

Joint Intellectual Property Rights policy for Norway's universities

(translated version)

Norway's universities have the task of engaging in research, teaching and dissemination for the benefit of the society. The universities shall secure the society free and open access to the university's results. As part of their social responsibility, the universities shall contribute to the society being able to exploit the results of the universities' activity, including business exploitation. The collaboration with the society implies orderly and professional conduct as a basis for mutual trust.

Results that are created or achieved at the universities or produced in full or part with the resources of the universities, are the property of the university, as long as this does not or will not come into conflict with the rights of other parties. The universities shall ensure that the results are exploited in the society's best interests.

On this basis, the following guidelines apply:

• **Who and what is covered by these guidelines:**

These guidelines apply to the employee's work results of every nature regardless of whether these may be commercially exploited or not. These guidelines also apply to students and independent contractors to the extent applicable.

All categories of work are covered by these guidelines, including but not limited to:

- patentable inventions,
- non patentable technology (non patentable inventions and other solutions and principles; knowhow, including trade secrets, technical, scientific and commercial information and business concepts),
- databases,
- computer programs,
- algorithms,
- every material product (organic, non organic and biological material), including substances, organisms and crops, as well as materials – hereafter termed physical items,
- work results that can form the basis for trademark and design registration, and
- specialist literature and other research and teaching material that are a result of the employee's work at the university or of a specific task directed as part of the employee's service.

An obligation to report shall be introduced for all results with commercial potential. The university should stipulate rules for the transfer of rights to the results, where this is necessary.

• **Property rights:**

As a basic principle, all rights to results owned by the universities remain the property of the universities. Under no circumstances can the universities waive their right to utilisation of the rights for teaching and research purposes.

The universities will upon agreement be able to grant a third party a licence to exploit the university's results, including commercial exploitation, within the third party's area of business and operation. The licence agreement should contain decisions about the third party's obligation to active utilisation of the licence.

In specific circumstances, the rights to exploit the results can be transferred to a third party on commercial terms, conditional that the universities retain their right to utilisation of the results to teaching and research purposes and to commercial exploitation outside the specific company's area of business and operation.

- **Disclosure**

The universities will protect and look after the academic employee's customary and legal access to determine if, and to what extent, an academic work shall be made public.

A brief delay in publication may be agreed in order to provide an opportunity to secure rights.

- **The employee's role in the commercialisation process**

The universities should make the arrangements, and provide incentives, for the employees to participate in the further development of the results the university has taken over for exploitation by business.

Net earnings from commercialisation shall be distributed in the following manner:

It is recommended that the employee is awarded 1/3 of eventual net earnings connected with the commercialisation of a result.

In instances when the results are not reported by the employee:

In instances when the results are not reported by the employee to the university in the prescribed manner, and the result is then sought to be commercialised without the university's cooperation, the university has the right to a portion of future net earnings of the commercialised result.

In instances where the university chooses not to commercialise a result:

In instances where the result is reported by the employee to the university in the prescribed manner, but the university does not wish to commercialise this, the university has the right to a portion of the future net earnings from the employee's own commercialisation. This amount is compensation for the employee's use of public resources in the production of the result.

- **Employees with more than one employer**

The fundamental principle is the economic responsibility, and the rights to profits, pass to the employer where the working conditions involve research. In instances where both work conditions involve research, the parties must reach agreement on the distribution.

- **Conflicts of interest**

The universities refer to the "Ethical guidelines for the civil service", adopted on 7 September 2005, of which clause 4.2 states that civil servants may not contribute to disloyal competition with the governmental department or institution where the Person in question is employed.

Civil servants may not take on work or run commercial activities that make the person in question prejudiced in more than sporadic circumstances, or come in a conflict of loyalty with the public entity where the person in question is employed. Cases of doubt should be raised with the employer in advance to avoid difficulties for the employee and employer and to preserve the public confidence in the civil service.

It is recommended that the universities collaborate over the stipulation of specific rules regarding part-time external work, and rules for the reporting and handling of conflicts of interest.

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