



REPUBLIC OF TURKIYE
YAŞAR UNIVERSITY
DIRECTIVE ON INTELLECTUAL AND INDUSTRIAL PROPERTY RIGHTS

SECTION ONE
Objective, Scope, Basis and Definitions

Objective

ARTICLE 1- (1) The purpose of this directive is to actively protect the intellectual products owned by, produced in, or transferred to, Yaşar University, determine the rights related to such products, publicize them to the University, and plan the application process according to the following processes: tYaşar University's intellectual products will be commercialized, made the subjects of legal procedures, shared fairly, recorded, monitored and continued.

Scope

ARTICLE 2- (1) This directive covers all intellectual and industrial property rights including any information, venture ideas, software, designs, utility models and patents conducted in Yaşar University and the units affiliated to Yaşar University or resulting from the studies participated in by Yaşar University's employees, students and other researchers which might create and added value and commercial products.

(2) Researchers' intellectual products falling within the scope of "Yaşar University's Copyright Directive" are not covered by this present directive.

(3) The activities conducted within the scope of the agreements made between the University and the third persons or institutions are subject to the provisions of the relevant agreements.

Basis

ARTICLE 3- (1) This directive has been prepared based on the Higher Education Law no. 2547, Organization of Higher Education Institutions Law no. 2809, Industrial Property Law no. 6769, Intellectual and Artistic Works Law no. 5846, Regulation on the Implementation of Industrial Property Law no. 6769, Regulation on Inventions of Employees, Inventions Realized in Higher Education Institutions and in Publicly Supported Projects, and other relevant legislation.

Definitions

ARTICLE 4 - (1) The following terms mentioned in this Regulation shall be defined as designated below:

- a) University: Yaşar University,
- b) Board of Trustees: Yaşar University's Board of Trustees,
- c) Rector: Yaşar University's Rector,
- ç) Deputy Rector: Yaşar University's Deputy Rector,
- d) Senate: Yaşar University's Senate,
- e) Administrative Board: Yaşar University's Administrative Board,
- f) KTTO: Yaşar University's Knowledge and Technology Transfer Office established for intellectual product management and commercialization process, carrying out education, promotion and awareness services for the industry and the entrepreneurs, and coordinating the respective departments,
- g) Legal Counsel: University's Legal Counsel,
- ğ) Head of Financial Affairs: University's Head of Financial Affairs,

h) Intellectual Product: Any result obtained from ideation and creative efforts such as inventions, patents, designs, integrated circuit topographies (TDK check), technical information, industrial information (know-how), education programs, software, source codes, digital media, etc.,

i) Industrial Information (Know-how): The production technology, application of that technology and the information and production procedures enabling the use of that technology,

i) Researcher: The university's faculty members as defined by the Higher Education Law, all university students including the undergraduate and postgraduate students, exchange students and interns, all full or half-time employees of the University including the contracted and permanent employees and qualified staff, and all visiting faculty members including temporary, honorary and retired staff who, in Yaşar University Minerva Incubation Center, use university resources and have an academic or administrative charge at the university or study at the university or otherwise participate in any project or study that is conducted or supported by the university, including those which are funded by external supporters and contributors, whether using university resources or not, in order to create an intellectual product irrespective of receiving a compensation in cash or in kind,

j) Invention: The technical solution suggested or created by ideation and research,

k) Free Intellectual Product: The intellectual product which is not resulting from the scientific study and research activity conducted by the researcher at the university and not realized with the knowledge and accumulation obtained from the university's research, development and sales activities,

l) Commercialization: Any use of intended for earning an income from the intellectual products by means of any partnership and/or cooperation and/or investment agreements to be made with the third parties with the aim of transferring the intellectual products to third parties, licensing, producing of intellectual products by establishing a company, developing them within the scope of a project, or selling them, etc.,

m) Third Parties: The persons, institutions and organizations contacted in the commercialization process,

n) Net Income: The income earned at the end of the commercialization process after deducing any expenses and taxes incurred within the scope of the intellectual and industrial property right protection and commercialization processes,

o) Notification Form: The form which is required to be used for fulfilling the obligation of information regarding the intellectual product,

ö) Intellectual and Industrial Property Rights Assessment Form: The form through which the KTTO assesses the Intellectual and Industrial Property Rights by considering the Notification Form data, preliminary Assessment results and opinions taken from the field of research.

SECTION TWO Conferring Rights

Intellectual and Industrial Property Council (IIPC)

ARTICLE 5- (1) Chaired by the Rector, IIPC consists of five members including the Deputy Rector determined by the Rector, a member of the Faculty of Law who is specialized in Intellectual and Industrial Property Rights, the Head of Financial Affairs and the Legal Counsel. If deems necessary, IIPC may receive opinion from internal or external experts.

(2) IIPC members are assigned for two years by the Rector.

(3) The secretarial works of the IIPC meetings are conducted by the KTTO.

(4) IIPC convenes with at least three members.

(5) IIPC decisions are taken with the affirmative votes of at least three members.

Intellectual and Industrial Property Superior Council (IIP Superior Council)

ARTICLE 6- (1) Chaired by the Rector, IIPC consists of three members including the Deputy Rector who is not a member of the IIPC and a faculty member determined by the Rector. It assesses the objections made against IIPC's decisions for right ownership.

- (2) The members of IIP Superior Council are assigned by the Rector.
- (3) IIP Superior Council convenes when a researcher makes an objection against IIPC's decision.

Notifications

ARTICLE 7- (1) Researchers are obliged to notify KTTO in writing, and without delay, of any intellectual product, which may be a subject of intellectual and industrial property rights such as an invention, design, integrated circuit topography and software, observing the confidentiality rules. Such notification is made through the "Notification Form" (Annex 1) as described in this directive.

(2) In that notification form, the researcher explains the technical problem, his/her solution, how s/he created the intellectual product, from which university experiences and studies s/he benefited, the tools s/he used, other researchers who contributed to the creation of that intellectual product, the type, scope and share of the contribution provided by such researchers, and whether it is a free intellectual product. Other information and documents to better clarify such information are also attached to the notification form.

(3) If the intellectual product has been created by more than one researcher of the university, the notification is made jointly. The names of the people who created the intellectual product and their contribution shares are specified in the notification form. If the researchers have benefited from the possibilities of a university other than their own university, they are obliged to make notification to both their own university and the other university. If the intellectual product has been created by the researchers of different universities, each researcher is obliged to make a notification to his/her university separately.

(4) A researcher who causes his/her university to suffer damage because s/he fails to fulfill his/her notification obligation is obliged to recover the costs of such damage.

(5) The owner of the intellectual product is obliged to provide the information, which the university needs to proceed with the registration application procedures for the intellectual product or continue to enjoy the right after registration, on time and in full.

Registration and evaluation of the notification by KTTO

ARTICLE 8- (1) KTTO registers the intellectual product notification made by the researchers on the University Document Management System by observing the confidentiality rules, and immediately informs the notifying person(s) in writing that such notification has been received.

(2) If the notification is determined to be incomplete, KTTO asks the researcher to make up the missing information within two (2) months after it has received the notification. Upon receiving the notification, the researcher makes up the missing information within one (1) month. Otherwise, the researcher is considered to have failed to make a due notification, and s/he is obliged to make a invention notification again.

(3) KTTO makes a preliminary evaluation to determine whether the intellectual product notification is made duly or not. KTTO issues the "Intellectual and Industrial Property Rights Assessment Form" (Annex 2) considering the notification form data, preliminary Assessment results and the opinions taken from the researchers.

(4) KTTO submits the Intellectual and Industrial Property Rights Assessment Form, which it issues within three months at the latest after it has received the notification form, to the Intellectual and Industrial Property Council. If the notification is incomplete, that period starts when the notification form, with which the researcher makes up such missing information, is delivered to KTTO.

Intellectual product notification evaluation by the Intellectual and Industrial Property Rights Council

ARTICLE 9- (1) The Intellectual and Industrial Property Rights Council makes a decision about whether to make a right ownership request for the intellectual product by reviewing the notification within fifteen (15) days after it receives the notification form and the Intellectual and Industrial Property Rights evaluation form.

(2) If it is deemed necessary, the Intellectual and Industrial Property Rights Council may

receive opinion from researchers and experts.

(3) Following that evaluation, if the Intellectual and Industrial Property Rights Council makes such a decision that it will be suitable for the University to make a right ownership request, then the Council's decision as well as the notification form and the Intellectual and Industrial Property Rights evaluation form are immediately submitted to the President of the Board of Trustees for approval.

(4) If the Intellectual and Industrial Property Rights Council considers that the intellectual product notified by the researcher is a free intellectual product or it is not suitable to request a right for the intellectual product notification, the respective Council decision, as well as the notification form and the Intellectual and Industrial Property Rights evaluation form, are immediately submitted to the President of the Board of Trustees for approval. The approval decision is made within a maximum of seven (7) days following the council decision.

(5) If the Intellectual and Industrial Property Rights Council's decision to make a right ownership request for the intellectual product is approved, that decision is notified to the notifier within a maximum of seven (7) days as of the approval date.

(6) The notifier may file an objection to that decision with the Intellectual and Industrial Property Rights Superior Council within two (2) months as of the notification date.

(7) The Intellectual and Industrial Property Rights Superior Council assess the objection and makes a decision within two (2) months. The decision made for that objection is notified to the objecting party along with its grounds.

Obligation to make a registration application for the intellectual product and commercialization

ARTICLE 10- (1) The researcher making an intellectual product notification accepts in the notification form that the University making the right ownership request may make a registration application within a maximum of six (6) months as of the decision date.

(2) The University submits its decision on the right ownership request to the Turkish Patent and Trademark Office along with the registration application.

(3) The University making a right ownership request carries out the commercialization activities through KTTO.

(4) It is regulated by an agreement that the application be made to the Turkish Patent and Trademark Office for the intellectual product. This is to be made by the University and, if such intellectual product is commercialized, the relevant income is to be shared between the University and the researcher.

(5) The income earned from the invention is shared between the University and the inventing researcher in such a way that the inventor receives at least a 1/3 of that income. The income earned from the design is shared between the University and the designing researcher in such a way that the designer receives at least 1/2 of that income. If there are more than one inventor or designer, the amount payable to the inventors is paid in proportion to their contribution shares on the intellectual product as specified in the notification form.

(6) If the owner of the intellectual product is a researcher other than University's faculty members, interns and students, the amount payable to the intellectual product owner is determined with the agreement to be concluded between the researcher and University after the University's request for ownership rights.

Confidentiality and protection

ARTICLE 11- (1) Unless the intellectual product is a free intellectual product, the University and researcher are obliged to keep it confidential until the registration application made for the intellectual product is published. The researcher is obliged to obtain IIPC's approval before announcing the research results about the intellectual product by means of conference, press, publication, etc.

(2) If the University or researcher causes the termination of the application procedures or the right in the intellectual product due to their fault, the party at fault is obliged to indemnify the damages suffered by the other party. The researcher is obliged to provide the information,

which the higher education institution needs to proceed the application procedures or continue to enjoy the patent right.

SECTION THREE

Final Provisions

No provisions

ARTICLE 12- (1) In cases for which there are no provisions, the relevant legislative provisions apply.

PROVISIONAL ARTICLE 1- (1) The agreements concluded between the University and the researcher(s) are subject to the legislation which is in force at the date when the relevant agreement is signed.

Effective Date

ARTICLE 13- (1) The provisions of this Directive are executed by Yaşar University's Rector.

Execution

ARTICLE 14- (1) This directive takes effect on the date it is approved by the Board of Trustees.

[Approved by the decision no. 02 made by the Board of Trustees on 26/02/2019.](#)

INTELLECTUAL PRODUCT NOTIFICATION FORM

This form regulates the notification of the intellectual products owned by, produced in, or transferred to, Yaşar University in accordance with the Industrial Property Law no. 6769 and Yaşar University's Directive on Intellectual and Industrial Property Rights.

Name and Surname:	
Position/Title:	
Turkish ID No:	
Department:	
University Address:	
Phone:	
E-mail:	
Intellectual product type:	Invention, design, integrated circuit topography, technical information, industrial information (know-how), educational program, software, source codes, digital media
Intellectual product heading	
Information on the researcher who contributed to the intellectual product	(If more than two, you can add in the table.) Please specify the names and details of all people who made an apparent contribution, their departments or otherwise affiliated institutions.
The legal relationship for contributing to the intellectual product	Service Relationship <input type="checkbox"/> Pursuant to Agreement <input type="checkbox"/> By means of Transfer/Inheritance <input type="checkbox"/> Other (please specify) <input type="checkbox"/>

<p>The date of completing the intellectual product</p>	<p>If any, please add documents (agreement, laboratory book, etc.).</p>
<p>The contribution shares of the intellectual product owners</p>	<p>Unless notified, all contributors are considered to have equal shares.</p>
<p>Please specify the technical terms and keywords used in the field related to the intellectual product. If you know, please specify them also in English.</p>	
<p>The technical field/industry related to the intellectual product</p>	
<p>If you know any rival firms in the same field, please specify them.</p>	
<p>If the intellectual product is an invention, specify the technical problem it solves and the purposes of it</p>	
<p>If the intellectual product is an invention, the state of the art</p>	<p>Information, publications, documents, brochures, patents, utility models, designs, etc. about the state of the art in the technical field of the developed intellectual product or method</p>
<p>If the intellectual product is an invention, how were these problems solved by using the available information?</p>	<p>How were the used systems/products being operated? What was missing regarding the technical problems experienced in those systems/products? Please specify the limitations, disadvantages or drawbacks.</p>

<p>If the intellectual product is an invention, the way/method/description of the solution for the technical problem concerning the intellectual product</p>	<ul style="list-style-type: none"> • Please explain the technical and, if any, visual properties of your intellectual product. If any, please give details about your intellectual product by also referring to technical drawings and the elements indicated by numbers on such drawings. • What are the points (matters/elements) differing it from the known systems or applications in the same field? Please explain each of them in detail together with their technical properties and functions.
<p>Please explain the manner of applying the intellectual product in the industry or agriculture by giving examples.</p>	
<p>If the intellectual product does not solve a technical problem, and if it is new only in terms of appearance, please specify.</p>	<p>If the intellectual product is 3D, please provide a visual narration of it from seven aspects (perspective, top, bottom, two sides and back).</p>
<p>If the intellectual product is a design, what are the respective pictures, figures or photographs</p>	

The project resulting in the intellectual product	
--	--

Please write down the part/element number indicated on the figures. (If you assigned them different numbers than those given below, please use those numbers)	Element Name	Is it new? Check if yes.	Does it belong to prior art? Is it a known element? Check if yes.	very important for the intellectual product? If yes, please check.	The function of the Element (Please specify especially the contributions made to the functioning of your intellectual product by the listed elements)
1.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
2.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
3.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
4.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
5.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
6.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
7.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
8.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
9.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
10.		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

If the number of the parts exceeds the field above, please specify them by adding a line or on an additional page.

Any university infrastructure used in the intellectual product development process	Laboratory infrastructure, human source, financing, other... Please specify.
---	---

Whether a disclosure was made about the intellectual product (article, website, oral or written presentation, fair, exhibition, etc.)	<input type="checkbox"/> Yes <input type="checkbox"/> No
Information on announcement (disclosure)	Date, Event or publication information, Evidence (registration information on congress, conference, etc.; copies/pictures of posters, attendance, etc.)
Do you want to make a RIGHT OWNERSHIP REQUEST in the application?	<input type="checkbox"/> Yes, I do* <input type="checkbox"/> No, I don't * *Is there more than one Right Owner?*

Do you think that the intellectual product is a free intellectual product?	Please specify your opinions along with their grounds.
---	--

Please add other information and documents to help understand the intellectual product.

Declaration:

I declare that this Intellectual Product has been developed by the contributors specified in the form, and also that the intellectual product is new and there are no copies or falsification.

Date	
Signature	

INTELLECTUAL AND INDUSTRIAL PROPERTY RIGHTS ASSESSMENT FORM

Technology Heading	
Problem – Solution	
Development Stage/Status (Concept, Concept Proof, Prototype, Use/Tests Before Marketing, Ready for Mass Production, Released to the Market, Ready for Commercialization)	
Potential Market Information	
Industrial Property Rights Status	(Eligibility for Registration/Protection, IP Registration Status/Stage, Intended Country/Countries/Region(s))
Business Model Alternatives for Commercialization	
Alternatives for Licensing (to whom and how?)	
Business model requirements	(Professional Service - laboratory, R&D Business Package, Counseling, Collaboration, Human Resources/Development Team, Finance, Infrastructure)

COMMENT: I think the capitalization probably needs to be more systematic but realize that some of the terms [University?] probably need to be in caps for the legalese. The opening paragraph needs redrafting because if this is unclear it could have an impact on the rest of the document.