STAFF INTELLECTUAL PROPERTY POLICY

Policy on Intellectual Property for University Staff

This Statement sets out the University's position concerning the ownership, protection and exploitation of intellectual property created during the course of research and related activities, which includes software, databases and 'apps'.

There are separate policies concerning:

- intellectual property rights generated by students - http://www.ncl.ac.uk/res/assets/documents/UGandtaughtPGPolicyv1225213Cleanasapproved632013.pdf

- intellectual property rights generated as a result of teaching and related activities - https://my.ncl.ac.uk/staff/policies/

Any dispute concerning the interpretation and application of this Policy will normally be referred to the Pro-Vice-Chancellor Research and Innovation who will seek advice from Equity Casework Committee. The decision of the Pro-Vice-Chancellor Research and Innovation will be final.

References to members of staff include former members of staff i.e. where revenues are received after employment has ended. The term 'inventor' is used in a general sense to denote the creator of the intellectual property right.

Ownership of intellectual property

The University, as employer owns intellectual property rights created by its employees in the course of their normal or specifically assigned duties.

Members of staff, as part of their obligations as employees, are required to cooperate fully in assisting with intellectual property matters.

Copyright and publication

In the case of copyright in academic publications the University agrees to assign automatically such copyright ownership to the relevant member of academic staff, provided there are no third party interests arising, for example, arising from a research contract.

The University's policy is that where delays to publication are unavoidable, they should be kept to a minimum. The University recognises that there can occasionally be a conflict between securing protection of intellectual property and academic publication. The risks of such a conflict arising will be minimised by early consultation.

Designating software as open-source

The designation of software as open source and the release of an ‘app’ requires to be formally approved by the University. Such decision shall be handled in line with
other intellectual property matters supported by the Faculty Enterprise teams.

**IPR Protection and Publication**

Publication can prejudice the obtaining of IPR protection. Disclosure at an academic meeting at which non-University personnel are present is publication. It is rarely the case that IPR protection cannot be secured prior to publication providing this is planned. A simple nondisclosure agreement can often allow discussions to take place without prejudicing future IPR protection. Members of staff should contact their Faculty Enterprise teams for advice.

**Entering into IPR related contracts**

Members of staff do not have the authority to enter into any contract or other arrangement concerning University intellectual property rights other than for the purposes of academic publication. Such contracts are dealt with under the University’s delegation of authority and staff should contact their Faculty Enterprise team.

**Protection of Intellectual Property**

Determining the most appropriate form of protection for intellectual property is a complex issue and can be expensive. Any member of staff who believes that he or she may have created an innovation of potential commercial value is therefore required to discuss the matter at the earliest stage with their Faculty Enterprise Team. Such discussions must take place before information concerning the innovation is disclosed to a third party; this includes academic publications and presentations as well as contacts with companies and other actual or prospective sponsors.

**Research into practice**

The University's policy is that wherever possible innovations originating in the University should be transferred into practice by the most effective means possible. Transferring the results of our research into practice is the primary driver in the University’s approach to intellectual property. On occasion this may be through commercialisation. Where commercial revenue is received this will be shared with academic staff as set out below.

The University will take proper account of the views of inventors in reaching decisions on the protection, transferring into practice and exploitation of innovations (including copyright). The University will not compromise the need to encourage and support the open exchange of research ideas and results and of educational material for commercial gain.

If the University determines not to commercialise a particular item of Intellectual Property, and the member of staff has cooperated fully in the commercialisation process, the University will consider the assignment of such intellectual property to the inventor to develop in their own time.
Equity Sharing Arrangements relating to intellectual property.

These arrangements are set down in a separate policy. Where a member of staff receives an equity stake in a company this will replace any share in net revenues generated from such intellectual property.

Revenue-sharing arrangements relating to intellectual property

Where exploitation is by licensing or sale of rights, the University will share any net income after costs with the inventors. The inventors may designate other members of staff who supported them to receive a share of their revenues.

The apportionment of net income shall be as follows:

<table>
<thead>
<tr>
<th>Net cumulative income after all external costs and any specific University investment</th>
<th>Inventor</th>
<th>Faculty</th>
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<tbody>
<tr>
<td>Less than £5,000</td>
<td>100%</td>
<td>0%</td>
</tr>
<tr>
<td>£5,000 - £200,000</td>
<td>50%</td>
<td>50%</td>
</tr>
<tr>
<td>In excess of £200,000</td>
<td>40%</td>
<td>60%</td>
</tr>
</tbody>
</table>

Net revenues will only be shared after receipt and having made provision for future external costs (i.e. will be realised as actual net income). The decision of when to release net revenues will rest with the Executive Director of Finance. The University will always be willing to consider arrangements to reinvest royalties in further research in the department/group concerned.

The determination of when revenues are available to share will rest with the Faculty PVC.

The distribution of net income between Faculties and Academic Units is a matter for the Faculty PVC. However, the University would expect that the Academic Unit of the Inventor would benefit from such income.

Richard Dale
Executive Director of Finance

Policy updated: 31 July 2013
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