

The Intellectual Property Management Regulations of the RCAES

Brief information sheet

Goals of the Regulations

Based on the ELKH Intellectual Property Management Policy (President Decision of ELKH, Nr. 19/2022. (IX.18)), the Regulations define the intellectual property management of the RCAES. The main goals of the Regulations are to:

- encourage the intellectual creative work of researchers and other persons cooperating in the research and development activity of the RCAES while stimulating the innovation environment of the RCAES;
- determine the principles and conditions to be applied in the relationships of the RCAES regarding intellectual property rights;
- lay down basic principles for the recognition due to the creators of intellectual property created at the RCAES;
- establish the organizational and financial backgrounds of the intellectual property activity of the RCAES.

The scope of the Regulations

Personal scope:

- all organizational units and affiliates of the RCAES;
- persons employed by the RCAES;
- persons engaged in academic, scientific, educational, or research activities on the basis of any contractual relation with the RCAES (e.g., research partners, doctoral students).

Material scope:

- **intellectual property results** (inventions), if protection may be obtained to them pursuant to industrial property laws (e.g., new technical devices, innovations etc.);
- **know-how**, if the conditions for protection under the applicable laws are met (e.g., know-how of the research plans);
- technical works or other subject matter under copyright or related rights, if the conditions for their legal protection are met, especially software, databases considered to be collective works, technical blueprints, and cartographic works.

Rights to the intellectual property

The property rights of *Service intellectual properties* belong to the RCAES. Service Intellectual properties are the intellectual properties of a person, whose duty is to create works or technical solutions at the RCAES resulting from an employment relationship or another legal relationship aimed at performing works.

The property rights of the *Employee's intellectual properties* belong to the RCAES, but not exclusively. Employee's intellectual properties are created by the employee, who works out without it being his/her duty resulting from an employment relationship.

The rights of independent intellectual properties belong to the person, who creates the property.

Important comment:

The property rights of the works protected by copyright (e.g. **research plan, research database, publications**, etc.) created by the RCAES employees based on obligations arising from employment or other legal relationships or different projects belong to the RCAES. Duties of the employees are detailed in the job description and the Organizational and operational rules of the RCAES. The property rights of intellectual property works, know-how, technical works, or other works protected by copyright created in a research project or research and development project, or in a joint project or collaboration, belong to the RCAES, with acknowledgment of personal copyright.

As a general rule this means that in the case of any projects implemented from any internal or external sources, incomes, Hungarian or EU-supported funds (e.g. OTKA, other projects funded by NKFIH or MTA; Horizon Europe, etc.), the property rights of the intellectual properties acquired or developed by RCAES employees belong to the RCAES.

Persons in charge

1. Director General (DG) of the RCAES: rights of decision regarding the intellectual property of the RCAES;
2. Innovation Manager: main coordinator of the intellectual property activity. Assesses emerging intellectual properties (type, usefulness, value, potential protection, methods of utilization), and makes proposals to the Intellectual Property Commission of the RCAES;
3. Intellectual Property Commission: it has three members, one is the Innovation Manager, and two are appointed by the DG. This is the main evaluation and preparation body. It evaluates the results of the tasks performed by the Innovation Manager, and it makes proposal on strategic issues related to Intellectual Creations and submits it to the DG of the RCAES for a decision.
4. ELKH Secretariat, Innovation Department: responsible for coordination between the ELKH research centres and Innovation Managers of the research centres.

The Regulations contain detailed rules of the procedure to be followed by persons in charge in the case of the creation of any intellectual property (protection, registration, notifications, etc.) at the RCAES.

Reward of innovators

One of the main goals of the Regulation is to ensure the utilization of the intellectual works created at the RCAES. The first HUF 1,000,000 from the *gross sales revenue* is paid to the creator, and in the case of several creators, it is divided between the creators. The creator is entitled to remuneration from the net sales revenue too (industrial properties: 50%; copyright: 60%).

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Laszlo Kiss
Director General

