

# **Nevsehir Haci Bektas Veli University**

## **Policies and Principles of Intellectual and Industrial Property Rights on Technology Transfer**

### **FIRST PART**

#### **Purpose and Scope, Basis, Definitions and Obligations**

##### **Purpose and Scope**

**ARTICLE 1.** These policies and principles regulate the studies, procedures and principles regarding the determination, protection, sharing, licensing and commercialization of "Intellectual and Industrial Property Rights" of Nevsehir Haci Bektas Veli University lecturers, interns and students.

This Policy;

- a) Covers inventions made by full-time faculty members who receive all or part of their fees from the university, or whether they receive any payment or not. It also covers university discoveries made by visiting faculty members, full-time and part-time staff and employees, students (associate degree, undergraduate and graduate), and researchers (pre-doctoral and post-doctoral).
- b) This policy covers the Intellectual and Industrial Property Rights applications made and to be made as of 10/01/2017.
- c) This policy does not cover the university's and inventors' previous contracts with third parties regarding the rights and obligations specified in this policy

##### **Basis**

**Article 2.** These Policies and Principles have been prepared on the basis of the following documents:

“Industrial Property Law” numbered 6769 published in the Official Gazette dated 10/01/2017,

“Higher Education Law” numbered 2547 published in the Official Gazette dated 06/11/1981,

“Regulation on the Implementation of the Industrial Property Law” published in the Official Gazette dated 24.04.2017 and numbered 30047

Published in the Official Gazette dated 29/09/2017, numbered 30195; "Regulation on Employee Inventions, Inventions Made in Higher Education Institutions and Inventions Arising in Public Supported Projects"

##### **Definitions**

**Article 3. In these policies and principles;**

**1- Researcher:** Refers to the following persons who use university resources and have a research role at the university or participate in research projects conducted by the university in any other way, including those funded by external sponsors and donors.

**i** Refers to the academic staff of the university defined by the provisions of the Higher Education Law.

**ii** Refers to all university students, including associate, undergraduate, graduate students and exchange students and interns.

**iii** Refers to all types of guest lecturers, including temporary staff, retired staff.

**2- BBF:** Refers to "Invention Notification Form".

**3- Invention:** It refers to a new device, product or all methods that provide technical solutions to existing problems in any branch of the industry, including agriculture.

**4- Applicant:** It refers to the person / persons, institutions / organizations that apply to the relevant authorities for the protection of intellectual products and who own "Intellectual and Industrial Property Rights."

**5- Inventor:** It refers to the person (s) who contributed to the creation of "Intellectual and Industrial Property Rights".

**6- Employee:** It refers to persons and public officials who are in the service of someone else in accordance with a private law contract or a similar legal relationship and who are obliged to fulfill this service relationship with the employer in a personal dependency.

**7- TTO:** Kapadokya Technopark A.Ş. It refers to the "Cappadocia Technology Transfer Office" established under the umbrella of.

**8- Cappadocia Technopark:** Refers to Nevsehir Haci Bektas Veli University Technology Development Zone.

**9- Artwork:** It has the property of its owner; It refers to all kinds of ideas and art products that are considered as works of science and literature, music, fine arts or cinema.

**10- Intellectual Product:**

Expresses the ideas expressed by giving a form.

**11- Intellectual and Industrial Rights:** Refers to design, patent, trademark, geographical indication, integrated circuit, utility model, traditional product names and the like.

**12- FMDK:** Refers to the "Intellectual and Industrial Property Evaluation Board" of Nevsehir Haci Bektas Veli University.

**13- Innovation:** New or significantly changed product (good / service) or process; It refers to the application of a new marketing method or a new organizational method in business practices, workplace organization or external relations.

**14- Law:** Refers to the "Industrial Property Law" dated 22/12/2016 and numbered 6769.

**15- Know-How:** It refers to the knowledge required to carry out a specific activity.

**16-Incubation Center:** It refers to the center that provides guidance services to companies under certain conditions and for a certain period of time, provides office space and supports matters such as finding investors.

**17-Institution:** Refers to the Turkish Patent and Trademark Office.

**18- Licensing:** It refers to the transfer of the use of "Intellectual or Industrial Property Rights" in return for a fee.

**19- Trademark:** Provided that the goods or services of an enterprise are distinguished from the goods or services of other enterprises and that the protection provided to the trademark owner is clearly and precisely understood and can be shown in the registry; Refers to all types

of signs including words, shapes, colors, letters, numbers, sounds, including personal names, and the shape of the goods or their packaging.

**20- Instructor:** Refers to the academic staff working at Nevsehir Haci Bektas Veli University.

**21- Patent:** Inventions in every field of technology; It refers to the legal property right granted by national patent offices, provided that it is new, includes an inventive step and is applicable to industry.

**22-Invention of Service:** It refers to the inventions made by researchers and university employees as part of their obligations at the university or made during a business relationship based largely on their experience and work at the university.

**23- Rector:** Refers to the Rector of Nevsehir Haci Bektas Veli University.

**24- Rectorate:** Refers to the Rectorate of Nevsehir Haci Bektas Veli University.

**25- Senate:** Refers to the Senate of Nevsehir Haci Bektas Veli University.

**26- Registry:** It refers to the recording medium containing information about patent or utility model rights.

**27-Spin-Off:** Refers to small and new technology-based companies established with the intellectual accumulation of a public institution or university.

**28-Intern:** It refers to the interns at Nevsehir Haci Bektas Veli University.

**29-Start-Up:** Refers to a newly established and rapidly growing enterprise.

**30-Design:** It refers to the appearance of the product or a part of it or the ornament on it, resulting from the features such as line, shape, shape, color, material or surface texture.

**31- Technology Pre-Assessment Report:** It refers to the report that gives an opinion on whether the technology meets the patentability criteria or not, its commercial and market potential.

**32- Commercialization:** Intellectual and industrial property rights; It refers to its disposition for commercial purposes including transfer, licensing, incubation center, start-up and spin-off company, or any use.

**33-University:** Refers to Nevsehir Haci Bektas Veli University.

**34-Investment:** It refers to the permanent use of a certain resource or value in order to generate income.

**35-Software:** It refers to all of the programs / interfaces that enable electronic devices to do a certain job.

**36- Manager:** Refers to the Cappadocia TTO Manager.

**37- Board of Directors:** Refers to the Board of Directors of Nevsehir Haci Bektas Veli University.

**38- Regulation:** It refers to the "Regulation on Employee Inventions, Inventions Made in Higher Education Institutions and Inventions Arising in Public Supported Projects" dated 29/09/2017 and numbered 30195.

### **39- Higher Education Institution:**

As defined in the clause (c) of the first paragraph of the third article of the "Higher Education Law" dated 04/11/1981 and numbered 2547; It refers to Higher Education Institutions and "Higher Education Institutions" affiliated to the Ministry of National Defense and the Ministry of Internal Affairs.

### **Obligations**

#### **ARTICLE 4.**

##### **4.1 University Obligations**

**4.1.1** University; the processes related to the execution of all works including receiving, replying and commercialization of notifications regarding all intellectual and industrial rights; It executes through TTO.

**4.1.2** The University pays the costs for all "intellectual property rights" for which it applies.

##### **4.2 "Obligations of Academic Staff**

University lecturers; Is obliged to notify TTO as soon as possible about the product of the idea subject to "Intellectual and Industrial Property" by filling in the "invention notification form".

##### **4.3 TTO Obligations**

After receiving the invention notification, TTO notifies the relevant inventor that the notification has been received. By making a pre-evaluation of the notification, a "Patent Preliminary Research Report" is prepared for notifications that do not require regulation / change, and submits to the "Intellectual Property Evaluation Board". Upon request, the "Technology Appraisal Report" is prepared by TTO and submitted to FMDK. TTO, if any, notifies the notification owner of the request for amendment / change in the invention notification within the legal periods from the date of notification. Notification owner is also obliged to respond to the request for correction / change.

### **UNIVERSITY POLICY AND GENERAL PRINCIPLES**

#### **ARTICLE 5.**

**5.1** As defined in the sub-clause (1) of the first paragraph of Article 3 of the Law numbered 2547; In determining the right ownership of the lecturers, interns and students on the inventions resulting from the work they have done with other public or private institutions within the scope of a certain contract; Without prejudice to the provisions of the relevant laws, the provisions of the contract are taken as basis.

**5.2** In order to protect the inventions upon the application of university lecturers and researchers to TTO, making applications to the necessary institutions, following up the applications, registering and commercializing them; In line with the FMDK evaluation and the decision of the University Executive Board, it has been determined as the university policy to carry out all transactions. TTO coordinates all technical, administrative, legal and financial processes on behalf of the university.

**5.3** In the event that the inventor is more than one, the inventors have 100% of the rights; The rights sharing of the invention are clearly stated in the BBF signed by all inventors.

**5.4** If the inventor has applied for a patent without notifying the university about the invention he has developed with the university's facilities or his experience at the university, he / she shall notify the university without delay from the date of the patent application. The inventor is responsible for all kinds of loss of rights and damages that the university may incur due to the failure of the inventor to notify.

**5.5** In this context, the inventors and the university obey the following basic rules:

**5.5.1** The inventor agrees to provide any support to TTO at all stages of the patent application, after patent registration and during the commercialization of the invention.

**5.5.2** TTO is responsible for managing and following up on behalf of the university all application and follow-up procedures for intellectual property rights that need to be registered and are decided to be registered.

## **REVENUE SHARING**

### **ARTICLE 6.**

**6.1** The income to be obtained from the licensing or transfer of inventions is made between the relevant inventor and the university according to the following table:

<b>INCOME (Excluding VAT)</b>	<b>INVENTOR SHARE</b>	<b>UNIVERSITY SHARE</b>	
		<b>UNIVERSITY</b>	<b>TTO<sup>1</sup></b>
≤ 100.000 TL	%66	%17	%17
100.000 TL-250.000TL	%58	%21	%21
250.000 TL ≥	%50	%25	%25

**6.1.1** The income to be obtained from the licensing or transfer of inventions is shared between the relevant inventor and the university in accordance with the principles of this policy. TTO coordinates the relevant administrative and financial process. From the income earned each year; First of all, application, registration, research, examination, country entry, annual protection fee, patent attorney fee, translation and invention-specific expenses (all kinds of taxes, fees, etc.) are covered; and the remaining amount is shared in proportion to the contribution of the inventor and the university. Tax exemptions are taken into account in payments. Revenue sharing calculations; It is done excluding VAT and all other taxes. After subtracting the amount to be given to the inventor, 50% of the remaining amount is transferred to the special account determined by the university administration; and 50% is recorded as revenue in the TTO budget.

**6.1.2** In case the number of inventors of the supported invention is more than one; the inventors determine a contact person among them who is authorized to represent all inventors and is a member of the university. The BBF informs TTO by stating this situation and the document name as the basis for revenue sharing, as the total contribution rate to the invention will be 100%. TTO carries out all kinds of coordination regarding the invention with the inventor specified as the contact person in the BBF. The contact person specified in the BBF is responsible for the communication between other inventors and TTO. The income sharing

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<sup>1</sup> The University Share is shared equally between the University and TTO. In cases where it is not possible to make a payment to TTO, the budget foreseen for TTO is collected in the special account created for TTO activities.

amount calculated to be paid to the inventor is distributed to more than one inventor in line with their contributions to the invention.

## **THE FORMATION OF "INTELLECTUAL PROPERTY ASSESSMENT BOARD" (FMDK) AND ITS OBLIGATIONS**

### **ARTICLE 7.**

#### **7.1 FORMATION OF FMDK**

FMDK is affiliated to the University Rectorate and consists of 5 people. The election of the members is made by considering the following:

- The vice-rector responsible for Cappadocia Technopark and TTO chairs the board.
- TTO manager and 2 academicians experienced in Ar&Ge, appointed by the rector, are members of the board.
- "TTO Intellectual and Industrial Property Rights Coordinator" is a member of the board, does its secretariat and organizes the work of the board.
- Members are appointed by the Rector for 3 years. For membership that becomes vacant before the expiry date, a re-appointment is made by the Rector in the same way. An expired member can be re-appointed. A new member is appointed with the same method to complete the remaining period in place of the member who has left his position.

FMDK meets with absolute majority upon the call of the President; and decisions are taken by the absolute majority of the total number of members. Opinion may be requested by the President from the experts of the subject within the university when necessary.

#### **7.2 FMDK OBLIGATIONS**

**7.2.1** Ensuring that the Board meets at a frequency that will ensure the running of business within the periods specified in the legislation,

**7.2.2** To present all the decisions that are considered as recommendations to be taken by the Board to the University Administrative Board,

**7.2.3.** To produce advisory policies of the university regarding "Intellectual and Industrial Rights",

**7.2.4** By evaluating the "Technology Pre-Assessment Reports" sent to the Board; to decide whether or not to make an official application and submit this decision to the University Executive Board,

**7.2.5** In case of violation of rights caused by the unauthorized use of intellectual products protected in favor of the University by third parties, to take a recommendation decision for the actions to be taken,

**7.2.6** To decide in which countries national and international applications will be made for the protection of intellectual products and to submit them to approval,

**7.2.7** According to the nature of the subject and its compliance with the determined business policies; to take decisions on keeping some intellectual products as trade secrets and not to be disclosed, and submit them to the University Executive Board for approval,

**7.2.8** To support the determination of the fees (license fees, etc.) related to the rights arising from the right to intellectual products in accordance with these policies and principles.

## **SECOND PART**

### **NOTIFICATION AND REVIEW**

#### **INVENTION NOTIFICATION AND EVALUATION**

**ARTICLE 8.** TTO, authorized by the university, is responsible for the protection and commercialization of inventions.

#### **8.1 INVENTION PRE-RESEARCH AND EVALUATION**

**8.1.1** TTO conducts a preliminary research on innovation in line with the information in the BBF and additional documents or the application notification.

**8.1.2** TTO may work together with patent / trademark attorneys during the innovation preliminary search when deemed necessary.

**8.1.3** TTO prepares an Innovation Preliminary Research Report in the light of the BBF and other documents submitted to it and submits it to the FMDK.

**8.1.4** While TTO prepares the "Innovation Preliminary Research Report", it negotiates with the inventor on technical issues.

**8.1.5** FMDK, documents submitted by the Inventor and the "Innovation Preliminary Research Report" submitted; and, if necessary, examines the oral presentation of the Inventor, and takes a recommendation decision to be submitted to the senate regarding right ownership.

#### **8.2 WHEN ALL OF THE INVENTORY OWNERS ARE FROM NEVŞEHİR HACI BEKTAŞ VELİ UNIVERSITY**

**8.2.1** Inventions made as a result of the researches and scientific studies carried out in the university are filled and signed by the inventor to include all kinds of information about the invention and notified to TTO without delay.

**8.2.2** The inventors may present that the invention is a free invention, together with its justifications, in the annex of the BBF.

**8.2.3** University employee; In its notification, it also states in addition to the BBF the written and verbal instructions given by the university regarding the subject of the invention, the experience and studies of the university that it has benefited from.

**8.2.4** In case of having more than one inventor; For the rights sharing of the inventors on the invention, the rates signed by all inventors and specified in the BBF are taken as basis.

**8.2.5** If the inventor has applied for a patent / utility model or design without any notification, without delay; makes the notification to TTO that the application has been made together with the application documents. The inventor is responsible for any loss of rights and damages that the university may incur due to the failure of the inventor to notify.

#### **8.3 Other University Academic Collaborative Invention**

**8.3.1** If one or more of the inventors are academic staff of another university on the date of invention notification; the date of the written notification to the university to which he is affiliated and the decision taken as a result of the notification, if any; Notifies TTO together with the BBF.

## **8.4 NOTIFICATION OF BUSINESS OWNER OR PARTNER OF RESEARCHERS AND UNIVERSITY STAFF**

**8.4.1** When a researcher who owns or is a partner of any business and university employees make an invention, they inform TTO together with the BBF.

**8.4.2** Notification to TTO; that the invention is made in the field of activity of the enterprise by using the resources of the enterprise; and documents proving that university resources are not used and that it is a free invention are also attached.

## **8.5 NOTIFICATION IN NEVŞEHİR HACI BEKTAŞ VELİ UNIVERSITY SCIENTIFIC RESEARCH PROJECTS (BAP) SUPPORTED PROJECTS**

**8.5.1** In case of an invention of the projects supported by Nevsehir Haci Bektas Veli University Scientific Research Projects (BAP) Unit, the researchers and project details included in the project are added to the BBF and a notification is made to TTO.

## **8.6 NOTIFICATION ON PUBLIC SUPPORTED PROJECTS**

**8.6.1** Experimental studies carried out within the scope of public funded projects; inventions arising during research and development and similar activities; are considered to be publicly funded inventions.

**8.6.2** Regarding the "Intellectual and Industrial Property Rights" included in the contract provisions to be signed at the application / acceptance stage of publicly funded projects; TTO's opinions and suggestions can be received.

**8.6.3** Inventions arising in projects supported by public institutions and organizations; notified to the supporting institution and TTO separately.

## **8.7 NOTIFICATION IN STUDIES CONDUCTED WITH THIRD PARTIES**

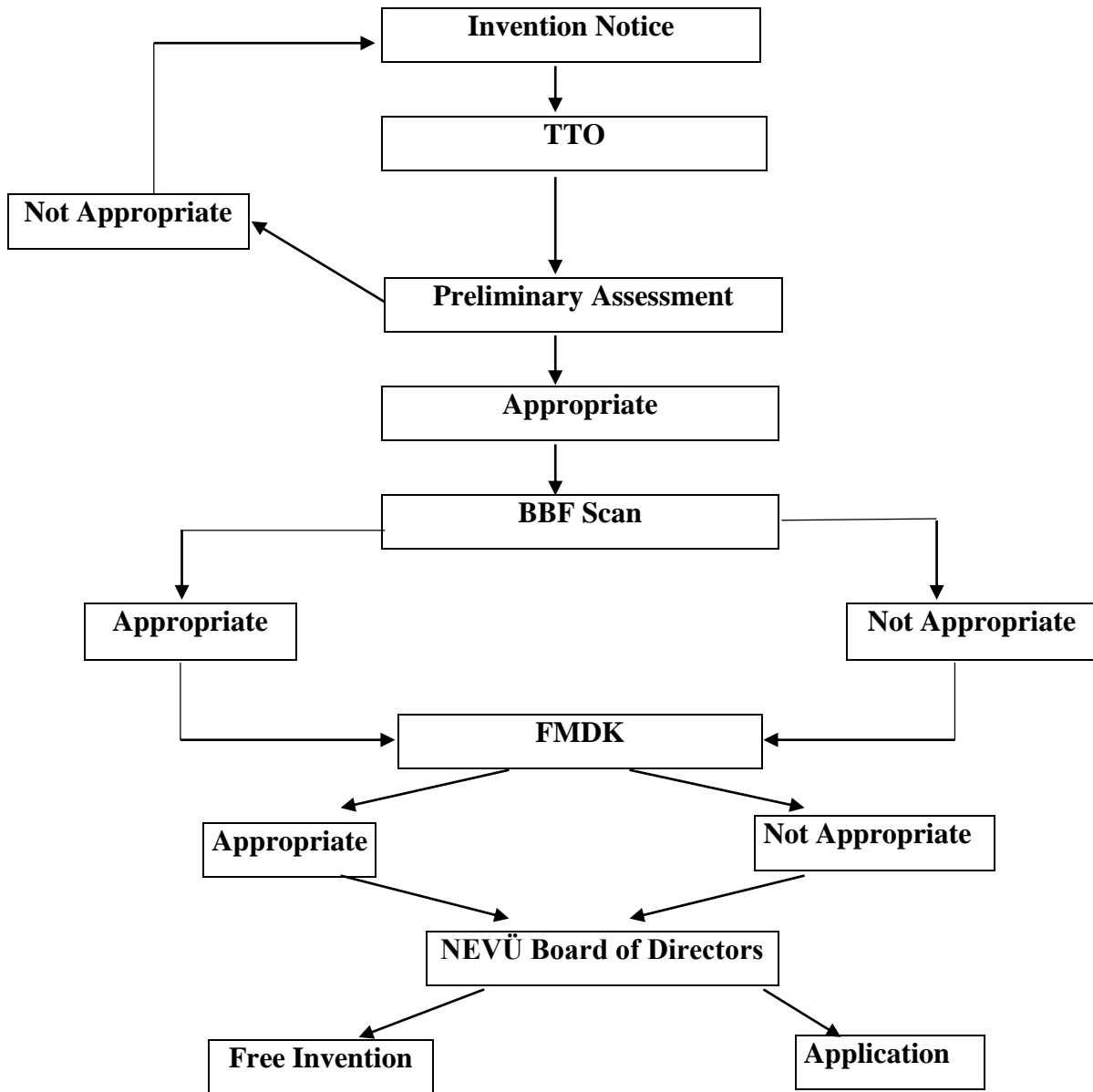
**8.7.1** Inventions resulting from the work of researchers and university employees with third parties within the scope of a specific contract and / or project; are notified to third parties and TTO separately.

**8.7.2** A copy of the contracts and / or projects signed with third parties is also attached to the aforementioned notification.

## **8.8 EVALUATION WORK FLOW CHART**

The work flow process chart defined for the IP application is given in Figure 1 below.





**Figure 1: Intellectual property application work flow chart**

**8.8.1** The process starts when the invention notification reaches TTO.

**8.8.2** In case of invention as a result of TÜBİTAK Project, the inventor notifies TÜBİTAK with the Intellectual Product Notification form.

**8.8.3** In case the invention is owned by TUBITAK, the inventor informs TTO about the invention.

**8.8.4** The inventor submits the BBF to TTO by filling in a dated and signed form.

**THIRD PART**  
**MISCELLANEOUS AND FINAL PROVISIONS**

**Force**

**ARTICLE 9.**

**9.1** This policy has been approved by the Senate of Nevsehir Haci Bektas Veli University with the date ..... and the number ..... and entered into force.

**9.2** Any prior agreements between the University, researchers and third parties; It is subject to the legislation in force at the time these agreements were signed.

**Executive**

**ARTICLE 10.** The provisions regarding these policies and principles are executed by the Rector of Nevsehir Haci Bektas Veli University.