Inventions, scientific publications, research data, software, brands and designs can all be protected with *intellectual property tools*. The different forms of intellectual property are discussed in detail in this guide.
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Why Should a Researcher Care About *Intellectual Property*?
Why should a researcher care about intellectual property?

AALTO UNIVERSITY actively promotes exploitation of research results to achieve benefits for society. Research funders are more and more interested in the societal impact and societal benefits of research and creating intellectual property that can be commercialized helps to achieve these goals.

Researchers get merit from intellectual property such as patents, and a share of profits created by patents, usually the researchers share is 40%. Research co-operation with companies and patenting is also one way to achieve scientific excellence and new discoveries.

Researchers are required to sign agreements concerning intellectual property in externally funded research projects. Researchers agree to disclose inventions to university (invention disclosure) and to transfer rights to patentable inventions and software.

Researchers agree not to reveal trade secrets to third parties. To fulfill these obligations researchers must understand what a trade secret is and what can be patented. Patenting is no longer possible in the EU if the information of an invention is disclosed. The creation of intellectual property requires researchers that understand intellectual property.

Unpublished data, computer code and research paper drafts are results of funds invested in research. All uses of these research results
Why should a researcher care about intellectual property?

require dealings with intellectual property. If intellectual property is not recognized and properly dealt with, the potential of research results to achieve commercial goals and societal impact is lost. Intellectual property tools are essential in order to develop an invention. If inventions are handled carelessly and the possibility of patenting is lost, it can mean that the funds needed to develop the invention cannot be raised and the potential of that invention is never developed.

If a researcher does not understand intellectual property, he can for example accidentally reveal a trade secret. If a trade secret is disclosed, university and/or the company that invested in the development of the invention protected as trade secret

loses valuable intellectual property and suffers economic losses, the researcher is exposed to civil and criminal liability and third party recipients of the trade secret can be accused of misappropriation.
1. Why should a researcher care about intellectual property?

Why to register some intellectual property?

There are some forms of intellectual property that only exist if this intellectual property is registered. These forms of intellectual property are for example patents, design patents and utility models.

With registered intellectual property, it is easy to prove that intellectual property exists and that the right holder is the legitimate owner of that intellectual property. Then it is easier to prohibit others from using that property and to ask customs, police and courts to enforce the intellectual property rights of registered rights such as registered trademarks. It is easier to find licensees and buyers to registered intellectual property.

Intellectual property is a business asset with a legal framework. For a start-up company ownership of registered intellectual property, such as patents, is also important in order to gain investments.
1. Why should a researcher care about intellectual property?

Publishing and Protecting – You Can Have *Both*?

- Consider your results
- Is there something **NEW** or **VALUABLE FOR COMMERCIAL USE**?
- Can it be protected through...
  - Patents
  - Registered Designs
  - Registered Trademarks
  - Copyright?

If yes, contact **INNOVATION SERVICES** before publishing.
2. Publishing / Protecting – *Can I Have Both?*
Publishing / protecting IP for commercialization – can I have both?

THE RESEARCH project results can be utilized by publishing scientific publications based on them. Before initiating any publishing activity it’s essential to map and carefully consider other potential exploitation options, because once the result becomes known to public, it’s no longer possible to protect it by patenting (or as a trade secret). In addition, any applicable funding terms need to be obeyed. Funding organization may require e.g. open access publishing.

We have developed our process of commercialization in a way that publishing can be achieved after the necessary steps needed for the early stages of commercialization, such as filing patent applications, is done. Timing and operations done in proper manner are the keys in achieving both the publishing and the goals of commercialization.
Open science and commercialization

OPEN SCIENCE does not mean ‘free science’ and Aalto University has developed the commercialization approaches in order to strike a good balance between protected data and open access to information achieved with open access publishing and the licensing of research data.

Who to contact in order to protect the innovations?

THE INNOVATION advisors of Research and Innovation Services evaluate, develop and transfer research project results and inventions to commercial use in close co-operation with researchers. Innovation advisors also support researchers in the preparation of commercialization projects. They are responsible of protecting Intellectual Property Rights owned by Aalto University and of negotiating and executing the transfer and license agreements with commercial entities together with the legal counsels of Research and Innovation Services.
Who owns the intellectual property that I create and what rights does a research funding body have to results?

**THE RESEARCH** results generated in open research (research that is not involving external funding) are generally owned by the author/inventor, as opposed to the results of externally funded projects (e.g. Tekes, Horizon2020, Academy of Finland), which belong to the employer (university). This is based on the Act on the Right in Inventions made at Higher Education Institutions and the Annex 1 of work agreement.

In fully externally sponsored projects (contract research) the sponsor often gains rights to results directly under the project agreement.

When a research project is funded wholly or partially with public funds (e.g. Tekes, EU) the results remain with the university, and can be further assigned or licensed by the university. Terms laid down by the funding organization as well as individual project agreements set boundaries to how the results can be further utilized.
How is intellectual property protected, used and transferred at Aalto University?

**COMMERCIAL EXPLOITATION** of inventions and other research results may be boosted by registration of intellectual property rights, in particular patents. Other registrations that help to boost the commercial potential of results are e.g. trademark and design registrations.

Patenting cannot be done if inventions are disclosed before patent applications are filed. Intellectual property is protected the by non-disclosure agreements signed by Aalto University faculty and staff. Before publishing findings, the possibility of protecting inventions with patenting should be discussed and decision making about the possibilities of patenting is carried out with well informed decisions.

Aalto employees shall submit an invention disclosure to the university concerning all inventions generated as a result of their employment. Software disclosure should be made for software of commercial potential. Invention disclosures are discussed more detailed in section 4 and software is discussed more in detail in section 6.

Aalto University uses intellectual property to achieve benefits for society. The results generated in research projects can be utilised commercially for instance by licensing or assigning them to industry or other partners (such as start-up companies). When planning out any commercialization activities it is critical to find out who is the legal owner of the results, and whether there are any other related
2. Publishing / protecting – can I have both?

engagements, such as previously granted licenses or rights of first refusal.

In most cases research results are utilised in subsequent research projects, where prior results are used as background. The project agreement and funding terms applicable to the results at issue may set forth provisions for use in further research.

After patent applications (and other needed registrations) have been filed the research project results can be utilized by sending scientific publications such as journal articles and citable datasets for publishing.
What is the purpose of this IP guide and related services?

PURPOSE of this guide and related services is to help in commercialization of research results. Research results are developed into tradable intellectual property rights (tradable IP) and property. Tradable IP consists of patents and patent rights, copyright and related rights, trademarks, trade secrets and mask works. Property consists of prototypes, devices and parts.

Aalto University’s primary aim in commercialization of intellectual property is to maximize the university’s societal impact through commercialization and utilization of results produced in association with research, educational or other activities. Aalto University’s secondary aim is to generate revenue for the university through IP transactions, while ensuring favorable conditions for the third party utilizing the IP. National legislation dictates that IP transactions are made at market price to guarantee equal treatment of third parties. The transactions are made in such a way that they protect the rights of the inventor(s), while supporting and securing the use of the IP in future academic and educational activities.

Aalto University aims to find and negotiate an option to transfer or license the IP to a company most committed and able to bring the technology to the market, leading to its best utilization.

The commercialization policy of the Aalto University will be launched. Please review the policy for understanding the purpose of this IP Guide and services intended for commercialization in Aalto.
How is IP taken into consideration at different stages of a research project?

THE USE of intellectual property during the lifespan of a research project has to be carefully planned and the plan has to be constantly updated as the research projects results are achieved. All Aalto University researchers involved with the project have to understand the intellectual property, commercialization and publishing goals and processes of the research project. Funding body requirements are essential in defining these goals.
Aalto Services, Processes and the Entrepreneurial Ecosystem
What services are available?

RESEARCH AND INNOVATION SERVICES are responsible for the services provided for all the research staff in Aalto University Schools, and for the University’s management. The unit also links external stakeholders to the Aalto University schools, departments and other staff.

Services cover the entire lifecycle of a research project: grant scouting, guidance and preparation of applications together with the applicant, support for management and administration of research project negotiations, legal services for research projects, commercial exploitation of research results, project manager service for EU Framework Programme projects, and documentation and information service of research projects. The personnel of the unit is divided into school-specific teams, comprising a research liaison officer, a grant writer, a grant advisor, a legal counsel and an innovation advisor. Art University Copyright Advisory Services are provided together with University of Arts Helsinki.
How do I *benefit* from Research and Innovation Services?

**Applying for funding:**
Research liaison officers and grant writers help research staff in applying funding for research. They identify funding opportunities (grant scouting) and support in the preparation of research funding applications. Research liaison officers inform the research staff about upcoming funding calls, consult on preparing research funding applications, e.g. the funding terms and requirements of the instrument, and comment on application drafts.

Grant Writers participate in preparing selected research funding applications for the calls having strategic importance to Aalto University. They co-write the applications in intensive collaboration with the researchers. When you apply for funding, use the IP checklist in order to consider intellectual property aspects of research projects.

Please contact your Schools research liaison officer and grant writer as early as possible to get the best possible support for preparing your funding application.

**Accepting the grant and managing the project:**
The grant advisors of Research and Innovation Services participate together with the responsible project leader to the funding negotiations of the international projects and prepare all the needed documents for the signature. Grant advisors also advise and support the project managers in the administrative procedures during
for the signature. Grant advisors also advise and support the project managers in the administrative procedures during the project lifetime. They are also in contact with the contact persons at the funding organization and are familiar with the internal policies and practices of Aalto.

For new international projects grant advisors will run an internal kick-off meeting and for new Tekes and Academy of Finland projects kick-off info sessions where all the project-specific issues are discussed: budget, general terms and conditions of the sponsor, roles of the project personnel, reporting timetable and practices etc.

Grant advisors work closely with the legal counsels, controllers and HR-coordinators.

Project manager service at Research and Innovation Services is mainly available for multi-partner H2020 actions coordinated by Aalto. Project managers employed by Research Innovation Services take care of the administrative management of projects in collaboration with the scientific coordinator (responsible leader), other Aalto services and with whole project consortium.

Guidelines for opening the project in the accounting system are provided by the Financial Services.

Contracts:
Legal counsels of Research and Innovation Services assist in legal matters related to research projects such as research contract drafting and negotiations and IPR counseling. Service is available for the whole Aalto personnel. Please contact the Research and Innovation Services legal counsel of your school as early as possible before the start of the project. Please provide also the possible contract draft or other document with its appendices.

As a rule, changes made to the project contract later on need to be made in writing and accepted by the authorized signatory of the partner and research funding body if not otherwise agreed on the contract. Effects, approval and execution of the changes are always to be estimated on case by case basis. Responsible project leader or other
person authorized by him/her should contact the Research and Innovation Services legal counsel of your school.

Research and Innovation Services provide contract templates. Please see Aalto Inside for them: https://inside.aalto.fi/display/enris/Contracts+and+contract+templates

**Exploitation of research results:**
The innovation advisors of Research and Innovation Services evaluate, develop and transfer research project results and inventions to commercial use in close co-operation with researchers. Innovation advisors also support researchers in the preparation of commercialization projects. They are responsible of protecting Intellectual Property Rights owned by Aalto University and of negotiating and executing the transfer and license agreements with commercial entity together with the legal counsels or Research and innovation Services.

**Signing and archiving of research project documents:**
Approval and signature procedures Research project related documents of Aalto University are to be signed in accordance with “Policy on signature and approval authority in research development and continuing education projects carried out with support from external funding sources and on documents related to IPR management”.

inside.aalto.fi/display/enris/Approval+and+signature+procedures

Only persons mentioned in the policy are entitled to sign documents on behalf of Aalto.

The personnel of the Research and innovation services take care of the required internal approvals when the approval by the department head alone is not sufficient, e.g. almost all documents related to the Horizon 2020 program need the approval of the vice president.

Signed documents must be delivered to Aalto’s archives.

**Records management**
The management of the records of research projects is the responsibility of Research and innovation services. When the responsibility of the retaining is at Research and
innovation services, the documents and their appendices should be sent to: Archives/RIS, P.O. Box 11 000 for retention.

It is recommended that departments designate a folder for the documents created in a given project in order to allow easy access to the documents when needed, for instance, for audit. The folder should also contain copies of the agreements submitted to Research and innovation services for retention. Also any relevant correspondence as well as conference or other collaboration-related material relevant for the allocation for project costs (e.g. justification for travel costs) and for the administration of the project should be stored in the project folder.
What does the Aalto Entrepreneurial Ecosystem consist of?

THE AALTO ENTREPRENEURIAL ECOSYSTEM’S rather extensive expression and its content dependent on the personal understanding. Typically, it covers Aalto University, its proximity organizations Aalto Entrepreneurship Society AES, Startup Sauna, Urban Mill and various entrepreneurship-related activities and teaching programs inside Aalto, as well as mentors and voluntaries in organizations, mostly on pro bono basis. This provides all sort of entrepreneurial activities from education to business coaching and sometimes possibilities for funding with quite informal way, without formal organizational structure nor a hierarchy. There are activities operated and maintained by Aalto and then non-Aalto activities (not operated nor maintained by Aalto) which, nevertheless, work in close co-operation with Aalto.
3. Aalto services, processes and the entrepreneurial ecosystem

Activities operated by Aalto

Aalto Start-Up Center
start-upcenter.fi

Aalto Start-Up Center is a successful and fast developing business accelerator operating within Aalto University. It helps start-ups accelerate their growth with an excellent combination of commercial, technical and design know-how. Aalto Start-Up Center is integral part of Aalto Innovation Services.

Aalto Ventures Program (AVP)
avp.aalto.fi/

Aalto Ventures Program is the in-house program of Aalto University, which coordinates all the entrepreneurship related studies. Through AVP a student may get coaching in his studies or about his business idea from entrepreneurs.

EIT
eitdigital.eu/about-us/locations/helsinki-node/

European Institute of Technology EIT has established its Knowledge and Innovation Centers (KIC’s) in EU countries. In Finland, these KIC’s operate in the fields of ICT, Climate and Raw Materials. One of its ICT nodes in Finland. EIT functions as a network, uniting research and educational institutes as well as businesses. In addition to Helsinki, EIT’s ICT network units will be located in Berlin, Eindhoven, Paris and Stockholm.
Non-Aalto activities

Aalto Entrepreneurship Society (AES)  
[aaltoes.com/](aaltoes.com/)

AES is a student organization encouraging students into entrepreneurship. To support this AES arranges related events with keynote speakers and promotes entrepreneurial activities among students in Aalto campuses. It has also initiated the Startup Sauna.

Startup Sauna  
[startupsauna.com/](startupsauna.com/)

Startup Sauna is an accelerator operating in Finland, other Nordic Countries, Baltics, Eastern Europe and Russia. Startup Sauna arranges intensive training programs for startup companies, which have to enroll (and be accepted) into those.

Urban Mill  
[urbanmill.org](urbanmill.org)

Urban Mill is a meeting place for ideas and people, community and service aiming at creation of better urban life and innovations. It provides flexible office, event, meeting and prototyping space for entrepreneurs, developers and all interested in urban innovations.

Slush  
[slush.org](slush.org)

Slush is an event for entrepreneurs, investors and would-be-entrepreneurs. It has grown from a small assembly to an event with visitors and participants of 15 000 and more. The aim is to help the next generation of great, world-conquering companies and would-be companies forward.

If one wants get in touch with Aalto Entrepreneurial Ecosystem the best and perhaps most successful entry can be made through AES and Startup Sauna but this is, of course, case-specific.
Invention
INVENTION is a technical solution to a technical problem, which is not obvious or evident for a professional in the relevant technical field. It must be new, not published before anywhere in the world (novelty) and contain something inventive (inventive step) to differ from the state-of-the-art technology. Novelty and inventive step are essential requirements for patentability of an invention.

THERE ARE several different ways to protect inventions – from protection as a trade secret to patent. The most common way is perhaps patenting. There are various types of protection like utility model, registered design, trademark, i.e. and all these apply for different kind of inventions.

What is an invention?

How to protect invention?
4. Invention

Who to contact in order to protect the inventions?

THE INNOVATION ADVISORS of Research and Innovation Services evaluate, develop and transfer research project results and inventions to commercial use in close co-operation with researchers. Innovation advisors also support researchers in the preparation of commercialization projects. They are responsible of protecting Intellectual Property Rights owned by Aalto University and of negotiating and executing the transfer and license agreements with commercial entities together with the legal counsels of Research and Innovation Services. They implement the start-up policy of Aalto and provide help in founding the research-based start-ups as well.

What is an Invention Disclosure?

INVENTION DISCLOSURE is an employee’s notification to employer about the invention invention, required by law. In university the Law of University Inventions stipulates the notification of inventions from university staff to the university. The invention disclosure should contain adequate information so that the invention can be deployed.
Process for commercializing the invention

You have an invention. You are an Aalto employee.

Make an invention disclosure on innovation.aalto.fi

Print and sign the form and get the Head of Department’s signature.

Mail the signed invention disclosure to INNOVATION SERVICES.

Innovation Services assess your invention’s technical and commercial potential.

IF IT HAS ENOUGH POTENTIAL, there is discussion about the exploitation, patenting, commercialisation and possible start-up company.

IF IT DOESN’T HAVE ENOUGH POTENTIAL, Aalto does not acquire rights and title to it. The inventor is free to proceed with the invention.

This does not apply to externally funded research, where all the results are transferred to university. In these cases the inventor needs a license from the university to proceed.
4. Invention

How long does the process of protecting IP take?

TYPICALLY time from application to patent takes 2 – 5 years nationally.

What is my role in this process?

IT DEPENDS on your intentions. If you want to be a successful manager in your own venture, you could play very essential role in the commercialization project, which is leading into a start-up. You could also have a network of possible companies, which could be potential licensees or buyers for the invention, patent application and related technology. It is preferred that the inventor also contributes somehow to the commercialization. Market seldom pulls the inventions out of the university nor do the Innovation Services solely commercialize the invention without researcher’s input.
4. Invention

**Why should I submit an Invention Disclosure?**

It is stipulated by law. If you have invented something relating to your work in the university, the disclosure should be submitted. Innovation Services can give you practical tips on how you could benefit from your invention, commercialize it, or obtain further funding for your research and development of the invention. In all cases mentioned below the researcher has the right to write a scientific publication about the invention but should not publish it in a manner which is detrimental for patenting process.

Disclosing invention is compulsory in the university if you are employee of the university. The law divides the inventions in three classes. They are contract research, open research and other situation.

When university has a funding decision from or a research agreement with an external entity (and normally money received from the same) the invention is considered reduced into practice in contract research. In this case the university may acquire rights and title to the invention.

When university does not have a funding decision from or a research agreement and there is no external financing related to the invention, it is considered invented in open research. In this case, the researcher (inventor) should file the invention disclosure, but he/she may decide what to do with the invention. If there are several inventors, this decision must be unanimous. If the researcher wants to utilize university
resources for further development, the situation becomes more cumbersome. In this case, the only option is to agree about that with the university or to assign rights and title to the university.

When a university employee who is not conducting research makes an invention it is the other situation. The same principles as in open research case apply. A typical case is a non-researcher employee from university administration or technical services making an invention.
**When should I complete an Invention Disclosure?**

**WHEN YOU ASSESS** the invention is mature enough, the invention disclosure should be submitted. The law stipulates immediate filing when the invention is created, but the real moment of filing is, however, case-sensitive.
How do I submit an Invention Disclosure?

INNOVATION SERVICES assesses both technical and commercial potential, patentability and team’s capabilities which all are needed for proceeding to commercialization. This assessment takes typically 1 – 2 months. Usual procedure is to retrieve relevant documents from patent databases or conduct a novelty study in the patent office, conduct a short market study in market databases, assess the technical performance and properties of the invention, consider its feasibility and possibilities and resources to implement a working prototype or otherwise demonstrate its performance by simulating, for example. In addition, the team’s or inventor’s abilities to launch the idea from the laboratory to market will be analyzed. This is rather vital because an individual seldom brings the idea onto the market alone but additional expertise is mostly needed and demanded. Therefore building a good team is essential and Innovation Services can be of help in that.

ELECTRONICALLY through innovation.aalto.fi. A signed paper copy must also be submitted thereafter.

How do Innovation Services assess Invention Disclosures?
4. Invention

**Whom should I list on my Invention Disclosure?**

**ALL THE PERSONS** (inventors) who have contributed to the invention and given their inventive input should be listed and designated as inventors.

**What is the timeline of the patenting process and resulting protection?**

**TYPICALLY** it takes 2 – 5 years from application to patent. This applies patenting both in Finland and abroad.
What is the difference between a provisional patent application and a utility patent application?

PROVISIONAL PATENT APPLICATION is filed for showing the date of the invention but it does not contain claims and its patentability won't be assessed by the office whereas the utility patent application contains claims which define the scope of the protection and it will be examined by the patent office.
What is the patent drafting and application process?

**PATENT** drafting shall be made by the professional patent attorney. A patent attorney writes a proposal for specification and claims for inventors to review and comment and re-writes it again, sometimes several times, before submitting it into the patent office.
What does it cost to file for and obtain a patent?

A NATIONAL PATENT application in Finland costs typically 4 000 – 7 000 euros, depending on the content and number of claims.

IN THE BEGINNING of the patenting process, it is quite typical that there is no clear indication about the licensee, customer or buyer. As a result from the assessment, there should be indicated a need, approach, benefits and customer potential on the market. When there are answers to these sections, then Aalto can file a patent application.

To continue the patenting process abroad, in foreign countries, finding a licensee or a buyer is a must. There should be a strong indication of the existence of the potential customer or prospect (serious negotiations pending) when Aalto considers the continuation or non-continuation.

Will Aalto University initiate or continue patenting activity without an identified licensee or buyer?
4. Invention

Can an invention be reassigned to an Inventor?

YES IT MAY, if Aalto does not want to maintain the patent protection and the inventor wants to try to commercialize it on his/her own account. In this case the inventor should pay the incurred costs of protection to Aalto.
Copyright
Do I need to register copyright?

Copyright is created as intellectual property automatically, without registration. Copyright protects writings, visual presentations, photos, images, videos, music, original design and architecture and any work that has a level of originality achieved with the creative choices that the author makes. Copyright protects only the original form, not the information or the idea. For more information see: copyright.aalto.fi/en/

In Finland copyright cannot be registered. Copyright can be registered in some countries such as USA. Copyright to scientific articles and citable research data is not registered, because registration would not give any advantage in the way these works are used.

However, there are advantages in registering copyright to works used in commercial products and services, such as software. Registration is proof that the work has enough originality to achieve copyright protection.

In Finland it is possible to request an opinion from the Ministry of Education Copyright Council, stating as councils opinion the existence or non-existence of copyright protection for a particular text, image or other work. Copyright council gives opinions in Finnish or Swedish.

minedu.fi/OPM/
Tekijaenoikeus/
tekijaenoikeusneuvosto/index.html?lang=en
How do I use the copyright notice?

THE USE OF COPYRIGHT notice does not require registration. The copyright notice is informative; it does not create copyright. Before 1989, copyright notice was required in the US in order to gain copyright protection and the US legislation still has some provisions regarding benefits of its use. Practical advise: if you want to add copyright notice for example to a Word document, press ctrl + alt and c and you get ©.

The notice should contain all three elements described below and they should appear together.

1. The symbol © (letter C in a circle) or the word “Copyright”;

2. The year of first publication. If the work is a derivative work or a compilation incorporating previously published material, the year date of first publication of the derivative work or compilation is sufficient. Examples of derivative works are translations; an example of a compilation is an anthology.

3. The name of the copyright owner
   Example © 20XX Author Name

https://www.copyright.gov/circs/circ03.pdf

If you want to make very clear that you reserve all rights you can add © 20XX Author Name. All Rights Reserved.

If you wish to share material with licensing, ownership of copyright is not affected. Ownership is the prerequisite for being able to license.
For example if you want to share a presentation to market your abilities in a certain field, but want to keep the possibility to later double license with a separate license for commercial use, you can choose the following:

© 2017 Author Name(s)

This work is licensed under a Creative Commons Attribution-NonCommercial 4.0 International License.
How do I represent a proper Aalto University copyright notice?

FOR WORKS owned by Aalto University a copyright notice © 20XX Aalto University should be used.

If the goal is to share material with licensing, ownership of copyright is not affected. Ownership is the prerequisite for being able to license. When work is licensed with Creative Commons or other licenses, this does not affect the ownership of copyright. Copyright notice is represented before the license, for example

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This work is licensed under a Creative Commons Attribution 4.0 International License
Copyright and Scientific Publications
6. Copyright and scientific publications

Who signs publishing agreements?

RESEARCHERS sign the publishing agreements of their scientific articles and books as owners of copyright. This is a common university policy shared by Aalto University. Different situations are further defined below.
Who owns copyright to result done with personal grants?

**COPYRIGHT** to results of any projects, which are financed with a personal grant, stay as property of the individual. Copyright ownership stays with the author receiving a grant, which is paid directly into the bank account of the individual, and not to Aalto University.
OWNERSHIP of copyright to results that are generated in projects, for which Aalto University has received funding from external sources, is transferred to Aalto University. This enables use of results according to agreements with research funders and partners. Employee transfers the ownership to Aalto University by agreeing to the Annex 1 of Employment Contract. If employment has started earlier than in the summer of 2011 a separate agreement with the same terms as Annex 1 has to be made, before a person can start working in a research project.

The right transferred to Aalto University includes the right to modify, as well as to license and transfer the rights to third parties.

The Employee does not receive compensation for such transfer of copyright. An exception is software that is protectable with copyright and exploited commercially. Then certain economic benefits, similar to the economic benefits from patenting, are paid to the Employee.

Aalto University Copyright policy does not affect remunerations paid by copyright societies directly to right holders.

Despite the Employment Contract transfer, the author still signs agreements on scientific articles and books as the copyright owner, unless there is a specific reason to a different course rising from the agreements with funders or partners.
OWNERSHIP of copyright to results, that are generated with Aalto University internal funding, is not transferred to university with the Annex 1 of Employment Contract. While ownership remains with the employee, works created in employment can be used in the basic functions of the university for research, teaching and communications purposes. What rights to use are transferred to Aalto University has to be evaluated case by case.

Contact Copyright Ombudsman, Legal Counsel Maria Rehbinder for more information. Sui generis database right for research data and right to software have specific legislation explained below.
IF A STUDENT is also an employee of Aalto University, then student’s copyright is handled as the copyright of an employee. Students own the copyright to their thesis, so whether it is a PhD, Master or Bachelor thesis the student can choose his/her preferred publisher and signs the publishing agreement as owner of copyright.

However, note that there are predatory publishers and vanity publishers, and these predatory publishers send e-mails containing offers to enter into publishing agreements to many graduates.

Publishing with these predatory publishers is not recommended as a career move. If you receive an offer to publish from a publisher you are not familiar with, you can contact library staff or copyright attorney for more information.

Who owns copyright to works created with by students?
Copyright questions related to thesis

FINNISH LEGISLATION requires that thesis are public. A thesis cannot obtain confidential information. Trade secrets, and other confidential information, must be kept as background material, or used in a confidential report. If a student obtains confidential information, while writing the thesis in co-operation with a company, it is usually possible to write a thesis containing the theoretical framework of the study, and a separate report for the needs of the company, containing the confidential information.

Contract template is available for cases where the student concludes a contract regarding the making of a thesis with an external organization. Thesis Contract Template inside. aalto.fi/display/enles/Study+ and+educational+projects?preview=/22350787/33556133/EN_Aalto_Thesis_agreement_030914.docx and instructions for use of the contract template. inside.aalto.fi/display/enles/Study+and+educational+projects?preview=/22350787/28903114/EN_Sovellusohje_opinn%C3%A4ytesopimus_FINAL_AK_8_11_2012_eng-GB.pdf

The thesis is public if a printed version of the thesis is available in Aalto University library, however Aaltodoc electronic publishing is recommended for thesis. It is common that a researcher publishes articles previously published with outside publishers as part of his/her
PhD thesis.

Often ownership of copyright is transferred to publisher. Publishers have copyright policies allowing use in thesis or a separate permission has to be sought, usually through publisher’s webpage. If the publisher does not have this service or terms allowing for PhD thesis use in the publisher webpage, you can send a letter, similar to the model next page.

Dear [insert name of publisher’s rights manager or similar],

In order to comply with the Open access mandate of my university and the requirements of the funding body xxx that has funded my research, I am writing to ask permission to mount a copy of an article of mine which was published in one of your journals in my institution’s repository Aaltodoc https://aaltodoc.aalto.fi/ and as a printed thesis, the print run is x copies. The article is: [authors names], [date], [title] [journal name], [volume or number], [pages] The institutional repository is a not-for-profit service for academic authors, providing access to the full-text of their publications. Full bibliographic details are given for each article, including the journal of original publication, plus a link to the permanent URL when available.

The version deposited would be the post-print version the version of the paper after peer-review, with revisions having been made or, if you allow this, the publisher-generated .pdf file. I would be grateful if you could contact me to give your permission for including this article and to pass on any conditions that are associated. Thank you for your attention with this and I look forward to hearing from you.

The publishers allow for a printed version to be published as part of a thesis, but they do not always allow parallel electronic publishing at Aaltodoc. Agreements with the publisher should be sent to Aalto University Library in order to establish if the PhD thesis can be printed and parallel published at Aaltodoc.

With the electronic publishing agreement made with Aalto University the students grant Aalto University permission to publish the thesis and choose print and/or electronic format. otalib.aalto.fi/en/collections/e-publications/instructions/repository-permission.pdf
What does Aalto University open access policy require from researchers?

OPEN ACCESS POLICY of Aalto University requires that researchers archive their refereed scientific publications, in the form permitted by publishers, at university’s Aaltodoc https://aaltodoc.aalto.fi/ repository. Publications that are results of externally funded projects must fulfill funders open access publishing requirements concerning the version of the open access article required and the embargo time allowed. Aaltodoc repository is harvested by the OpenAIRE open access portal. OpenAIRE services and tools support the open access mandate of Horizon2020. fosteropenscience.eu/node/852

What version of my article can I use for parallel publishing in Aaltodoc?

THE DOCUMENT VERSION of an article or other publication with a publisher outside Aalto is defined in the publishing agreement between the researcher and publisher. Different publishers and publications have different policies concerning parallel publishing and these are compared in the Sherpa/Romeo website sherpa.ac.uk/romeo/index.php and explained in more detail on publishers’ own websites. The version often allowed for parallel publishing in Aaltodoc repository is the accepted author manuscript. See more information in libguides.aalto.fi/openaccess
What is embargoed access?

DURING THE EMBARGO time required by a publisher it is not possible to parallel publish in the Aaltodoc repository. Embargo times demanded by publishers are often longer than embargo times allowed by research funders, in these cases the gold open access option should be chosen and budgeted, see openaccess.aalto.fi/en. Public access to file includes the possibility to using embargo, a limited time during which access to a publication or dataset is not allowed. A possible embargo is agreed between publisher and researcher for example to a peer reviewed article.
Does open access publishing requirement affect the patenting of inventions?

THE DECISION on whether to choose open access publishing comes after the more general decision on publishing and whether to seek registration for intellectual property before publishing. The decision to file applications to register patent or register other intellectual property rights must always be done before publishing. Aalto University policy on open access and IP has the same principles as the policy adopted by EU in Horizon2020, see below: iprhelpdesk.eu/sites/default/files/newsdocuments/Open_Access_in_H2020.pdf

Open access publishing does not mean that research results are not used as business assets. Before publishing of articles, conference papers or other research outputs, valuable intellectual property of research results should be recognized and registered or protected as trade secrets. Protection is done by filing applications for patents, utility models or registered designs or by protecting trade secrets. The process of filing a patent application takes time, so contact Innovation Services as early as possible, in order to allow time for the drafting of patent applications before publishing.
Research Data and Intellectual Property
What does Aalto University require from researchers data management?

AALTO UNIVERSITY’S RESEARCH DATA MANAGEMENT POLICY emphasizes strategic, informed decision making in research data management and defines the principles for opening up research data. The decisions concerning research data are made by the principal investigator of a research project.

Research data management is done taking into considerations the commercial goals, intellectual property registrations needed to achieve those goals, agreements of the research project and the requirements of funders. Questions about research data management are answered at researchdata@aalto.fi.
MINIMALLY researchers must ensure that the data needed to validate results in scientific publications are preserved and should be available at least for other researchers on request. Everything that is needed to replicate a study should be preserved, and everything that is potentially useful for others. For more information see [aalto.fi/en/research/research_data_management/data_storage_collaboration_and_backup](mailto:aalto.fi/en/research/research_data_management/data_storage_collaboration_and_backup)

The datasets must have the associated metadata: the dataset’s creator, title, year of publication, repository, identifier etc.

Data can be archived to a repository and the access right can at the beginning and during the project be defined as closed access. This can be changed to restricted access, embargoed access and open access according to the goals of the project.

Embargoed access can be used for datasets. With embargoed access the researchers who have collected the data use the research data as underlying data to their publications first. Only after publication researchers do publish the citable datasets, using a license that requires attribution, for example CC BY 4.0. The license requires that authors and publications are cited according to the Attribution term of the license.
Copyright of research subjects and personal data

COPYRIGHT and ethical questions related to the personal data of research participants have to be considered at the planning of a research project and from the beginning of the research project onwards.

If the research data is interviews or audiovisual recording of persons, the research subjects have to give informed consent forms. If they also create works and these are recorded, the consent also has to give consent to the use of copyright of the recorded persons. Also the person who is interviewed often formulates his/ her answers in an original way, and copyright permission is needed as part of the consent form.

Consent forms have to be formulated to achieve the goals of the project and they have to be archived.


A researcher can request an ethical review if the results are to be published in a scientific journal, which requires ethical review. Editorial policies of journals may require, that research projects involving use of personal data gathered from participants, such as interviews, must have the research project approved by the author’s
institutional review board. Authors must include a brief statement identifying the institutional committee approving the collection of personal data. In Aalto this is the Research Ethics Committee, see link above.

Ethical review is required BEFORE collecting of personal data starts. To publish data open access it has to be anonymized, but before the anonymization personal data has to be handled according to above mentioned legislation, principles and guidelines. Funders have formulated requirements for the handling of personal data, for example [ec.europa.eu/research/participants/data/ref/h2020/grants_manual/hi/ethics/h2020_hi_ethics-self-assess_en.pdf](ec.europa.eu/research/participants/data/ref/h2020/grants_manual/hi/ethics/h2020_hi_ethics-self-assess_en.pdf).

In Finland the Finnish Social Science Data Archive has published advice on informed consent and personal data [fspd.uta.fi/aineistonhallinta/en](fspd.uta.fi/aineistonhallinta/en) and if you plan to archive research data with the FSD they can help you with the particular questions of your data management planning and datasets.
IN RESEARCH PROJECTS with external funding received by the university, the research data is owned by Aalto University. Research data is one of the results of the project and ownership to results is transferred to Aalto University with Annex 1 of the work agreement.

Funding agencies such as Academy of Finland require a data management plan and ask about the ownership of research data created with the funding. An Aalto University employee will state that research data is owned by Aalto University.

What part of data is published, length of embargo needed, and how data is curated, are all strategic decisions of the Principal Investigator (PI), taking into consideration agreements, policies and law. The repository chosen is a strategic decision of the PI. University service units offer guidance for selected repositories.

It is possible to ensure the possibility of commercial licensing by double licensing. This means first publishing citable research datasets for non-commercial use and simultaneously or later licensing the dataset for commercial use with a separate license.
Who owns research data created with no external funding?

In cases when research data has been created with Aalto University internal funding, Aalto University is the owner of sui generis database rights and copyright ownership is created to researchers, if there are datasets or works original enough to be above the copyright originality threshold. These works and datasets are protected by copyright.

When thinking about publishing data the following questions should be asked:

Opening results – questions to solve:

• Who will govern the project? – what organization, who will participate, what are the costs

• Will there be one or several owners of copyright? if one, it has to be a legal entity or a natural person, a project or group cannot own copyright

• Will there be a registered domain name for the project?

• Can the data be used to file a patent application, should the data be kept confidential until patent application is filed?

• What outbound license will we choose?

• What contributor policy & inbound license will we choose?

• What repository will we choose?
If there are no strategic or commercial reasons to choose other solutions, the default is to publish and license research data using the Creative Commons Attribution 4.0 International (CC BY 4.0) license, creativecommons.org/licenses/by/4.0

Similar to other publishing decisions, applications for patents, utility models or registered designs must be done before publishing. The CC BY 4.0 license concerns copyright, not patents, utility models or design right, but application to register intellectual property has to be filed before publishing.

Research data licensed with CC BY 4.0 licenses the copyright and makes research data available for reuse in both commercial and non-commercial new research projects. Licensing research data with a license allowing both commercial and non-commercial uses allows future use for both researchers moving to new positions and for future Aalto University projects including commercial uses, such as use in TEKES and EU-projects.

Licensing research data with Creative Commons Attribution 4.0 (CC BY 4.0) is the license recommended by the Open Science and Research initiative of the Ministry of Education and Culture.

For strategic reasons it is possible to choose other options, such as licensing first with CC BY NC 4.0, allowing only non-commercial use and double licensing commercial uses with a separate licensing agreement.

Choosing license and depositing the database to a science specific or general repository such as Zenodo zenodo.org or the Finnish Social Science Data Archive (FSD); or Aalto repository ACRIS research.aalto.fi/en, is essential, otherwise the research data cannot be used and reused.

Publishing research data as citable data is likely to achieve a wide scientific audience in for example Zenodo. Please note that you have to choose a license when depositing datasets to Zenodo, so the license should be agreed on as early as possible between the different creators of the dataset.
Who gets attributed as a creator of a dataset?

**HOW ATTRIBUTION** is required needs to be formulated clearly and agreed in advance between researchers and institutions participating in the creation of datasets.

Guidance on how to give citation to the publications of original authors of dataset can also be given separately, but then it is not a legally binding term of use. However good scientific practice in citations usually ensures that citations are done according to these “Rules of the Road” type of instructions.
How do I answer copyright related questions when reporting to ACRIS?

ALL RESEARCH OUTPUTS of Aalto University have to be reported by researchers to ACRIS research.aalto.fi/en. Contact acris@aalto.fi if you have questions not answered in the Research.aalto.fi portal.

Whatever the repository chosen for data, the publications, datasets, artefacts and granted patents (utility or design patents) should be reported as research outputs in ACRIS (Aalto Current Research Information System).

ACRIS brings together information about the results of Aalto University scientific and artistic activities. The information is used at Aalto to evaluate productivity and also for reporting on our research and other activities to the Ministry of Education and Culture. When depositing information and files to ACRIS, the metadata including information on intellectual property should be carefully submitted. Aalto University Library validates ACRIS metadata, including rights metadata for scientific publications see: wiki.aalto.fi/display/ACRIShelp/Open+access+publishing+in+ACRIS

Validation is done for publications such as published journal articles, but Aalto University Library is not involved in validating licenses for datasets. For datasets license is submitted as part of the metadata, and the license should also be included in the file itself.

The metadata fields for submitting information to ACRIS include also information related to copyright.
7. Research data and intellectual property

Information on registered utility patents and design patents (Design Right) should also be submitted to ACRIS, see Invention and Design section of this guide.
Should I publish research tools?

IF YOU HAVE developed tools that would benefit other researchers and you are interested in making them available, this is advisable in the context of open science. Publishing research tools helps to increase citations to research articles, underlying data and other citable data. PI will decide if publishing research tools helps to achieve the strategic goals of the research project.

If you have research tools that you believe to have commercial value, Innovation Services will work with you to develop the appropriate protection, licensing and distribution strategy.
8. Software
Who owns the copyright for the software?

**COPYRIGHT** to software developed by an employee as part of his/her duties belongs to Aalto University. In case the software is developed independently by the researcher (for example, without any instructions or tasks given by the PI) then the copyright belongs to the researcher him/herself.

However, in case the software has been generated in a project that has received funding from external sources, then the ownership is transferred to Aalto University according to the agreement on assignment of rights.

Copyright holder can set the terms on how the software can be used, modified and distributed by third parties. Therefore, choosing the right license is essential whether the software will be commercialized or not. In case there is no foreseeable commercial potential with the software, then the principal investigator will make the decision on the right license.
When does the software have commercial potential?

SOFTWARE has commercial potential when it is part of an invention or business idea that could be commercially exploited. In addition, commercial potential always requires a champion, a dedicated person from the department eager to work with the software and its commercialization.

According to the policy of Aalto University, invention disclosure should be filed in case of software that has commercial potential. After receiving the disclosure form, innovation advisors will determine the ownership and evaluate the software in close co-operation with researchers. Choosing the right license for the software should be part of this evaluation process.
8. Software

Disseminating software, what are the questions to be solved?

Disseminating software (software or data) – questions to solve

- Who will govern the project? – Organization, participation, costs
- Who will hold copyright?
- What outbound license will we choose?
- What contributor policy & inbound license will we choose?
- What (trade) mark, domain will be applied?
- More: contracts, patents, trademark policies
8. Software

Which license to choose?

IT IS ALSO ESSENTIAL to understand the potential user base, competition and the competitive advantage to be sought. Projects can start with a copyleft license and after the projects are better established, it is possible to move towards more permissive licenses.

Opening project with a permissive license could be suitable in cases competition is unlikely to fork the project, for example if the project has a strong position, development or a lot of users. If participation from competitors and others are sought, then a copyleft license may be useful.

Software published with a permissive open source license would allow others to modify and redistribute the software with different terms, even as a proprietary software. For example, if there is no foreseeable commercial potential for the software, but the purpose is to enable wide distribution and academic freedom also for the users, you may want to consider MIT license. It is an open source license allowing wide re-use for the software, including commercial use in future EU or TEKES – funded projects. Re-use of the software by the university is one of the main aims and MIT license also allows re-use as part of proprietary software.

Copyleft is a type of license that allows others to freely copy, modify and redistribute software, but with a requirement that these works and all derivative works have to be licensed under the same terms as
the original license. The best known copyleft license is GNU General Public License (GPL). Compared to MIT license, this is a more restrictive license and does not allow to choose more permissive licenses for re-use.

To learn more about different open source licenses see opensource.org.
If my conviction is that all IP should be licensed non-exclusively to all potential users for the public good, will Aalto University honor my request? *(If open source is my religion)*

**PROJECT GOALS**, conditions and objectives determine the use of results such as code in externally funded projects. In externally funded projects individual requests must follow project goals. Check with principal investigator, who will decide on how software produced will be licensed.

According to Aalto University principles of research data management, software needed for analyzing research data that is published for re-use should be licensed with the MIT license or other license allowing the re-use.
How do I use the license in software?

- When you release source code, put a copy of the license text at the top of each source file as a comment.

- When you release a software package, include a copy of the license in the root directory of the package. Name the file ‘LICENSE’.

- Display the license as part of your software’s End User License Agreement (EULA).

- Display the license in any documentation, including metadata in ACRIS (Aalto University Current Research Information System)

When you display the license, you should also display copyright holders. Whether the software will be distributed as proprietary software or using open source licenses, please make sure you produce citable code. Pay attention to attribution (see section 5 copyright notice).

If license only applies to part of the code, make it clear what part of the code the license applies to.
9. Design
Who owns rights to designs created by Aalto University employees?

DESIGN RIGHT is a form of intellectual property that is transferred to Aalto University in externally funded projects where Aalto University is the receiver of external funding, typically TEKES or EU funding. Otherwise the employee or student is the owner of design right and makes agreements concerning the use of design right.

Innovation Services help in the commercialization process. Commercial exploitation of design may be boosted by registration of design right. If Aalto pays for the registration, then Aalto University also becomes owner of the registered right.

If you have a registred design, remember to list this into ACRIS as a research output. Art University Copyright Advisory Services can help in registration of design right and other questions related to design and intellectual property.
What kind of designs can be protected as intellectual property?

**DESIGNS** that can be protected as intellectual property, are well defined in the European Union. Eligible for design protection is: ‘The appearance of the whole or a part of a product resulting from the features of, in particular, the lines, contours, colors, shape, texture and/or materials of the product itself and/or its ornamentation’ Article 3 of the Design Regulation.

Design can be protected in similar way with registration in most countries. In some countries, such as US, registered design protection is called Design Patent. Almost any industrial or handicraft item can be eligible for design protection.

Computer software is an exception, software programs cannot be eligible for design protection, but computer icons are eligible for design protection.

The scope offered by registered design is narrow and designs where appearance is altered are not protected. The scope of protection is defined only by the image used in registration application.
9. Design

Some examples

Packaging of products
RCD 000785522-0001

One product or set of products
RCD 000465679-0016

Composite products
RCD 000408166-0001

Parts of products
RCD 229752-0001

Logos*
RCD 000754098-0001

Computer icons
RCD 000600184-0008

* Logos should always also be protected as registered trademarks. Trademarks registration is done to specific trademark classes. Registered design is protected in all types of use and therefore gives additional protection. However this does not take away the need to register logos as trademarks.
9. Design

Some examples

** Note that drawing and artwork with originality are also protected by copyright. Copyright gives a wider scope of protection for original works of art.
What is a registered design or a design patent?

YOU CAN PROTECT your design with the European Union Intellectual Property Office (EUIPO) before you commercialize it and obtain a Registered Community Design (RCD) or, alternatively register your design nationally with for example the Finnish Patent and Registration office, offering protection in Finland.

In some countries, such as US, registered design protection is called Design Patent The choice to register should take account the geographical areas where you are going to use the design and the time you plan to offer the design. It is always easier to remove from market infringements of design protected by a registered design. For example, customs help in removing infringing products.

A Registered Community Design is initially valid for five years from the date of filing and can be renewed in blocks of five years up to a maximum of 25 years. It is easy to prove the existence of a registered design protection. You receive a certificate of registration the same day you register the design electronically for a Registered Community Design.

An unregistered Community design is also protected. This is meant for products with a short life span.

An unregistered Community design is given protection for three years from the date on which the design was first made available to the public within the territory of the European Union. After three years the protection CANNOT be extended.
The act of making available to the public is called ‘disclosure’. Disclosing a design and being able to prove it are key to design protection of an unregistered community design.

If you have disclosed your design and then decide that you want to apply for a design registration —either because you want full protection or for intellectual property strategy reasons – you can still do so in the EU within one year of disclosure. This is known as the ‘grace period’. If you register your design after that, it will be vulnerable to attacks.

In some jurisdictions a design has to be registered before it is disclosed or published – just as a patent. In some jurisdictions such as China registered design is protected as Design Patent.

It is advisable to adapt a strategy of early registration, especially if the goal is to reach global markets. Contact Innovation Services or legal Counsel Maria Rehbinder before publication to discuss the possibility of registration before disclosing or publishing a design.

Source and more information: euipo.europa.eu/ohimportal/en/design-basics

More information on Design protection in Finland: prh.fi/en/mallioikeudet.html
Brand
Who owns trademarks created by Aalto employees?

ALL TRADEMARKS created by Aalto employees during their employment related duties are the property of Aalto University. Trademark is a right owned by the employer, not the employee. Trademarks registered or owned by Aalto can be transferred, for example to a start-up company.

What is a trademark?

DEVELOPMENT and value of a brand are essential for achieving success. The legal cornerstone of a brand is a trademark registration. Often several trademark registrations are done to protect the brand portfolio of a company.

A trademark is a symbol which distinguishes the goods and services of a company from similar goods and services of other companies. Trademark can be a wordmark, a figurative mark or a combination of these.

Research projects can start to develop products and services and a trademark policy should be planned for these. The project name can become well known and have goodwill value and the project name
could later become a trademark for products and services. When choosing a project name check that the availability of that name from TMview [tmdn.org/tmview/welcome], if project should choose to use the name later for services or products.

Companies should protect their trademarks by applying for trademark registration. Registration gives the exclusive right to use the mark as a symbol for goods or services. Only the registration holders may use the trademark in their business and right holders can prohibit others from using their mark or some other mark liable to be confused with it.

Registering trademark or trademarks can be a part of commercialization of research results. Innovation team can help in the registration. Registration can be done after use has started, but early registration is recommended. It is cheaper to register a trademark in advance, even before entering a geographical area, than to fight the companies that have registered your trademark in their geographical area.

Combining the same name as trademark (wordmark), domain name and company name is an IP strategy that is often recommended, because it help in making the brand well known and easy to defend.

Source and more information for registration in Finland: [prh.fi/en/tavaramerkit.html](prh.fi/en/tavaramerkit.html)

How do I use names and trademarks owned by Aalto University?

IF A STUDENT or a member of staff is involved in an activity that is not directly under the aegis of the University (e.g. independent consultation, other entrepreneurial activity), the use of the University’s name is permitted, in order to indicate the person’s employee status (e.g. Liisa Virtanen, professor, Aalto University). In such a case the use of the University logo is not allowed.

Other uses of AALTO UNIVERSITY, AALTO or other names and logos of the university, need permission from Aalto University. License can be given from Aalto University Communications or from head of Project Services.

The involvement of a single teacher, student, alumnus or staff member is not sufficient grounds for indicating that the University has shown its support or approval of a project. The activity using Aalto University names and trademarks must be one that the University as an organization is involved in, with the approval of the relevant dean or head of department. More information see inside.aalto.fi/display/encos/Trademark+guideline
Intellectual Property
Created in Co-operation
What if I created the invention with someone from another institution or company?

THE MEASURES in this co-inventorship case are rather similar to the one person makes the invention. File the invention disclosure to Aalto but notify that there are co-inventors from other institutions or companies.

The research agreement usually stipulates the ownership of the invention and leading role of the owner which also files a patent application – according to its policies and rules – if the invention is patentable. Aalto IS negotiates with the other entities the transfer and assignment of the rights and title to the invention – according to relevant research agreements.

If you are a researcher in Aalto research project file the invention disclosure to Aalto. Specify that there are co-inventors from the other organizations and indicate the research project you conduct with them. Other measures are similar you invent something solely with Aalto inventors.
What about consulting and other work for outside companies?

YOU MAY DO CONSULTING to external companies but then your consultation may not raise the conflict of interest situation with your work in Aalto. If you use your working time to this consultation you need a specific permission to that (Secondary Occupation Permit, inside.aalto.fi/display/enhrs/Outside+employment+and+other+interests) from Aalto. Similar rules apply to other work in external companies, in start-ups, for example. If you consult the companies or otherwise work in them outside your working time, you need to notify Aalto about that (Secondary Occupation Notice, inside.aalto.fi/display/enhrs/Outside+employment+and+other+interests).

If consulting is purchased from Aalto University as part of a research service, Aalto’s principles and rules for external funding, including ownership of results, apply.
Who owns rights to results I made while I am consulting?

FINLAND does not have work-for-hire legislation. If you do consulting outside of your work in Aalto, ownership of results is created to you and you are the one agreeing about them with the client. Even if you do consultation in your working hours and you are not in a project or this work does not relate to a research project you own the results or your client may own them – depending on the consulting agreement with your client.
Can a student contribute to an invention or creation of other intellectual property?

THERE ARE SEVERAL study and educational projects where course challenges have been given by a company, and company gives insights, expert lectures and mentoring, and students invent or develop solutions. Intellectual property agreements are made between students, participating companies and Aalto.

A student may also participate and invent an invention in Aalto’s research project but then he/she is an employee of the research project with the same benefits and obligations as Aalto’s researchers. In this case he/she should file the invention disclosure to Aalto.

If the student invents something outside any research or student project without any contractual obligation he/she may freely determine and exploit the invention a way he/she wants. In this case Aalto Innovation Services may provide advice to him/her.
May I use material or intellectual property \textit{from others} in my research?

**NO, YOU MAY NOT** – without permissions or licenses which entitle you and Aalto to use that material or IP. If you are uncertain whether Aalto has adequate permission or a license or not ask your relevant legal counsel about that. Citations according good scientific practice are allowed – providing that the source and attribution are quoted.

Using \textit{background} from other projects?

**YOU SHOULD ALWAYS** use only material or background which is either owned by Aalto or Aalto has adequate license to that material. To be sure about that contact your relevant legal counsel.
Will I be able to share material, research tools or intellectual property with others to further their research?

IF THIS MATERIAL or results are made in a research project one should verify the terms and conditions of that project. The others should have an adequate license to use that material from Aalto. Special attention should be paid on possible trade secrets or patentable inventions.
Commerzialization – Licensing and Technology Transfer
The Ideal commercialization process

- Picking the most prominent ideas
- Development into a demo or concept
- Prototype, Proof-of-Concept (PoC) or Minimum Viable Product (MVP)
- PROTECTION
  - Contacting potential customers
  - Entering negotiations
  - Non-Disclosure Agreements needed when patentable inventions are disclosed to potential customers.
- Technology transfer or co-operation agreement
- Entering into licensing
- Entering into a start-up company
**What activities occur during commercialization?**

**THE COMMERCIALIZATION PROCESS** typically consists of picking the most prominent ideas, their development into demo, concept, proof or prototype, protection, contacting the potential customers, entering into negotiations with them and if negotiations are successful, entering into licensing, technology transfer or co-operation agreement with the target company or companies. These measures should take place in parallel, not subsequently. Alternatively, measures to enter into a start-up company may replace licensing or technology transfer activities.

**What is my role during commercialization?**

**YOUR ROLE** may vary depending on your selection. You should, however, be a “champion” in Aalto and give your input to commercialization measures either by supporting or leading. Commercialization does not take place without your (inventor, champion) input which is essential in both licensing and start-up measures. Especially your networks and contacts play first hand role in this.
What types of agreements and considerations apply to commercialization of intellectual property?

There are several agreements and policies, including the legislation to be taken into consideration. Aalto has the code of practice for inventions which lays down the principles for commercialization. Typically, there are employment agreements for employees of Aalto, possible Non-Disclosure Agreements, research agreements made in projects which already may stipulate the ownership and IP of the results. All these should be reviewed, in order to get an understanding for commercialization measures – aiming into licensing or a start-up.

Have you created technology in a research project? See your employment agreement, see the code of practice for inventions and discuss the relevant research agreements with the principal investigator of your project. Contact Innovation services and file the invention disclosure to Aalto.

Have you created technology outside a research project? See the code of practice for inventions and contact Innovation Services and file the invention disclosure to Aalto.
What is a license agreement?

A LICENCE AGREEMENT defines commercialization process, monetary and other remuneration flows as well as exploitation of the invention(s) between licensor and licensee, in this case between Aalto and the company.

What revenues are generated for Aalto University if commercialization is successful?

AALTO receives revenues or remunerations from exploitation of the commercialized IP typically in royalties and equity dividends. These revenues and remunerations are further distributed mainly to the inventors and respective departments. Typical share of inventors is 40% from the income Aalto University receives from the licensee or the buyer, which means that the researcher and his/her department profit lion's share of the income.
How do the Innovation Services market my inventions?

INNOVATION SERVICES market the inventions assigned to Aalto and promotes their commercialization in cooperation with the inventors. Inputs from both Innovation Services and inventors are needed in this process. This takes place typically by commercialization projects, i.e. TUTL or FTI or Challenge Finland. Therefore, the role of the champion will be emphasized.
What will happen to my invention if the startup company or licensee is unsuccessful? Can the invention be licensed to another entity?

**INTELLECTUAL PROPERTY (IP)** is often the most valuable asset of the start-up company. The business angels, venture capitalists (VC’s) and other financiers of the start-up pay particular attention that the company owns the IP.

If the invention or patent has been licensed to a startup or a company (to a licensee) and the commercialization fails, there could be terms in the license agreement which stipulate its return to Aalto. The same happens if the startup or the company goes bankrupt which means termination of the license agreement. Then the rights may be returned to Aalto and commercialization measures may be started all over again.

If the invention has been sold or assigned to the start-up or other company it is the sole property of the company and then the transaction is irrevocable and cannot normally be cancelled. Then Aalto cannot get the rights back and re-start the commercialization.
How are most licensees and buyers found?

Mostly the licensees and buyers are found through networks either by the individual researcher or by Innovation services. The networks typically cover companies in former Aalto projects, companies encountered in match-making occasions, exhibitions, conferences or approached directly by telephone or personally.

How long does it take to find a potential licensee / buyer?

There is no definite answer to that question. This is quite case-specific. Sometimes finding the customer (licensee/buyer) takes one-two telephone calls (one hour maybe or even less), sometimes it takes several months or even a year before a suitable licensee candidate has been tracked. Lots depend on the way of approach and sometimes this match just requires that one is in the right place in the right time.
How can I assist in marketing my invention?

BEING ACTIVE in contacting different companies and pitching your invention and especially its benefits to them. In this the close cooperation with Innovation Services and relevant innovation advisor is required. Remember that the licensee never buys the invention but the future cash flow it creates, or is assumed to create. The invention is more than mere invention – it fulfills some needs on the market, provides different and hopefully better approach, gives benefits and overcomes competitors.

Can there be more than one licensee?

YES THERE CAN, if the invention can be licensed either geographically to different licensees or to different purposes to different customers in the same geographical area, country, for example. Especially in these – very seldom – cases one must pay special attention in license agreements and their definitions.
How is a company chosen to be a licensee/buyer?

It depends much on company’s intentions, future plans and prospects. Typically, when a company is willing to license technology from Aalto it should present a business plan. Based on this plan Aalto chooses whether to license – or not. The goal is to launch the invention for the most effective and beneficial commercial use in society. Selection is not based only on the amount of money the company is willing to put on the table but also what kind of follow-up cooperation this deal could provide.
What can I expect to gain if intellectual property that I created / participated in creating is licensed or sold?

What is the relationship between an inventor and a licensee, and how much of my time will it require?

TYPICALLY, a researcher (inventor) could expect sooner or later some money in certain intervals – if the deal is successful. Additional benefit could be (and should be, from Aalto’s point of view) a research project for certain period to develop the invention and technology further onto the market. Finally, you may see your invention as a commercialized concept or product in the market.

NORMALLY, the licensed invention or technology is not ready when a deal is done and ink has dried on the license agreement. In most cases the input of the researcher is needed in further development. This may lead into a follow-up research project which is beneficial for both inventor(s), their department and the whole Aalto.
13. Commerzialisierung – Startup Companies
What is a startup and why choose to create one?

A START UP COMPANY is – in this context - a new venture established typically by university (Aalto) researchers, personnel or students (or, in some cases, by all of them). Its business idea is based on commercializing research results made in the university.

Usually a start-up utilizes the innovation ecosystem around and in proximity of the university and maintains close connections and ties with the academia to take advantage of further research.

A startup career may be a lucrative opportunity for a researcher to pursue his idea into practice and market instead of a career in a larger company.
Who decides whether to form a startup?

A DECISION is normally made by individual researchers or academy staff after and on course of a successful research project in the faculty. This project may be boosted also by a commercialization activities and opportunities provided by Aalto (TUTL, FTI etc.) but the final decision shall always be on the shoulder of individuals. These guidelines are specified also in Aalto Commercialization policy.

How is intellectual property transferred to a startup?

AALTO ASSIGNS and transfers the intellectual property into a startup on terms according to its commercialization policy, practices and by applicable laws, e.g. law on university inventions. An assignment agreement shall be entered between Aalto and the startup.
What to consider when creating an intellectual property policy for a startup?

THE STARTUP should have rights to the inventions and intellectual property it is going to commercialize. At first, it must provide the ownership intellectual property to the funding organizations and venture capitalists to collect and acquire necessary seed and further funding. In order to impress market a startup must manage its intellectual property effectively. Later, the intellectual property might also convince customers and be of help when entering into negotiations with and to conclude deals. Registered intellectual property for example registered trademark creates more freedom to operate and prevents claims of infringement. Trademarks that are not registered can be registered by other companies in a way that blocks the intended use.

Will Aalto University assign the patent to my startup?

YES, it will, providing that the company enters into applicable agreement with Aalto and provides an accepted business plan with financial calculations. The content and scope of the agreement is based on the negotiations between the parties. Value of the IP is typically defined in the end of the commercialization project.
Does Aalto University take a seat on the company board?

NO, it does not by its present policy. Aalto will be an observer in the board and have the board observer’s rights but Aalto will not take a seat on the board with its voting rights and obligations.

Can I get a license if I haven’t incorporated the company yet?

AALTO ENTERS INTO agreements only with the registered companies. To get a license first and assignment later you should establish a limited liability company. This takes normally one day in Finnish Patent and Registration Office.
If my startup is based on an invention jointly owned by Aalto University and another institution, how do I get started?

**TO START**, get into contact with Innovation Services to ask what kind of inter-institutional agreement Aalto has with the other institution. Aalto might have the rights to commercialize the technology and IP or then another institution could have them. Then the license and assignment negotiations shall be gone either between Aalto and the startup or between another institution and the startup.
If my startup needs technology from another institution besides Aalto University, but not jointly owned with Aalto University, will I need a separate license?

**YES, YOU NEED.** In this case you should enter into negotiations with this other institution. Of course you may first contact Innovation Services to discuss the situation and obtain advice.
If my invention is unpatented software, do I still need a license for a startup?

If this software is owned by Aalto a startup needs a license to use and utilize that commercially.

How is intellectual property handled in a startup founders’ agreement?

The shareholders’ or founders’ agreement typically stipulates all IP generated by the shareholders or founders to be property of the startup. If the shareholder of a startup continues his career in Aalto there might be a conflict of interest. Aalto’s Legal and Innovation Services should be consulted in advance when a possible conflict of interest situation exists.