

Intellectual Property Performance Policy

The Private Foundation Elisava University School

The Fundació Privada Elisava Escola Universitaria is a non-profit organization whose aim is to promote education, knowledge, research, development, innovation and the use of new technologies in the scientific, technical, business, artistic, design and engineering fields, preparing its students to take on professional challenges at an international level, contributing to the social, cultural and economic progress of society by encouraging economic promotion and activities with social purposes.

At the same time, Elisava aims to encourage creativity, invention, research, development and interaction with the business world on the part of its students and members of the teaching and non-teaching staff. This objective manifests Elisava's commitment to the promotion and defense of Intellectual Property, understood in its broadest sense (copyrights, designs, inventions, trademarks, patents, etc.), which are generated with the activity of the human capital committed to the Elisava project.

Chapter one. Frame of Elisava in the European Higher Education Area

The Foundation, federated in the Universitat de Vic – Universitat Central de Catalunya, is the owner of Elisava Faculty of Design and Engineering of Barcelona, which organizes, manages and coordinates teachings leading to the awarding of official and own degrees in the field of design and engineering of industrial design in its humanistic, artistic, social aspects, scientific, technical and professional, as well as postgraduate programs, continuous education and other teaching, research and knowledge transfer activities.

Due to his situation, he applies within the framework of his teaching activity:

- Organic Law 6/2001 of 21 December on Universities as amended by Organic Law 4/2007;
- Law 14/2011, of 1 June, on Science, Technology and Innovation, amended by Law 17/2022, of 5 September;
- The University Student Statute approved by Royal Decree 179/2010;
- Article 105 of Law 1/2003, of 19 February, on Universities of Catalonia;
- The federative contract that governs the integration of the Elisava Escuela Superior de Diseño Center to the Universitat de Vic – Universitat Central de Catalunya;
- The Statutes of the Universitat de Vic – Universitat Central de Catalunya;
- Rules of Organization and Operation of the UVic-UCC

- Regulations on Intellectual and Industrial Property of the Universitat de Vic – Universitat Central de Catalunya;
- Decree 390/1996, of 2 December, regulating the regime of affiliation to public universities of higher education teaching centres;
- Articles 15 et seq. of Law 24/2015, on Patents;
- Consolidated text of the Law on Intellectual Property (Royal Legislative Decree 1/1996), with regard to labour relations;
- Royal Decree 1393/2008 establishing the organization of official university education and Royal Decree 861/20 21 amending the previous one. Royal Decree 822/2021, of 28 September.

Chapter two. Definitions

For the purposes of this manual, the following definitions shall be used:

- IP Rights: intellectual and industrial property rights over the Results.
- Inventions: Results susceptible to protection by Industrial Property rights, including but not limited to: patents, utility models and industrial designs.
- Works: Results susceptible to protection by intellectual property rights, including but not limited to: scientific and literary works, musical compositions, theatrical works, choreographies and pantomimes, cinematographic and audiovisual works, sculptures, paintings, drawings, engravings, lithographs, graphic comics, photographs and plastic works whether or not applied, projects, plans, models of architectural or engineering works, graphics, maps and designs relating to topography, geography or science, computer programs, databases, web pages and multimedia works, performances by artists, performers, phonographic, audiovisual and editorial productions.
- Results: works, inventions, knowledge and know-how generated within the framework of Elisava's activities.

Chapter Three. Manifestations of intellectual property principles

The general principle governing Elisava's Intellectual Property is the recognition of the authorship of staff and students of the Works, Inventions and other Results they generate within the framework of the activities of Elisava, with the exception of what will be collected later.

This Intellectual Property policy shall not apply to Results created outside the framework of Elisava's activities, unless they fall within the scope of one of the exceptions listed below.

As an integral part of its Intellectual Property policy, Elisava will ensure that the IP rights of third parties are respected by its students, teachers and administrative staff. Elisava has formulated guidelines applicable to its students and staff, both teaching and administrative, which warn of the obligation to cite the authorship of third parties, the obligation to respect the rights of third parties when making quotations, reviews, criticisms or illustrations in the academic field, and the zero tolerance of plagiarism or slavish copying, and warn of the prohibition of misuse of the Internet. These guidelines are set out in the document "Handbook of "Good Practices" for the Protection and Development of Intellectual Property.

Chapter Four. Elisava and its relationships with third parties

Elisava maintains relations with its students (teaching and awarding academic degrees, managing internships in companies), its teaching staff (hiring teachers, leading projects and conducting research) and its administrative staff (hiring staff to manage administrative matters).

ELISAVA collaborates with companies, institutions and administrations on specific projects.

ELISAVA receives grants.

ELISAVA receives sponsorships.

ELISAVA awards grants and sponsorships.

ELISAVA publishes and distributes both physical and online publications.

ELISAVA participates in design competitions and exhibits the work generated by its members.

Chapter five. Subjects that can generate intellectual property rights

Elisava is a School in which talent is present, and whose objective is to train and help its students to express it and adapt in the business world, as well as to respond to the needs of the market and, by extension, of society, facilitating creation, research and multidisciplinary interaction.

The development of the training provided by Elisava entails, on the part of the people who participate in academic life, the opportunity to create and invent, which in turn will give rise to Works capable of generating IP rights, ownership and exploitation of which must be determined.

Students of Elisava are considered to be all persons enrolled in any of its official or own courses, undergraduate, postgraduate and others that may be offered at the School. Students, teachers and other Elisava staff can be creators or inventors.

Elisava's Intellectual Property Policy of opts for a simple model, based on the general premise that Results belong to their creators and inventors, except when such inventions or creations are made in the context of paid work or work for hire.

5.1. Students

As part of the training at Elisava, the students generate projects, reports, works, inventions, creative works, designs, etc., which are considered Results.

Students are authors and, as a general principle, they are recognized as authors and own the corresponding IP rights that this generates.

However, the following exceptions apply to this general principle, where different ownership of IP rights may be agreed:

Results generated within the framework of Elisava – Company relations in which the student participates by virtue of express agreement, whether or not they have been developed within the activities of an Elisava academic program;
Results generated as a result of Student – Elisava agreements, within the framework of activities outside the academic programs, in which the assignment of Intellectual Property rights is agreed, and for which prior written agreement is required.

Notwithstanding the foregoing, the contributions of Professors or other salaried staff of Elisava will be recognized when they are relevant in the development of the result. In this case, the rights to this Result will be distributed between the student and Elisava, depending on the contribution of each author.

The student will be obliged to inform Elisava of any Results that may result from his/her activity at Elisava. Likewise, the student may agree with Elisava the transfer of ownership of said Works, by means of a written agreement in which the corresponding consideration must be agreed.

Rights of student authors

Elisava will ensure that, in those cases in which IP rights do not remain in the sphere of the student's property, there are minimum rights such as:

Acknowledgement of the student's authorship or participation in the project, research or result in question;

That, in the case of Works, the student is allowed to have a prototype or single copy for exhibition or archive, except in projects with Companies in which the contrary has been expressly agreed;

To be allowed to mention their authorship and reproduce and disseminate the result of their Work in the student's "book" and for non-commercial purposes, except in those projects with Companies in which the contrary has been expressly agreed.

The exercise of these minimum rights will be conditioned by the obligations of confidentiality, non-disclosure or others that may correspond depending on the project or result in question as well as, if applicable, the obligation to publicize the relationship with Elisava. Furthermore, Elisava shall be entitled to keep a copy of the Work for archiving and reference purposes, as well as to include the materials in its databases and use them for teaching purposes unless, in the latter case, the collaboration for a project has been agreed with the Company, and it has been expressly agreed to maintain confidentiality of the creations obtained in the development of the same. Likewise, mention shall be made of the author or inventor and the exploitation of the student's Work will not be hindered. This applies even if the student has completed his studies in Elisava.

5.2. Teachers

As a result of the development of their duties at Elisava, the teaching staff, whether salaried workers or collaborators (hereinafter "teachers"), may also invent or create. The simplest example is the teaching materials created to prepare their classes, scientific works created within the framework of their activity.

In addition, professors participate as tutors or leaders in projects of research, development and innovation activities of Results, in collaboration with companies and students.

Teachers also create specific materials for in-house training and for Elisava classes, which must conform to the Elisava teaching method which, in turn, is within the guidelines governing the EEES.

Teachers are authors of all these elements and may also be researchers who should be credited with authorship, as a general principle.

However, the IP rights over said Results shall be attributed to Elisava, with the scope and under the conditions established in the intellectual and industrial property regulations.

The following exceptions apply to the general principle:

Results generated within the framework of Elisava – Company relations in which the teacher participates, whether or not they have been developed within the activities of

an Elisava academic program, and in which a different attribution of IP rights has been agreed.

Results generated from projects or initiatives supported by Elisava, either autonomously or with public, private or third-party sponsorship funds, within the framework of activities carried out in the Elisava's academic programs, and in which a different attribution of IP rights has been agreed;

The teacher will be obliged to inform Elisava of any Results that may result from his/her activity at Elisava, both academic and in relation to agreements with third parties.

Rights of teachers and authors

In any case, the teacher shall have the following rights with regard to the Results of which he/she is the author:

Acknowledgement of the teacher's authorship or participation in the outcome of the project or research in question;

That the teacher be allowed to have a prototype or single copy for exhibition or archive, except in those projects with Companies in which Elisava and the company have agreed otherwise;

To be allowed to mention his authorship and reproduce and disseminate the result of their Work in the teacher's portfolio and for non-commercial purposes, except in those projects with Companies, in which Elisava and the Company have expressly agreed otherwise.

Obviously, the exercise of these minimum rights will be conditioned by the obligations of confidentiality, non-disclosure or others that may apply depending on the project or result in question, as well as, if applicable, the obligation to cite the relationship with Elisava.

Teachers shall look after the interests of Elisava. alerting Elisava of any possible Results that they may detect in the exercise of their functions and by collaborating with Elisava in the application of procedures for the protection of IP rights that avoid untimely disclosures and allow the analysis of patentability or registration at the earliest possible stage, and shall therefore alert the IP Manager within a maximum period of one (1) month.

On the other hand, Elisava will have the right to keep a copy of the Work for archiving and reference, as well as to include materials in its databases and use them for teaching purposes, always trying to mention the author or inventor and not hindering the exploitation of the student's Work.

When Elisava obtains profits from the commercialization of Results in which the teacher has intervened as author, he/she shall be entitled to share in these profits in accordance with Elisava's distribution rules, contained in Chapter Six of this Performance Policy.

5.3. Other salaried staff

The works created by Elisava's salaried personnel within the framework of their work competence belong to Elisava, with the scope and conditions established in the intellectual and industrial property regulations.

Elisava's salaried personnel shall be obliged to inform Elisava of any Works that may result from their activities at Elisava, both academic and those related to agreements with third parties.

Elisava's salaried staff shall be entitled to the rights granted to authored teachers which are applicable to them according to their activity.

Chapter Six. Distribution of the profits derived from the commercialization of Results owned by Elisava

The profits derived from the exploitation and commercialization of Results in whose creation Elisava's teachers and collaborators have participated will be distributed as follows, unless there is a more beneficial alternative agreement between Elisava and the creators:

Elisava will use the income obtained from the exploitation of the IP rights of its ownership in the first place to cover all the expenses that may have been incurred for the evaluation of the Result, its protection, whether by registration, obtaining patents, trade secrets or other means, and the marketing and exploitation of the same. Depending on the importance of the result and the contribution of the inventor(s), it will be determined whether a remuneration is appropriate.

In the event that no agreement is reached with third parties for the exploitation of the Results of which it holds the IP rights, and provided that Elisava considers the agreement to be beneficial both for the authors / inventors and for Elisava, it may agree to transfer them in favor of the said authors or inventors.

Chapter Seven. Intellectual property management by Elisava

Elisava has an Intellectual Property Manager, who is part of Elisava's administrative organization, to manage its Intellectual Property Policy.

The Intellectual Property Manager's duties include centralizing and channeling all information in this area within Elisava and analyzing it to determine the protection and dissemination of the Results, agreeing on the assignment of IP rights in relation to this contract, and ensuring Elisava's IP rights and respect for the intellectual property rights of third parties.

Likewise, Intellectual Property Manager will centralize the contracting of external projects with companies, in order to preserve the minimum rights of teachers and students, as well as will try to reserve for them the exploration of inventions, designs or creations that companies do not decide to commercialize.

When Elisava is the owner of the IP rights in Results, and as long as it has not transferred them to third parties, it may protect them if it deems appropriate. In this case, Elisava shall pay the costs of application, maintenance and extension of the same in the registers, and shall carry out forceful activities to promote the exploration of the results, without prejudice to its compensation in the event of obtaining income from their exploitation. However, once a period of two (2) years has elapsed without Elisava having registered any Result of its ownership, it shall be understood that there is no intention to do so in the future. In such a case, inventors/authors/designers may apply for subrogation in the rights and acquire ownership.

If Elisava decides to register works/inventions/designs of its ownership, and within two (2) years from the application for registration, the exploitation contract with any third party has not been signed, Elisava will no longer bear the costs derived from the protection. However, Elisava will previously inform the author, inventor or designer of its intention not to continue to bear the costs of protection, offering him/her to subrogate the rights, without such subrogation entailing any costs on the part of the subrogation entailing any costs on the part of the surrogated party for the previous protection.

Chapter Eight. Creation of companies for the exploitation of Results

8.1. Application and recognition procedure

As part of its activities, it is also interested in promoting the creation of new business projects aimed at exploiting the results generated at Elisava, with a double purpose:

Encourage members of the Elisava community to participate in the creation of companies and develop their own business based on their creations and research; and
Facilitate that the activity developed in Elisava reaches society.

To this end, those students and teachers who wish to promote a project for the exploitation of a Result that is wholly or partially owned by Elisava must submit an application to the Intellectual Property Manager. The application must include a project report, detailing the following information:

The promoter team, and its link with Elisava or any other entity;
The Results they intend to exploit, and their ownership;
Draft business plan, including technological, business and economic-financial viability aspects.
If the company has already been constituted, bylaws and agreements between partners.

The application will be analyzed internally at Elisava and the viability of the business project will be analyzed, in particular the technological, market and financial aspects, and will issue a report containing its assessment, as well as, where appropriate, the proposal for Elisava's participation and the transfer of the Results of its ownership.

If the event that Elisava's participation in the company is proposed, the report will be submitted to the Board of Trustees, or the Board of Directors if its done within a related company, which will take the decision it deems most appropriate.

If Elisava's participation is not proposed, a decision will be taken on the recognition of the company and the transfer of the IP rights over the Results owned by Elisava.

8.2. Effects of recognition

Authorization by Elisava's competent body, will lead to the recognition of the company as a spin-off of Elisava, which will give these companies access the following advantages:

They may reach agreements with Elisava for the development of specific projects and activities in collaboration.

They will be able to access both the Intellectual Property Management and entrepreneurship support services defined by Elisava, which will allow them to have specific advice in relation to the activities of protection and valorization of the Results. They may use the corporate image that Elisava has approved for the spin-offs of Elisava in their dissemination activities.

8.3. Agreements between Elisava and the spin-off

The creation of the spin-off and the transfer of the Results necessarily requires regulating the relations between the partners and the management of the new company. Therefore, the authorization will entail the signing of the following agreements:

Results transfer Contract between Elisava and the spin-off, regulating the granting of the IP rights for commercial exploitation, the applicable consideration and the control and supervision mechanisms to ensure their effective exploitation.

Partnership Agreement between all the partners of the spin-off, in which the internal organization is defined (regime of administration and adoption of agreements) and the relations between the partners (system for the transfer of shares, entry of new partners, dedication of the entrepreneurial partners, etc.).

Likewise, Elisava and the spin-off may agree to collaborate in the development of specific projects or commissions, by signing the corresponding agreement.

8.4. Activity of teachers and other salaried staff of Elisava in the spin-off

In order to promote the mobility and involvement of its staff in innovative business projects, the authorisation for the creation of the spin-off may allow staff with an employment relationship with Elisava to participate and provide activities in the spin-off, provided that this does not entail less dedication to Elisava's own activities. In this regard, Elisava's human resources department will supervise these activities.

In any case, these activities must be carried out in a way that does not entail situations of conflict of interest. Therefore, persons with a direct or indirect economic interest in

the spin-off must refrain from intervening in the negotiation and signing of agreements on behalf of Elisava with the spin-off.

The personnel with an employment relationship with Elisava who provide activities in the spin-off must undertake to respect the rights of this entity in relation to future Results that may be generated during the period of compatibility of activities with the spin-off, and must inform in any case of the new Results in accordance with what is regulated in this document.

In the event that any of the members of the entrepreneurial team has links with other entities, and in particular with public entities, they must request from these entities the corresponding authorizations according to their internal regime.

Chapter nine. Dispute resolution

Any conflict or dispute that may arise regarding Intellectual Property in the course of Elisava's activities shall be resolved by a Committee composed of two members of Elisava's Board of Directors and a third person linked to Elisava, which shall be chosen by the other party.