



Tecnológico
de Monterrey



Red de Oficinas de Transferencia de Tecnología
del Tecnológico de Monterrey

INTELLECTUAL PROPERTY POLICY



Summary

Intellectual Property Policy Content

1. It provides the guidelines, operation and governance of the Intellectual Property result of an intellectual research of teachers, administrators and students of the institution. Art. 1.1 to 1.4.
2. Defines the functions of a Committee on Intellectual Property as a decision-making body in order to interpret, review and modify this document. Art. 1.5.
3. It establishes the economic benefits result of the commercialization and licensing for inventors and/or authors, which is up to 50% of net revenue on commercialization and/or licensing of Intellectual Property economic benefits. These economic benefits will be distributed once a year. Art. 2.7.5. and Art. 2.7.6.

Summary

Intellectual Property Policy Content

4. It establishes the guidelines for the research professor who can develop a technology-based company following the processes and authorizations for this purpose. 6.4.
5. Defines the governance and operation of Technology Transfer Network at various Campuses of the Tecnológico de Monterrey Art. 1.6.
6. It establishes the processes of the Technology Transfer Network for intellectual protection, shelter, valuation and commercialization of the intellectual property protection Art. 1.7 and 2.2 to 2.5.
7. Provides clarity regarding membership and ownership of Intellectual Property, result of an intellectual work of teachers, employees, service providers and/or students associated to the institution. Art 2.3, 2.3a, 2.3d , 2.4, 2.6 .

Summary

Intellectual Property Policy Content

7. Establishes the processes to market the portfolio of innovations to create Technology-Based Companies.
8. Establishes the characteristics and process of the creation of Technology-Based Companies . Art 4.2, 4.3 to 4.6.
9. It establishes the mechanisms of conduct and adherence to ethics for different processes of protection, licensing and/or commercialization of Intellectual Property. Art. 4.5.

Intellectual Property Policy Content

1. Definitions.
2. General.
3. Intellectual Property Developments.
4. Strategies Protection of Intellectual Property Developments.
5. Technology transfer for new businesses creation.
6. Technology transfer to third parties.
7. Guidelines for the Entrepreneur Professor.
8. Responsibility of the Legal Department on Industrial Property and Copyright.
9. Conflicts of interest in research and innovation projects at Tecnológico de Monterrey.

1. Definitions.

Intellectual property: Intellectual property is related to creations of the mind: inventions, literary and artistic works, and symbols, names and images used in commerce as indicated by the World Intellectual Property Organization.

Inventions: Invention is considered any human creation that allows transform matter or energy that exists in nature, for exploitation by the men and meet their specific needs.

Economic rights: The economic rights are related to the exploitation of the work to award licenses for a certain time, the amounts being determined, the procedure and terms for payment of economic benefits.

2. Generals.

- There are considered results of a research and technological development, the inventions, innovations and developments of Intellectual Property created or developed at the Tecnológico de Monterrey, and/or with the explicit involvement of a member of the academic community and/or management of Tecnológico de Monterrey.
- Additionally, the Technology Transfer Office (hereinafter TTO), is responsible of the monitoring and support of this IP Policy.

2. Generals.

- To support this policy, it has been created the Intellectual Property Committee of the Tecnológico de Monterrey (hereinafter Committee), which will have the duties of reviewing the intellectual property policy, decide in cases not stated in the policy, and to propose corresponding amendments for approval.
- The Committee will be chaired by the Vice President of Research, Graduate and Continuing Education and will be composed with one represent from: the Vice Presidency of Administration and Finance, the Vice Presidency of Talent and Culture, the Vice Presidency of Professional, the Vice Presidency of Academic Regulations and Student Affairs, the Vice President of Educational Innovation.

3. Intellectual Property Developments.

- In all developments sponsored by Tecnológico de Monterrey, entrusted and realized by the faculty members, graduate and undergraduates students, the IP generated must be assigned to Tecnológico de Monterrey in accordance with this policy, the labor contracts, and the applicable laws (Labor Law, Intellectual Property Law, among others). In this case the results are considered commissioned work.
- The TTO is responsible for establishing and publish the protection processes and commercialization developments generated within the Tecnológico de Monterrey.

3. Intellectual Property Developments.

- The students, teachers, employees and external community that participate as service provider contracted for research and participate as inventors or software creators belonging to the Academic and/or Administrative Community of Tecnológico de Monterrey and as an external to the institution; must notify to the TTO by the document entitled "Invention Disclosure" (Appendix 2), any innovation in which they participate, they think is novel; which can be industrially useful and/or can support the strengthening of research and strategic focus areas defined by the Tecnológico de Monterrey.

3. Intellectual Property Developments.

- In principle the inventor/author must sign the letter of recognition of rights, which are recorded their moral rights and their percentage contribution within the invention/work, also must sign a contract of sale which would be established symbolically the value of the alienation between the Tecnológico de Monterrey and the inventor/author, setting an initial value set out in Appendix 7, plus additional consideration paid by the Tecnológico de Monterrey conditional on net income obtained through licensing and/or sale of his invention/work in accordance with the percentage set out in this policy, which the inventor/author may not assign, transfer, transmit or inherit this consideration to third(s) person(s), also this consideration should be valid for the term of the duration of the patent, utility model, industrial design, layout design of integrated circuits, or where applicable, the application for registration of the figure of industrial property applicable to development generated or, in the case of protected works by copyright, for a term of 20 years.

3. Intellectual Property Developments.

- Inventions and Software: 50% for inventors or authors of software and 50% for the Tecnológico de Monterrey.
- Literary and Artistic Works: Up to 50% for authors, at least 50% for the Tecnológico de Monterrey. For authorial and artistic works that are developed under the Calls launched by the Vice-Rector for Educational Innovation, Vice-Rector for Academic Regulations and Issues student and/or other instances of Tecnológico de Monterrey, the benefits to authors will be published in the respective Calls.

4. Strategies Protection of Intellectual Property Developments.

The record of any development of Industrial Property or software creations at the Tecnológico de Monterrey will be made through the following process:

- Inventors/authors who have participated in some development of Industrial Property or any software creation sponsored by the Tecnológico de Monterrey, must submit the “Invention Disclosure” through the formats established by the TTO in Appendix 2.
- The inventors/authors must sign the “Invention Disclosure” and all the documents relating to confidentiality, assignment of rights and in general any necessary document(s) for the registration of the invention.
- The TTO will perform the analysis of the invention or software creation to evaluate the marketing potential, generate intellectual property strategies and begin the active search for protection, registration and licensing of it. Only if a piece of software does not meet the guidelines established by the TTO for registration, this will inform and send the documents to the Legal Department who will proceed with the assessment of registration and protection.

5. Technology transfer for new businesses creation.

In this sense, there's interest by the Tecnológico de Monterrey to celebrate the agreements and/or contracts with the Academic and Administration Community, in order to achieve the realization and in case, the commercialization of its IP assets; giving life to "Spin Off", ie companies created within the pre-existing relationship of some of its members with the Tecnológico de Monterrey, in which was conceived, developed and materialized some industrial property rights, including confidential information, inventions and other solutions which are owned by the same Institute, and which interested her Academic and Administrative Community to further develop under such instruments, for which students, teachers, employees and/or services providers get involved in any "Spin off" must be subject to the REGULATION FOR THE CREATION OF TECHNOLOGY-BASED COMPANIES AS TECNOLÓGICO DE MONTERREY RESEARCH RESULTS, indicated in Appendix 4. by signing awareness and acceptance in these regulations.

5. Technology transfer for new businesses creation.

The TTO maintain the Ecosystem of Technology Based Entrepreneurship making available the innovations portfolio to the advisors, investors and entrepreneurs; besides attracting funds for entrepreneurs with prior sign of confidentiality referring this act.

6. Technology Transfer to Thirds Parties.

The TTO is the responsible of licensing the IP developments and software creations portfolio of Tecnológico de Monterrey. To execute the above, the TTO should:

- Support technological valuation of inventions, innovations and developments of industrial property, and support in establishing their value for licensing.
- Integrate the technologies portfolio and classify them according to Tecnológico de Monterrey strategic areas and industrial sectors, as well as support in the promotion, commercialization and negotiation with third parties.

7. Guidelines for the Entrepreneur Professor.

There are considered four lines of development for the professor and entrepreneur researcher:

- Teacher who creates his own company with technologies property of Tecnológico de Monterrey.
- Teacher who join with students to create a new company with technologies property of Tecnológico de Monterrey.
- Teacher who invests in a startup company that uses technologies property of Tecnológico de Monterrey.
- Teacher who creates his own company with products or technologies that were not commissioned or sponsored by the Tecnológico de Monterrey, but owned by the Institute.

When a teacher wants to create a new company that uses technology with intellectual property of Tecnológico de Monterrey, it must comply with the procedures set out in Appendix 6 and request a written authorization by the OTT.

If it is authorized the use of the technology considered in 6.4, it will be required the elaboration of a technology licensing agreement to estipulate the conditions and royalties applicable.

8. Responsibility of the Legal Department on Industrial Property and Copyright.

It is responsibility of the Legal Department, the management, processing to the appropriate authorities and legal protection of:

- The distinctive signs such as trademarks, slogans and trade names of Tecnológico de Monterrey.
- Protectable works on copyright. Except as provided in paragraph 2.3 b).
- Reservations to exclusive use.

The Legal Department is responsible of the legal advice in any project that involves intellectual property of Tecnológico de Monterrey, and review the negotiations in this area meet the requirements of the relevant law.

9. Conflicts of interest in research and innovation projects at Tecnológico de Monterrey.

- The interest conflicts that the Academic and Administrative Community must avoid all time, are those that occur when any of their teachers, students, employees and/or service provider, are able to get some kind of gain by compromising intellectual property rights from Tecnológico de Monterrey, without the prior written permission of the Institute.
- While retains its formal relationship with Tecnológico de Monterrey, no one of its Teachers, Employees and/or Service Providers may invest, intervene or provide services in any company or business that directly or indirectly involves intellectual property rights of the Institute, in which likewise they have participated; unless the case has been evaluated by the TTO and preauthorized and written by the same institute for this purpose.

9. Conflicts of interest in research and innovation projects at Tecnológico de Monterrey.

- In any case where a member of the Academic and Administrative Community of Tecnológico de Monterrey is reached involved with any entity or company different to the Institute, may should be aware that any concept of intellectual property generated by the participation with the third party, who is directly or indirectly related to any invention, innovation or any other industrial property developments produced at the Tecnológico de Monterrey, which has had some kind of involvement, must belong to the Institute; it is his or her responsibility make safe the Institute of any dispute arising with the third party.
- Teachers, Employees and/or Service Providers of the Tecnológico de Monterrey, must not have management responsibilities, administration, research, advice or any in external entities sponsorship with respect to inventions, innovations and other developments of industrial property directly or indirectly related with those produced at the Tecnológico de Monterrey, unless prior written consent.



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