

**INTELLECTUAL PROPERTY REGULATION OF SCUOLA INTERNAZIONALE
SUPERIORE DI STUDI AVANZATI OF TRIESTE
(Issued with D.D. nr. 887 dated 15/10/2024)¹**

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ANNEX A

Art. 1 - General principles

1.1 Scuola Internazionale Superiore di Studi Avanzati - SISSA, in accordance with the general principles of its Statute and in order to promote and organise applied research, encourages the patenting and economic valorisation of the results of the research carried out in the School itself.

1.2 To this end, SISSA encourages the development of research through forms of collaboration with other universities and scientific and research institutions and also promotes the establishment of contractual or conventional relationships with companies to promote the development of applied research.

¹ This document is an English translation of the Italian version of DD nr. 887 dated 15/10/2024, which is to be considered the official Regulation.

Art. 2 - Definitions

“Research Activity”: any activity carried out by Researchers in the exercise of their duties or which involves, in whole or in part, the use of funding and/or equipment and facilities of the School and/or economic resources administered by it, coming from both public and private sources;

“Researcher/s”: abstractly all the subjects mentioned in the following Art. 3; while **“Inventor/s”** means the same subjects who have concretely provided an inventive contribution to the development of an Invention;

“Invention/s”: any useful result conceived within the Research Activity that has - even abstractly - a patrimonial value and is susceptible to an exclusive right, such as industrial inventions, utility models, industrial designs and models, new plant varieties, industrial secrets, trademarks, software. In particular, for Inventions whose protection requires the completion of a patenting or registration or similar procedure, the provisions set out in Articles 7, 8 and 9 of this Regulation apply, while for all others, the rule applies according to which the rights belong to SISSA - automatically - to the extent that the innovation can be said to have arisen from the Research Activity;

“Protection costs”: any cost actually incurred towards third parties for the preparation (including any costs incurred for the search for prior art, and the filing of the application for a patent, national or otherwise) and any international extensions thereof, for the prosecution of said applications and for the maintenance of the granted patents (national or foreign) including the costs of opposition and/or interference proceedings;

“School”: the Scuola Internazionale Superiore di Studi Avanzati di Trieste (SISSA)

Art. 3 - Scope of application

3.1 This Regulation - drawn up pursuant to Art. 29 of the SISSA Statute and in compliance with current legislation, in particular Legislative Decree no. 30/2005, Law 102 of 24th July 2023 containing "amendments to Art. 65 of the Industrial Property Code" and Law 633/1941 and subsequent amendments - governs the

management of the intellectual property of the Inventions created within the scope of the School's Research Activity by the following entities:

- Personnel bound by a contract or an employment relationship of any kind with the School regardless of the duration or type of contract (teachers and research staff pursuant to Art. 2 paragraph 11 of the Statute, technical-administrative staff, contract collaborators, etc.);
- Ph.D students, visiting scientists and students according to the SISSA regulation of the same name, thesis students, affiliated subjects, scholarship holders, interns and in general any collaborator who carries out research activities at the School or in collaboration with the persons referred to in the previous point or under their scientific supervision and who contribute with inventive or creative contributions to the achievement of Inventions. The start of research activity at SISSA by these subjects implies acceptance of this regulation.

Art. 4 - The Valorisation Commission

4.1 The SISSA Valorisation Commission is established by a specific directorial decree, consisting of members appointed by the Director of the School (hereinafter also referred to as the "Commission"). The Commission, within the scope of its tasks, receives the communications of the Inventors provided for in the following Art. 6.3, giving its opinion on the matter:

1. most appropriate protection strategy for the Inventions, including whether or not to file a patent application;
2. possible international extension, countries in which to request the granting of the patent and possible abandonment of the patent;
3. strategies for the economic exploitation of a result, including the transfer or licensing of the Inventions.

4.2 The Commission is competent for any other function defined by this Regulation and by the SISSA Statute, as well as by the Regulation for the discipline of the establishment and recognition of SISSA start-up companies and the Regulation for research contracts, consultancy, transfer of research results, teaching, and research contributions. The decisions on the first filing, territorial extension and licensing/transfer of patents are up to the Board of Directors after consulting the

Valorisation Commission. The members of the Commission are bound by absolute secrecy with regard to confidential information and documents brought to their attention, with particular reference to what concerns the protection and/or valorisation of the Inventions.

Art. 5 - Ownership of rights on Inventions

5.1 The moral rights on the Inventions developed by the Researchers belong to the Researchers themselves.

5.2 The property rights on the Inventions developed by the Researchers belong to SISSA.

5.3 50% of the proceeds generated by the economic exploitation of the Invention, net of patenting and title maintenance costs, will be attributed as a bonus to the Inventor; the remaining part will remain with SISSA. In the presence of multiple Inventors, the share due to them collectively will be divided in accordance with the communication made by them pursuant to Art. 6.1 letter b).

5.4 In the case of an Invention by Researchers with external subjects, the latter, if holders of the right to the patent, may request to transfer ownership of the Invention to SISSA. In the event of acceptance by the Valorisation Commission, they will be equated to SISSA Researchers.

Art. 6 - Communication and confidentiality obligations

6.1 Researchers are required to contact and preliminarily communicate to the Valorisation and Innovation Office the achievement of a possible invention. The preliminary communication of Invention must contain at least the following information:

- a) a brief description of the Invention;
- b) the name of the Inventors, their qualifications if employed by SISSA, any specification of the inventive contribution of each in derogation from the presumption of equality of contributions;
- c) the presence of pre-existing collaborations and/or agreements that may have effects with reference to the ownership and free availability of the same.

6.2 In any case, the final communication of the Invention will be considered to include the information referred to in the previous paragraph and any further information requested by the Valorisation and Innovation Office which may - by way of example and not exhaustively - concern:

- verification - also through the use of external consultancy services, at the expense of the School - of the characteristics that the Invention must satisfy from time to time (for example novelty, inventive step, legality and industrial applicability with regards to patents) in order to be validly protected;
- the identification of the industrial sectors interested in the industrial application of the Invention, as well as of the potential licensees, in order to determine the existence of a potential market.

6.3 This final communication – signed by all Inventors involved – must be addressed to the Director of SISSA and the 6-month term referred to in the following Art. 7.2 will start from its receipt.

Art. 7 - Invention Protection

7.1 The Commission, having examined the communication of Invention referred to in Art. 6.3 and without prejudice to the possibility of requesting further information and/or clarifications from the Inventors and/or the Valorisation and Innovation Office as the investigating office, expresses its opinion on whether or not to proceed with the protection of the Invention and, if necessary, under what terms.

7.2 The Board of Directors, having obtained the opinion of the Valorisation Commission, decides on the possible protection of the Invention by giving a mandate to file a patent application - or to implement the appropriate procedure from time to time - within and no later than 6 months from receipt of the communication referred to in Art. 6.3. This term may be extended for a maximum of three months, upon notification to the Inventor(s), provided that the extension is necessary to complete technical assessments deemed fundamental.

7.3 If the School does not proceed to protect the Invention by filing the patent application within the terms indicated in the previous paragraph, the Inventor may proceed independently to file the patent application in his own name and at his

own expense. The Inventor may also proceed independently to file if SISSA has communicated, during the aforementioned term, the lack of interest in proceeding. In any case, the Invention may be used by SISSA for educational and research purposes free of charge.

7.4 Until the School has communicated to the Inventor its lack of interest in patenting (including the expiry of the terms in the case contemplated in the previous paragraph) or until the School has filed the patent application in its own name, the Inventor is required to treat the information relating to the Invention itself with confidentiality and to consult the Valorisation and Innovation Office in advance if it becomes necessary to disclose it, for example for publications or communications at conferences, to define the most appropriate methods.

Art. 8 - Protection costs

8.1 In the cases provided for in Art. 7.2 of this Regulation, SISSA will bear all the costs and expenses related to the filing of the patent application at least up to the 30th month from the priority date. From the 30th month onwards, and in any case before the possible entry into the national phases, the costs will be - except for exceptions assessed from time to time by the Commission - shared with the Inventors, according to the criteria indicated in Annex A of this Regulation.

Art. 9 - Abandonment of the patent

9.1 If SISSA, after receiving a favourable opinion from the Valorisation Commission, decides to interrupt the procedure for obtaining the patent or suspend the payment of the maintenance fees in force for a patent granted in its name, even if limited to a State in which the patent has been extended, it will notify the Inventor in due time and in any case at least 30 days before the payment deadline. The Inventor may take over ownership of the rights to the patent in the State for which SISSA has decided to suspend the payment of the maintenance fees, subject to reimbursement of the costs of the deed of assignment and the related transcription and without prejudice to the recognition to the School of the share of any royalties or proceeds as provided for in the previous Art. 5.3.

Art. 10 - Inventions achieved in collaboration with researchers belonging to different universities or institutions

10.1 The Researcher/Inventor is required to communicate to the Valorisation and Innovation Office any collaborations in progress or to be formalised with public or private bodies or entities, in which there is a strong probability of arriving at an Invention.

10.2 Where Inventions are achieved with the participation of researchers belonging to other Italian or foreign universities or institutions, the inventors are also required to promptly communicate this to their respective institutions, in order to allow them to reach an agreement regarding the ownership and management of the achieved results.

Art. 11 - Entry into force and referral

11.1 This Regulation enters into force on the day following the issue of the Director's Decree, following approval by the Board of Directors. For anything not provided for in this Regulation, reference is made to the applicable legislation in force.

ANNEX A - POSSIBLE PARTICIPATION IN PATENT EXPENSES BY INVENTORS

Percentage protection costs SISSA/Inventor in relation to the commercialisation potential (criterion 1) and the progress in time (criterion 2):

		Time since first deposit		
		T1	T2	T3
Potential Commercialisation	C1	100/0	100/0	100/0
	C2	100/0	70/30	50/50
	C3	100/0	50/50	30/70

CRITERIO N 1: Opportunities for economic exploitation

C1 – there is a signed contract or one in an advanced stage of definition (e.g. agreement approved and awaiting signature) for the transfer, license, or option with maintenance costs to be borne by the third party;

C2 – there is a proposal for an option contract or a negotiation for the license or acquisition is underway or there are documented expressions of interest (e.g. advanced exchanges of drafts between the parties, documented requests for information including a specific mention of potential future agreements for the exploitation of the Invention);

C3 – no potential licensees/assignees of the Invention have been identified or contacted.

CRITERIO N 2: Time elapsed since first deposit

T1 – Protection costs for the first 30 months from the priority date;

T2 – Protection costs from the 30th month (including entry into the national phases) until the patent is granted;

T3 – Protection costs from the granting of the patent onwards (so-called maintenance fees).