

NEWCASTLE UNIVERSITY

Policy Statement on Confidentiality and Intellectual Property (including Inventions) and Results for Research Students: Policy on ownership and use

Context

Universities are expected to seek opportunities to exploit for social or economic benefit research funded in whole or in part from public funds including the Research Councils. If the University is to do this effectively it needs to ensure that it has ownership or retains appropriate rights in all its intellectual property including that generated by its Research Students in pursuance of their Student Project.

Accordingly, this Policy applies to Research Students, these being students who are working towards a Newcastle University award through research either in the form of a doctorate or a research masters.

In securing the assignment of intellectual property from the Research Student the University seeks to protect its ability to exploit the results of its research programmes. This could be seriously jeopardised if ownership of part of the results lay outside the University.

Whilst most Research Students work extensively in a team environment on aspects of major projects there are a growing number of Research Students who conduct their research independently. This group includes those students, particularly international, who may be sponsored by an employer and conduct their research at their Institution's or an employer's facility.

This makes it especially important to differentiate between Research Students who conduct their research independently and those Research Students who are engaged in projects where either the use of public funds or obligations to a funder apply in order to identify where it is both necessary and appropriate for ownership of IPR emanating from projects to be owned by the University.

The Patents Act 1977 and the Copyright, Designs and Patents Act 1988 state respectively that ownership vests in the employing organisation when (and only when):

- an invention is made in the course of an employee's normal or specifically assigned duties
- a 'work' (i.e. anything that is the subject of the copyright protection, including computer software) is made by an employee in the course of his or her employment, subject to any agreement to the contrary

Unlike academic staff, Research Students are not employed by the University and so their work does not automatically fall under the terms of these Acts. It is therefore important to agree the relationship of the Research Student to the University with regard to ownership and rights of the University and the Research Student in relation to that of Intellectual Property.

Where the Intellectual Property is assigned to the University the University will grant to the Research Student the same rights as it grants to its own staff in relation to any future revenue that may accrue from commercialisation activities. Any revenue due to a Research Student on this basis would, as for a member of staff, be in proportion to the intellectual contribution the Research Student has made to the research.

This Policy sets down that Research Students agree that, as a condition of being accepted for admission to the University, they accept that they may be required to assign the IP

associated with the project that they conduct in pursuance of their University award ("Student Project") to the University and, upon request, they will sign documents and do all things necessary to give effect to that assignment.

In addition, where necessary and appropriate, and having met the criteria as set out in Appendix 1, a formal assignment of intellectual property from Research Student should be sought. In those instances where the criteria have been met the Project Supervisor shall notify Research and Enterprise Services either through the Enterprise Teams or the Legal Team. Research and Enterprise Services shall, in discussion with the Project Supervisor, consider the justification for an assignment of IPR and, where appropriate, a Research Student will be asked to sign two copies of an Intellectual Property Rights assignment, one for their retention and one to be retained by Research and Enterprise Services with a copy to Student and Academic Services to be held on the Research Student's file.

This Policy Statement does not aim to deal exhaustively with all possibilities but sets a framework within which decisions can be reached in individual cases. Any dispute concerning the interpretation and application of this Policy will normally be referred to the Director of Research and Enterprise Services in the first instance.

Advice and support in relation to the operation of this policy may be obtained by contacting legal.services@newcastle.ac.uk.

Policy

In order to permit Research Student involvement in major research projects led by University Academic staff ("University Project") it is necessary that we align the basis for student involvement in such work with that relating to University staff.

Research Students who register with Newcastle University accept as a condition of their admission to the University that should they be afforded the opportunity to be involved in, or access information from, research projects led by University academic staff ("University Project"), they would:

- treat all information received through the University Project as confidential, entering into a confidentiality agreement on request from the University, and only disclose such results as are agreed with the Project Supervisor on the University Project; and
- on request, assign to Newcastle University any and all interest they may have in intellectual property rights (e.g. patents, copyright) generated by the Research Student alone or jointly with others in pursuance of their Student Project.

In consideration of the above the University agrees that:

- the Research Student will be appropriately acknowledged on any publications that arise from the Student Project in line with academic practice; and
- in the event that the Research Student made an inventive contribution which led to the filing of a patent application or generated software of commercial interest s/he will benefit from a share of any commercial revenues that the University receives in accordance with its policy on commercial revenue sharing with its own academic staff.

To heighten awareness, the Faculties should reinforce awareness of this policy during the appropriate induction session and through documentation provided to Research Students.

Where a Research Student proposes a Student Project that is either:

- Integral with or contributes towards a University Project that is subject to terms and conditions that are imposed by an external funder or sponsor; or
- rely upon information being made available from a University Project that is subject to terms and conditions that are imposed by an external funder or sponsor

They will be reminded by the Project Supervisor of the applicability of this Policy, to which they will have already agreed in principle by signing the Learning Agreement at the outset of their studies, and be advised that Student Project approval and progress is subject to compliance.

As necessary and appropriate, following notification by the Project Supervisor, Research and Enterprise Services shall seek an assignment of IP from Research Students.

Intellectual Property as dealt with under this policy would not apply to the creation of or contribution towards literary and artistic works.

Policy Effective from	17 July 2014
Approval	Chair's action on behalf of ULTSEC
Approval	URC on 14 July 2014
Policy/Procedure owner	RES
Author	Alan Tuck
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Appendix 1

