technical information related to the invention created and initiating the application for intellectual and industrial

property rights. This form is completed by the inventor(s) and submitted to the Technology Transfer Office (TTO) to fulfill the invention notification.

- c) Inventor: Faculty member, lecturer, student, and/or university staff who contributes to an invention subject to intellectual and industrial property rights that results from scientific studies and projects at the University.
- d) Intellectual and Industrial Property Rights (IIPR): Industrial design, patent, trademark, geographical indication, integrated circuit, utility model, traditional product names, works of art and literature, and similar rights.
- e) Intellectual and Industrial Property Evaluation Committee (IIP-EC): The body authorized to evaluate the applications and registrations of IIPR, including inventions/designs, created by faculty members and employees, within the framework of intellectual and industrial property rights. This body allocates the invention/design revenue between the University and the inventors/designers.
- f) Intellectual and Industrial Property Revenue Sharing Agreement: A contract between the University and the inventors/designers or between the designers themselves allocating the revenue derived from the commercialization (transfer, licensing, etc.) of the invention and/or design.
- g) Service Invention: Inventions arising from scientific studies and research conducted by faculty members, lecturers, students, interns, and employees, using the University's tools and equipment, during the period of their relationship with the University, as part of the activity they are obligated to perform, or based on experience and work acquired at the University.
- h) Institution: Turkish Patent and Trademark Office.
- i) Board of Trustees: The Board of Trustees of IstinYE University.
- j) Faculty Member: Full-time, part-time, or visiting faculty members, lecturers, instructors, teaching assistants, research assistants and foreign national faculty members at IstinYE University.
- k) Rector: The Rector of IstinYE University.
- l) Rectorate: The Rectorate of IstinYE University.
- m) Free Invention: Inventions other than service inventions.
- n) Design Notification Form (DNF): A form containing information about the design and initiating the process for design application. This form is completed by the designer and submitted to the Technology Transfer Office (TTO) to fulfill the notification by the designer.
- o) Technology Transfer: The transfer of intellectual and industrial property rights (assignment, licensing, etc.) and usage rights to the public or private sector.
- p) Technology Transfer Office (TTO): The office at IstinYE University responsible for overseeing research projects by faculty members, managing intellectual property rights and coordinating collaborations between the University and industry.
- q) University: IstinYE University.

Chapter 2

Rights and Obligations of the Parties

University's Obligations

ARTICLE 5 - (1) The University, through the Technology Transfer Office (TTO), shall execute procedures to register service inventions/designs of faculty members and/or other employees in terms of IIPR. These procedures include collecting notifications from inventors/designers; and applying for protection of intellectual and industrial property rights and managing the application process to completion.

(2) The University shall pay fees for official applications made to national authorities for the protection of intellectual and industrial property. These include application fees, attorney fees, fees for research/examination reports, annual registry fees, and renewal fees.

(3) The University, subject to the evaluation and discretion of the Rectorate and the Board of Trustees, shall pay fees for the protection of international intellectual property rights to the relevant patent office or patent and trademark institution. It shall pay attorney services fees for the application where necessary and attorney expenses incurred for responding to reports or objections/opinions. It shall pay fees for research/examination reports and annual registry fees.

(4) The University ensures the commercialization of inventions and that the income from commercialization is distributed to faculty members/employees in the determined proportions.

(5) The Rectorate may determine the invention to be a free invention and may decide not to pay the registration fees.

(6) The Rectorate, while retaining the University's right to sole ownership of the national intellectual and industrial property rights for an invention, may decide to release the invention for international and/or foreign national phase entries.

(7) The distribution of an invention's income between the University and the inventor stipulates that at least one-third of the income is given to the inventor. The income belonging to the University is recorded as self-income in the appropriate University budget and is used for higher education within the University, primarily scientific research.

(8) To determine the ownership of inventions resulting from the work of faculty members as defined in the first paragraph of Article 3 of Law No. 2547, as well as interns and students, the University relies on provisions of the contract, without prejudice to other provisions in the relevant laws.

Employees' and/or Faculty Members' Obligations

ARTICLE 6 - (1) Employees and/or faculty members who create a service invention in the course of their duties at the University or largely based on experience and work at the University shall promptly notify the Technology Transfer Office (TTO) of the invention in writing. Thereafter they shall complete the TTO INF without delay.

(2) In the invention notification, the employee and/or faculty member shall provide a description of the subject of the invention, the technical problem, the solution to this problem, and how the invention was implemented, as well as any other information and documents necessary to best explain the invention.

(3) Notifications for inventions by multiple authors can be made jointly. The names of the authors and their contributions to the invention must be specified in the notification or equal contributions will be assumed.

(4) When inventions are authored from different higher education institutions, the inventors shall make their invention notifications separately to their respective institutions.

(5) Patents, utility models, or design applications made for inventions/designs realized by employees and/or faculty members must be reported.

(6) Unless authorized in writing by the Rectorate, employee and/or faculty inventors should not enter into third-party agreements regarding intellectual products, research, development, consultancy and similar matters.

(7) A faculty member must notify the University if he becomes a visiting/joint researcher or project partner in research and scientific projects conducted jointly with another private or public institution.

(8) Inventions resulting from experimental studies, research and development and similar activities within the scope of publicly funded projects must be reported to the supporting public institution in writing without delay, as well as to the TTO. The individual or legal entity benefiting from the project support is required to report these inventions.

(9) Pending application for protection of intellectual and industrial property rights and an ownership decision on an invention, the employee and/or faculty member must avoid written or oral statements, publications, presentations, promotions, etc., that may jeopardize the invention or the protection of intellectual and industrial property rights.

(10) Where inventions arise from publicly funded projects, the individual receiving the project support must inform the supporting public institution in writing whether they intend to claim ownership of the invention. This is required within a year of invention notification to the supporting public institution. If the individual benefiting from the project surrenders ownership in writing or does not claim ownership in writing within a certain period, the supporting public institution may seize ownership of the invention.

(11) To claim ownership of the invention, the individual benefiting from the project support must file a patent application within 4 (four) months from the date of notification to the supporting public institution, or within a maximum of 6 (six) months from the decision date in case of reaching an agreement between the individual benefiting from the project support and the supporting public institution. If a patent application is not filed within the specified period, the supporting public institution may seize ownership of the invention and file a patent application.

(12) These obligations continue during University employment. Responsibilities regarding applications and registrations for the protection of intellectual and industrial property rights realized during University employment continue even after termination of employment.

TTO and IIP-EC Obligations

ARTICLE 7 - (1) The TTO conducts the process by following and obtaining approval from the Istinye University Board of Trustees, Rector, and IIP-EC decisions in the implementation of this Directive.

(2) The Chairperson of the IIP-EC (Rector or responsible Vice Rector), with the approval of the Board of Trustees, communicates the decisions on intellectual and industrial property rights to the TTO and the relevant IIP-EC officer.

(3) The IIP-EC decides and approves the intellectual and industrial property rights strategies to be implemented at the University.

(4) The TTO monitors and executes all application and registration processes for intellectual and industrial property rights for inventions approved by the IIP-EC in favor of the University. This includes applying for intellectual and industrial property rights, conducting preliminary research, obtaining attorney support if necessary, requesting research/examination,

paying registration fees, paying renewal fees, notifying inventors of research/examination reports issued by official institutions, and interpreting reports of positive or negative outcomes.

(5) The TTO implements IIP-EC decisions regarding the intellectual and industrial property rights protection and commercialization processes and provides opinions upon request.

(6) The TTO organizes educates faculty members and relevant employees of the University about intellectual and industrial property rights. If appropriate, additional external training support may be conducted by an expert within the unit.

Joint obligation

ARTICLE 8 - (1) The inventor/designer is responsible for safeguarding the confidentiality of the invention/design and the decisions and strategies determined in collaboration with the TTO and the IIP-EC.

Intellectual and Industrial Property Evaluation Committee (IIP-EC)

ARTICLE 9 - (1) The IIP-EC consists of at least three principal members and two alternate members.

(2) The Chairperson of the IIP-EC (Rector or responsible Vice Rector), the Director of TTO, and the IIP-EC Officer are permanent members. Other principal and alternate members are appointed by the Rector for a term of three years.

(3) The Chairperson of the IIP-EC may request the opinions of field experts whenever necessary.

(4) Decisions of the IIP-EC are made by simple majority vote or unanimously.

(5) The IIP-EC convenes every two months. Upon request by the Chairperson of the IIP-EC, additional meetings may be held when necessary.

(6) The IIP-EC evaluates whether an invention is a service invention or a free invention. It initiates the University's ownership claim, oversees the national and/or international application and registration processes for Intellectual and Industrial Property Rights (IIPR), assesses legal and economic considerations for the University in all aspects of the process, and submits its decision for approval to the Rectorate.

(7) The IIP-EC may reconsider, amend and revise its decisions based on outcomes of its meetings.

Chapter 3

Implementation Principles

Invention Notification

ARTICLE 10 - (1) The process of invention notifications conducted under this Directive shall be carried out as follows:

(2) Inventors complete the Invention Notification Form (INF) provided by the TTO. The inventors then submit the completed form to the TTO with wet signatures.

(3) The contribution shares of the inventors are determined based on the agreement among them. If no ratio is specified in the INF, equal share is assumed.

(4) The TTO notifies the inventors of any deficiencies identified in the notification within two months. The inventors address these deficiencies and inform the TTO within one month.

(5) Within four months of receiving the invention or application notification, the University notifies the inventor(s) in writing of its decision regarding ownership.

(6) After the invention notifications are accepted, the TTO conducts a preliminary evaluation and presents its results to the IIP-EC.

(7) The IIP-EC decides whether the university will retain or release ownership of the invention and submits its decision to the Rector for approval.

(8) In joint applications submitted by different higher education institutions, ownership distribution is determined by contract between the relevant institutions.

(9) If the University has requested invention ownership rights, it can apply for protection in a foreign country. Upon the inventor's request, the University may opt to release the invention for countries where patent protection is not sought, allowing the inventor to pursue patents in those countries.

(10) The TTO is responsible for applying for the patent within four months (or six in cases of existing agreements between the inventor and the University) of the date of ownership notification to the inventor.

(11) The inventor may appeal the ownership decision within two months of the notification by claiming that the invention is a free invention. Should the University fail to decide the appeal within two months, the invention will be considered a free invention.

(12), The inventor must notify the University within one month of any patent application made without prior notification. The University then has two months to initiate official procedures to determine the application its own or the invention will be considered as a free invention.

Commercialization

ARTICLE 11 - (1) The commercialization strategy related to the invention is determined by the University. TTO implements the strategy.

(2) The contract regulates rights over inventions arising from projects conducted under contracts involving faculty members, facilitated through TTO. The University may engage in production and sales related to obtained patents and inventions.

Chapter 4

Financial Provisions

Recording and Distribution of Revenue

ARTICLE 12 - (1) Revenues resulting from commercialization through transfer, licensing, and similar means related to IIPR (patent, utility model, design, etc.) for which the University holds the rights are transferred to the University's designated account.

(2) The University (rights holder) and the inventors share the income according to their contributions. A share may be allocated to TTO in return for services.

(3) The revenue to be given to the inventor cannot be less than one-third of the revenue obtained from the invention. The revenue received by the inventors is determined according to their contributions and the stipulations of the contracts.

(4) Where the University holds the rights to design, the revenue to be given to the designer shall be at least half.

(5) IIP-EC submits to the Rectorate its evaluations determining the revenue to be given to the inventor and designer.

Chapter 5

Entry into Force and Enforcement

Entry into Force

ARTICLE 13 - (1) This Directive and its relevant articles are effective upon the approval of the Board of Trustees.

Enforcement

ARTICLE 14 - (1) The Rector shall enforce the provisions of this Directive and its articles. In cases where this Directive fails to provide provisions, the Rectorate's decisions shall prevail.