

The University of Newcastle upon Tyne Policy: Intellectual Property rights for Visiting Researchers

Introduction

The university has become concerned that Heads of School/Institute, Principal Investigators and Supervisors may not be fully aware of the pitfalls that can accompany our attempts to protect and commercialise IP arising from work carried out during a working visit by a member of staff from another institution. Where it is believed that a project involving an visiting researchers is likely to generate potentially commercialisable IP, the following should noted carefully the position outlined below

Intellectual Property generated by members of staff in the university is automatically vested in the university, provided that it relates to work that the member of staff would normally be expected to carry out as part of their day-to-day activities. However visiting researchers are not members of staff and there may be considerable variation in the nature of their employment. This is a complex situation. This note explains the IPR position and details where Schools/Institutes need to take specific action.

Policy

Where a visiting researcher is joining a large research effort with considerable and possibly highly commercialisable IP, Group Leaders, Principal Investigators, or Supervisors where the visitor is supervising a research student, must ensure that the IP position is reviewed immediately.

The position of visiting researchers is that funding for their visit may arise from a large number of sources, and clear conditions with respect to IP are the exception rather than the rule. Much depends on whether their funder or employer has an explicit agreement with the university. Where this is the case, the visiting researchers must agree to be bound by those conditions, and this agreement should be in writing.

A more complex situation arises where the visitor is either self-funded, employed or funded by an agency with which we have no agreement. There is also the added risk that the reports often required by such agencies may lead inadvertently to premature disclosure. This is a particular problem where, as is often the case, the visitor joins a research group which may seek to protect IP accumulated over some time, and which could be jeopardised either by disclosure or even by disagreement as to the author of the decisive inventive step. Where a visiting researcher joins a group actively engaged in research likely to lead to commercialisable intellectual property, the Group Leaders, Principal Investigators, or Supervisors where the visitor is supervising a research student, must seek to rationalise the IP position with the visitor before work starts. In particular, the visiting researcher must agree in writing to be treated, during his/her stay, as a member of the university's staff, with all IP generated during the stay vested with the university in return for agreement that his or her interests will be protected in the same way as for university staff. This requirement is already imposed by the university with regard to Safety, and reflects the most reasonable way in which the university can deal with a situation that otherwise would become both complex and potentially very costly.

Accordingly, all visiting researchers on appointment at Newcastle University shall be required to sign the appropriate form as set down in the guidance notes "Explanatory notes relating to Confidential Information, Intellectual property and Publication agreements for Associate, Visiting and Guest members of staff engaged in research (Visiting Researchers)" which may be found at:

https://newcastle.sharepoint.com/hub/res/Documents/Confidentiality%20Agreements_VisitingResearchersexplanatorynotesandagreementsJanuary2012.pdf