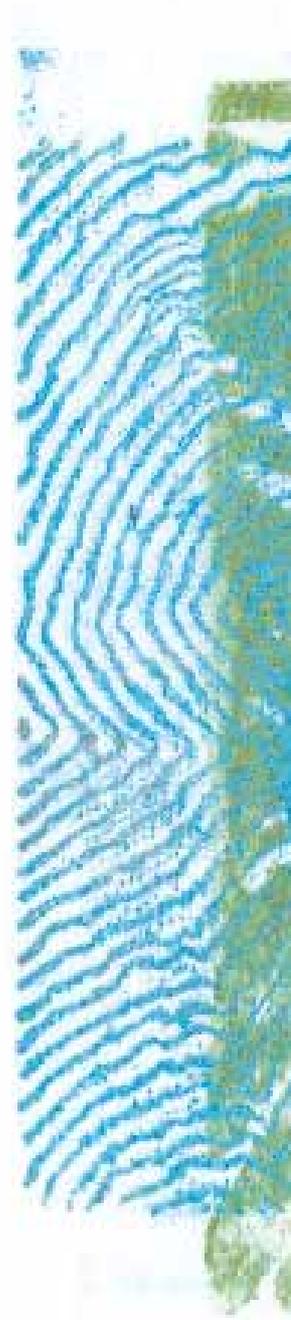


Patent Policy

of the Humboldt-Universität zu Berlin

Humboldt
A. Humboldt



Shaping one's own future – Protecting and utilising knowledge

Patent Policy of the Humboldt-Universität zu Berlin¹

Our goals are the protection and the efficient utilisation of university knowledge. Learning and knowledge are vital aspects of quality and performance in the development of today's society. The generation and imparting of knowledge are among the key tasks of a university.

Innovation and the responsible dealing with the resource 'knowledge' are economic factors in a knowledge based society. Humboldt-Universität is aware of its responsibility to protect and utilise the knowledge generated by the university. In this it is not primarily the inventor who needs to act, but rather the university which holds the rights to the invention in question². The transfer of this knowledge into the industry by a clear and transparent process is the efficient contribution of the university to society.

Protecting knowledge – our patent strategy

Our goal is to ensure the protection of those university inventions that show potential for commercialisation. In doing this we place an equal importance on the bundling of rights and the equal treatment of all members of the university.

Protection of inventions

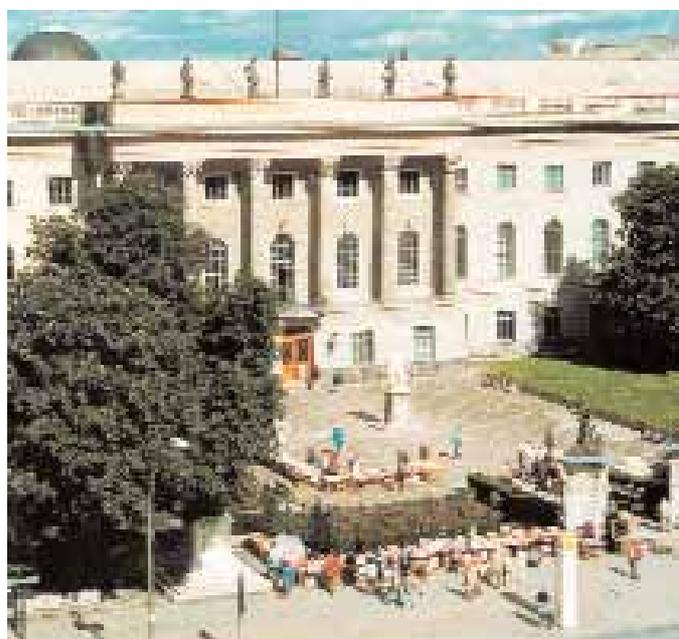
The outstanding research achievements and the resulting knowledge are a major resource of our university. The scholarly quality of the research results is coupled with an optimised patent protection by the university. By registering such patents, the quality is also made public.

Bundling of rights

The manifold requirements for registration of legal protection, such as patents, and subsequent steps towards commercialisation, make it necessary to bundle the rights to an invention. In order to achieve an optimal strategy concerning protection and utilisation, Humboldt-Universität pursues such a bundling of rights.

Integration of students and scholars

As a rule, students, scholars, visiting academics and other parties who are not contractually bound to the university are free inventors. Humboldt-Universität aims to integrate these inven-



tors, and offers them the same conditions and the same care as is offered to the university inventors.

Assumption of costs

The costs of patenting and utilising an invention shall be exclusively borne by Humboldt-Universität and its partners.

The central idea is to patent the results of our research achievements and to continuously expand our patents portfolio. The motivation of all members of the university will lead to sustained mobilisation and an increased potential for inventions.

Use of knowledge – our strategy for utilisation

Our goals are the commercialisation of inventions and the strengthening of the financial performance of universities. We focus on utilising inventions in order to be able to make a contribution to strengthening independent research in the long run.

Possibilities for patenting and utilisation

The protection afforded by patenting inventions, in combination with financial investment, opens up utilisation opportunities on national and international levels. Humboldt-Universität pursues a strategy of registering and patenting whereby the investments are returned and where there is a potential of making a profit. Inventions without commercialisation potential are not registered.

¹ The patent policy was agreed by the academic senate of the Humboldt-Universität on 30 September 2003.

² By abolishing the privilege of university professors in February 2002, the legislators transferred the responsibility for inventions from the scientists to the universities (passed by law on 18.01.2002, BGBl 2002 part I no.4, p.414; amendment to § 42 employee inventors' act "Gesetz über Arbeitnehmererfindungen – ArbEG"). The aim of this was to increase the emergence of patents at universities and to allow universities to share in the financial successes.

Licensing and distribution of proceeds

The activities connected with commercialisation, such as the granting of licences or sale of patents, patent applications and know-how, held by the university, will be handled by an exploitation company. All university inventors will jointly receive the statutorily stipulated amount of 30% of the gross proceeds.

Enabling the setting up of businesses

Humboldt-Universität supports the setting up of spin-offs by making inventions made at the university available to their inventors for the setting up of a business. Patents on basic technology can form a basis for raising capital to set up a business outside the university. The university grants an option on these rights to the inventors. In return, it will hold shares in the business where this appears sensible.

The central idea is to weigh up the risks and costs involved in patenting and commercialising inventions, in order to achieve attractive utilisation possibilities. We have the courage to think and act in a businesslike manner.

Acting with a view to the future and co-operating – our course of action

Our goal is to take up a clear stance in the matter of contracts in the area of industrial legal protection. Thereby we aim to deal responsibly with the resource 'knowledge'. In order to achieve an optimal use of our resource 'knowledge', we will need strong partners.

Building mutual trust

It is necessary for partners to trust one another. Only when the interests of all parties concerned are taken into consideration is it possible to develop attractive and effective long term research

co-operations. Insofar as inventions occur within the framework of co-operation with the industry, the matter of rights will be dealt with by the co-operation contract. Early clarification of such matters is of considerable importance to all parties.

Using standards

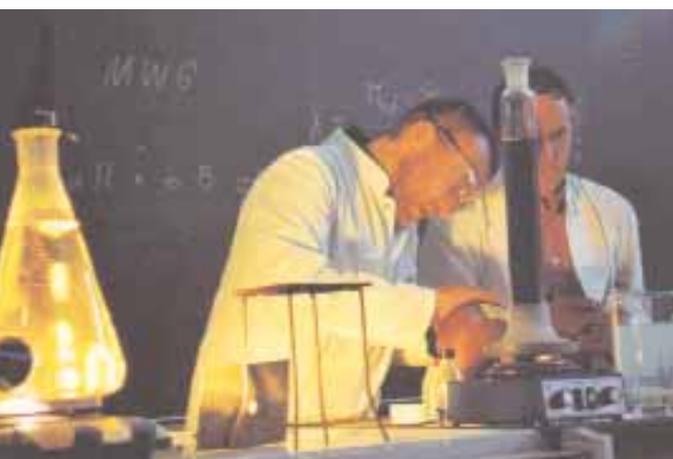
The modules of the so-called 'Berlin contract' form the basis for an appropriate balancing of interests between the university and the industry. They apply in the fields of mission oriented research and research and development co-operation. The university is active and consistent in applying the new standards concerning the responsibility of the university regarding the inventions of the university and the interests of their co-operation partners for research.

Professionalisation of patenting and commercialisation

The university does not undertake patenting and commercialisation itself. The co-operation with the exploitation company leads to particular efficiency and competence in the marketing of research results.

The central idea is to offer transparency concerning our handling of patents and licences to all those concerned. At the same time we aim to fix reliable framework conditions for investment decisions. By using the help of experts in their field, we accomplish the highest possible gain for both the university and the inventors. We are convinced that we will only be able to succeed jointly in this highly specialised area.

It is a central concept of our patent policy to increase the knowledge transfer from university to the industry. Such achievement is expected from universities in today's 'knowledge society'.



Providing the university's knowledge to society while at the same time protecting the university's interests – for us this is both a responsibility and reality.

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Ruth Tesmar, Lapislazuli und Pharaonengold, Blätter
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