

INTELLECTUAL PROPERTY (IP) POLICY FOR STAFF

The USW IP Policy for Staff sets out the university's terms and guidance for the ownership and management of IP created by staff employed by the university. The policy has been updated to meet the needs of USW by building on IPR policies from the pre-merger institutions and incorporating from best practice in the sector with particular regard to external collaboration with businesses. The update also takes into account the increased priority from external funders on university research creating economic and social impact, as identified in the UK Governments Stern Review.

The revisions have been prepared with the support and advice from external IP lawyers from Capital Law.

The policy relates to the following existing policies and contracts:

- Staff Employment Contracts
- Student IP Policy
- Research Governance Framework
- Open Access Policy
- Staff Consultancy Policy

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Title	USW IP Policy for Staff – Summary
	This document provides a summary of the USW IP Policy for Staff Version 1.1
Policy Governance	<p>This policy has been developed by RBE with the support of external legal firm, Capital Law, and is owned by the Head of RBE who is responsible for the implementation of the Policy.</p> <p>The Research Committee, of which the Head of RBE is a part, is responsible for informing the Board of Governors for issues relating to:</p> <ol style="list-style-type: none"> a. The formation of spinout companies b. Changes to the IP Policy c. Appeals made by Staff with regard to the Policy d. IP issues arising outside the scope of the Policy
Benefits	<p>The main benefits arising from this Policy include;</p> <ul style="list-style-type: none"> • Increased impact on the economic prosperity and quality of life in the region • Better protection of university’s rights to publish research • Strengthened REF submission • Heightened external profile of distinctive areas of research or know how with students and stakeholders • More competitive research grant applications and commercial proposals • Greater ability to attract research sponsors, collaborators, entrepreneurial staff and students • Lower risk of conflicting with third party IP and therefore being subject to legal action.

<p>IP Management Principles</p>	<p>The following general management principles apply to Staff and are detailed in the Policy:</p> <p>IP Ownership: In general, IP created by university Staff is owned by the university and should be used for the benefit of the university and its stakeholders.</p> <p>IP Disclosure: Staff are obliged to disclose new IP to RBE in the first instance, before publication, if it is thought to have commercial application. Protection of the IP is then managed by RBE and overseen by the Research Committee.</p> <p>IP Revenue Share: USW provides a financial reward to staff for creating IP that has commercial value.</p> <p>IP from third parties: In general, third party IP should not be incorporated into creations made by Staff without the express written permission of the owner.</p> <p>Collaboration Agreements: Staff involved in collaborative research that may have commercial application should use confidentiality agreements and collaboration agreements to manage relationships with external parties.</p> <p>Funding Agreements: Staff should meet the contractual obligations of funders and research partners with regard to managing and commercially exploiting IP.</p>
<p>IP Ownership</p>	<p>Usually if an employee creates IP during the course of their employment, the employer will own the IP unless there is another agreement in place. University employees include Professors, Readers, Lecturers, and other research staff, technicians and support staff. The Policy sets out what staff need to do should they create IP that may have commercial value. It's worth noting that the university will waive its rights to ownership of IP in scholarly materials if they are not be used commercially.</p> <p>Other parties that may be expected to assign their IP to the university are honorary academic staff or students who have been assisted to an extent that is greater than the usual course provision. Full guidance regarding Student IP is given a separate Student IP Policy.</p>
<p>Collaborative Research Projects</p>	<p>When collaborating with an industrial partner or another university, staff should ensure that a collaboration agreement is used to manage confidentiality and IP ownership for the project. Any agreements on IP between researchers and their partners need to be endorsed by the Dean of Faculty with guidance from RBE. All IP agreements need to be signed on behalf of the University by the Director of RBE or equivalent.</p> <p>When working together with research partners it may be difficult to establish who owns the IP that has been created and the IP may be jointly owned depending on the contributions made by each individual. Staff should keep a written record of your work and meetings so that ownership of IP can be clearly understood.</p>
<p>IP owned by Third Parties</p>	<p>In general, Staff should not incorporate IP owned by third parties in their creations without the express permission of the owner.</p>
	<p>A key component of protecting IP is maintaining confidentiality, especially in</p>

<p>Confidentiality & Commercialisation</p>	<p>the early stages of development and when Staff collaborate with Third Parties, including Students. Disclosure or publication of IP prior to filing a patent application may eliminate the opportunity to obtain patent protection for an invention. Staff must therefore ensure that all IP is kept confidential until suitable arrangements for its protection have been put in place during all stages of IP development.</p> <p>Staff may disclose confidential information when collaborative partners using a written confidentiality agreement. These agreements are often called “Confidentiality Disclosure Agreements” or “Non-Disclosure Agreements”. Agreements can only be signed by an authorised signatory of the University. RBE can advise on how to set these up.</p> <p>The Faculty’s approval for commercialisation is essential from the outset. RBE work closely with the IP creators and the Faculty using a transparent evaluation process to decide which IP is commercialised. If the University decides not to commercialise the IP then it may offer to license or assign the IP to the staff who created it.</p>
<p>Reward for Staff</p>	<p>IP creators who commercialise their research may receive a financial reward if the IP is sold or licenced. Staff will receive between 100% and 30% of the net revenue depending on the level of income generated and after costs have been covered by the university. Commercialisation can also contribute significantly to an academic’s research reputation, through generating economic impact and securing additional funding.</p>
<p>Spinouts and Staff Start-up Companies</p>	<p>Where IP is assessed to have significant value, it may be assigned to a new company (a spinout company) for a share in the company, in order to raise private investment in order to fully develop the commercial potential of the IP.</p> <p>Spinout companies need to be approved by the Faculty, the Research Committee and the Board of Governors. Where the member of staff is required to spend time working with the company, the company would pay the university a consultancy fee.</p> <p>Where staff want to start or be part of new start-up company or existing company, permission is needed from their line manager and their Faculty. Where IP is exploited through the company, this would be done through an IP licence in return for a royalty payment. Where the member of staff is required to spend time working with the company, the company would pay the university a consultancy fee.</p>