

Intellectual property FAQ

- Who can I turn to for information about my intellectual property rights situation?

Your internship supervisor is your first point of contact. If necessary, he or she will be able to refer you to sources of information or experts for advice on start-ups and other types of knowledge application.

In addition, most knowledge institutions have a Knowledge Transfer Office (KTO), sometimes also called a Technology Transfer Office (TTO), or a similar department that occupies itself with the protection and marketing of knowledge generated by the institution and therefore will know everything there is to know about intellectual property rights.

If you want independent advice, or if you have a complaint about the way an IPR agreement was concluded (or waived), you can contact the following:

- The Gate (TU/e) – www.tue.nl/thegate or info@thegate.tech
- For personal, independent legal advice, you can contact Dutch Students for Entrepreneurship <https://www.dutchse.nl/community/>
- The Netherlands Enterprise Agency deals with patents: rvo.nl [\[https://english.rvo.nl/information/patents-intellectual-property\]](https://english.rvo.nl/information/patents-intellectual-property)
- The Association for Intellectual Property: aippi.nl [\[https://aippi.nl/english/\]](https://aippi.nl/english/)
- Intellectual property advice by students for students: clinic.nl [\[https://clinic.nl/english/\]](https://clinic.nl/english/)
- Discover how to protect your idea for yourself: ideescan.online [\[www.ideescan.online/\]](http://www.ideescan.online/)
- Read the IPR guideline (2016): vsnu.nl [\[https://www.vsnunl.nl/files/documenten/Domeinen/Onderzoek/Valorisatie/Richtsnoer%20omgang%20met%20IE%20ENGLISH.pdf\]](https://www.vsnunl.nl/files/documenten/Domeinen/Onderzoek/Valorisatie/Richtsnoer%20omgang%20met%20IE%20ENGLISH.pdf) and if necessary inform yourself further via <https://www.auteursrechten.nl/en>

- How can I tell whether I own an invention or not?

There are two possible situations:

1. You own the invention (or part of it).
2. You don't own the invention if you signed an agreement in which you transfer your rights to it. For example, you're expected to sign such an agreement when you take part in a research project at a university or university medical centre (UMC).

If the invention in situation 1 can be patented:

- a. You made the invention on your own. You own 100% of it.
- b. If you made the invention together with other people, they may have to be designated co-inventors. If you fail to agree among yourselves on who is or isn't an inventor, the patent agent who prepares the patent application is the ideal person to help you. However, this doesn't come for free.

If the invention in situation 2 can be patented:

Although you don't own the invention, you may have a right to part of the income generated by the owner of the patent. This is the case if the invention was made during an internship within a university/UMC. If you did your internship in the private sector, this usually doesn't apply.

If the invention in situation 1 can't be patented:

- a. You made the invention on your own. You own 100% of it.
- b. If you made the invention together with other people, they may have to be designated co-inventors. If you fail to agree among yourselves on who did or didn't contribute to the idea, then hopefully you laid this down in a written agreement beforehand. If you didn't, you may need to go to court.

If the invention in situation 2 can't be patented:

Although you don't own the invention, you may have a right to part of the income generated by the owner of the invention. This may be the case if the invention was made during an internship within a university/UMC. Some universities/UMCs have included a specific clause in their knowledge valorisation regulations to clarify this. If you did your internship in the private sector, this usually doesn't apply.

- How can I find out whether I can apply for a patent?

There are two possible situations:

1. You own the invention (or part of it).
2. You don't own the invention, because you signed an agreement in which you transfer your rights to it. For example, you're expected to sign such an agreement when you take part in a research project at a university or university medical centre (UMC).

In the first situation, you should look for suitable advice yourself. The most suitable party to advise you is a patent agent. However, this doesn't come for free.

Other options:

- The Gate (TU/e) – www.tue.nl/thegate or info@thegate.tech
- Discover how to protect your idea for yourself: ideescan.online [www.ideescan.online/]
- The Netherlands Enterprise Agency deals with patents: rvo.nl [<https://english.rvo.nl/information/patents-intellectual-property>]
- For personal, independent legal advice, you can contact Dutch Students for Entrepreneurship <https://www.dutchse.nl/community/>
- Intellectual property advice by students for students: clinic.nl [<https://clinic.nl/english/>]
- Read the IPR guideline (2016): vsnu.nl [<https://www.vsnunl.nl/files/documenten/Domeinen/Onderzoek/Valorisatie/Richtsnor%20omgang%20met%20IE%20ENGLISH.pdf>] and if necessary inform yourself further via <https://www.auteursrechten.nl/en>

In the second situation, your university/UMC or your internship company will assume responsibility for applying for a patent.

- Can my university/UMC apply for a patent for me and if so, what does this mean for my rights?

If you've made an invention that you own but want to leave the complicated and expensive business of applying for a patent to someone else, you can submit your invention to your university's KTO, sometimes also called a TTO. The preferred way of doing this is to submit a non-confidential summary, but if this is impossible, you can opt for a non-disclosure agreement to protect the innovative character of your invention.

If the KTO/TTO is convinced of the patentability and marketability of your invention, it may offer to arrange the patent application for you. In exchange, you'll give up the rights to your invention, but you'll retain the right to the inventor's share specified in your university/UMC's knowledge valorisation regulations, as if you were an employee.

- Why would I want to transfer my intellectual property rights (IPR) to my university/UMC?

You may have a personal interest in having the patent published in your name, so that you'll gain public recognition. Alternatively, you may believe that your IPR will make you rich and therefore decide to maximise your profits, optionally in cooperation with a company. On the other hand, making a positive contribution to society may be more important to you, so that you can help build a better society and ultimately even a better world.

In the latter case, it's good to know that universities/UMCs have a unique position in this regard. After all, universities/UMCs have a statutory core duty to pursue knowledge valorisation, in other words: to make an impact by sharing knowledge for the benefit of society. Transferring your IPR to your university/UMC makes them part of its academic mission.

In that case, the university/UMC's main interest and ultimate objective becomes putting the knowledge you've contributed into practice in order to make an impact. This could still be achieved through a licence agreement with an existing company or a start-up, but the fastest way to apply your knowledge may be to use it for further academic research and teaching or to link your IPR to the university/UMC's existing IPR to enable a suitable application.

If you believe this is a goal worth pursuing, you're more than welcome to discuss the transfer of your IPR with your university/UMC's KTO, sometimes also called a TTO.

Another reason you might want to transfer your IPR to your university/UMC voluntarily could be that you lack the necessary funds or experience to monetise your IPR yourself. In exchange for your IPR, you'll share in any net revenue that the university/UMC generates from monetising the IPR.

The examples above are all based on the voluntary transfer of your IPR to the university/UMC. As made explicit in the infographic and the summary of the Addendum to the IPR guideline for students, there are some cases in which it's compulsory to give up your IPR, for example when you want to do an internship within a university department's research project or in the private sector. In such cases, (i) any IPR are generated as part of existing research not initiated by you; (ii) your IPR are often a part of a bigger whole; and (iii) marketing the IPR generated as part of the research is much more difficult if somebody else owns the IPR besides the university/UMC (or company). That's why the university/UMC (or company) wants you to transfer your IER beforehand. If it concerns an academic project, however, you'll have the right to an inventor's share, as if you were an employee. This is not normally the case for company projects.

- When is the right time to read up on intellectual property rights?

You can't do this soon enough, but if you think you have a good idea that can be put into practice, it's essential.