

POLICY ON OWNERSHIP, PROTECTION AND EXPLOITATION OF INTELLECTUAL PROPERTY FOR STUDENTS.

Effective from 01/03/2021

1. Purpose

The purpose of this Policy is to set out the University's position concerning the ownership, protection and exploitation of Intellectual Property created by students ("Students") during the course of research and related activities. "Intellectual Property" includes patents, copyright, database rights, design rights, rights in respect of confidential information, physical property rights in materials, applications for any of the above, and similar property rights in any country in the world. This policy forms part of the University Regulations and accordingly is binding upon Students as a condition of their enrollment at the University.

2. What is covered by the policy?

This Policy governs the management, protection and commercial exploitation of Intellectual Property created by Students during the course of research related activities.

3. Who does the policy apply to?

This Policy is applicable to all Students whether undergraduate or postgraduate, who are involved in research related activities (including as part of a taught programme).

4. Roles and responsibilities

This Policy will be managed by the University Education Committee and approved by Council. Its interpretation will be the responsibility of Legal Services and its implementation will be the responsibility of the Business Development and Enterprise team ("BDE").

5. Policy

5.1 The University is responsible for protecting the research findings of its academic staff and puts considerable effort and resources into:

- Registering and maintaining Intellectual Property;
- Finding suitable companies and investors to commercialise such Intellectual Property, including both established companies and 'start up' companies; and
- Negotiating suitable agreements with such companies under which they agree to develop and commercialise the University's Intellectual Property.

In the event that the University commercialises Intellectual Property generated by its academic staff the University, in accordance with the University's Policy on Ownership, Protection and Exploitation of Intellectual Property for Employees (<https://newcastle.sharepoint.com/docs/Research%20Intellectual%20Property%20%20Engagement%20Policie/Forms/Commercial%20%20Intellectual%20Property.aspx>), provides for a substantial part of revenue received from commercialisation to be given to contributors to such Intellectual Property.

Students of the University are not University usually employees and therefore the University does not automatically own Intellectual Property generated by Students in the course of their degree course. However, there are occasions when the University requires a Student to assign (transfer ownership of) their Intellectual Property to the University and to complete and sign formal documentation to give effect to such assignment. In exchange, the University will treat the Student in the same way as a member of staff for the purposes of sharing any revenues arising from the commercial exploitation of that Intellectual Property. This is achieved by applying the University Revenue Sharing Policy to the Student as if they were an employee.

5.2 Circumstances in which a student may be required to assign Intellectual Property to the University

Research projects form a part of many programmes. Such projects are usually proposed by members of academic staff in an Academic Unit and will often be connected in some way to that academic's ongoing research interests. A Student may be joining a team to investigate one particular aspect of a larger research programme. This is usually of great benefit to the Student.

There are, however, some important intellectual property issues associated with inviting Students to work closely with existing research teams, including the following:

- The Intellectual Property developed by the Student will sometimes be needed to enable use to be made of the whole technology developed by the research team – in such cases the University does not want to find itself in a position where a small gap in its Intellectual Property portfolio precludes it from being able to commercialise the technology. Neither is it in the Student's interest to have ownership of only a small part of a wider technology, which the Student would be unable to commercialise in isolation.
- The Intellectual Property will often be based on advice and ideas contributed by many others in the laboratory, and may be based on confidential, proprietary or otherwise valuable information that already belongs to the University or a sponsor.
- The research programme may be conducted under the terms of agreements with, or research grants from, outside parties, including both commercial and non-commercial funding bodies. These terms may require that Intellectual Property generated in the research programme be owned by the outside body or the University, or be licensed to the outside body.

5.3 Procedure for assignment of student generated Intellectual Property

As a general rule, in cases where a Student is, in their supervisor's and Academic Unit's opinion, likely to generate Intellectual Property that falls into one of the above categories, the University requires the Student to complete and sign a confidentiality agreement before commencing work on the project. The Student will also be expected to assign ownership of the Intellectual Property to the University if and when requested. In return the University agrees to treat the Student as a member of staff for the purposes of revenue sharing in accordance with the University's Revenue Sharing Policy.

5.4 Advice and assistance

If you would like to discuss any aspect of this policy or the agreement with a member of staff, please contact Business Development and Enterprise Services, or the Careers Service.

6. **Related regulations, statutes and policies**

- Finance Regulations
- Policy on ownership and exploitation of Intellectual Property for Staff.

7. Procedure to implement the policy

As this policy is a 'tidying up' of an existing policy, rather than a new initiative, the implementation is largely a matter of clarification and improved communication. In particular, we will:

- Ensure that all newly enrolling Post-Graduate Students are made aware of the policy (and IP/commercial issues more generally), via induction lectures and/or inclusion in induction materials. This will also form part of the Enterprise Academy, which will seek to engage with research students as well as PIs.
- Ensure that the policy is brought to the attention of all Students as part of the Student Contract.
- Create new web pages aimed at Students.
- Use the Careers' Service Enterprise programmes to reach Students interested in enterprise.

8. Monitoring and reporting on compliance

What monitoring will be undertaken to determine how effectively the policy is implemented and where any results will be reported?

What will be monitored?	Frequency	Method	Who by	Reported to
The number of IP 'disclosures' and assignments by Students	Annual	Interrogation of IP databases	BDE teams	Director of BDE; Assistant Director (Enterprise and Entrepreneurship), Careers Service
The number of new licences and new spin-outs created by Students	Annual	Interrogation of IP databases	BDE teams	Director of BDE; Assistant Director (Enterprise and Entrepreneurship), Careers Service
The number of disputes between Students and academic members of staff about IP ownership	Annual	Interrogation of IP databases	BDE teams	Director of BDE; Assistant Director (Enterprise and Entrepreneurship), Careers Service

9. Failure to comply:

Should a Student not agree to assign their IP to the University in the circumstances outlined in Sections 5.2 and 5.3 above, the University reserves the right to assign a different research project to them (if in advance). In the event of any dispute between a Student and a University member of staff relating to IP, the University will protect its interests in the IP that it owns.

Document control information		
Does this replace another policy? This Policy will replace the 'Policy Statement on Intellectual Property (including Inventions) and Results that may arise from taught students who undertake a research project led by University staff: Policy on ownership and use.' The old policy was approved at UEB on 16 April 2013, and the 'Policy statement on Confidentiality and Intellectual Property (including inventions) and Results for Research Student: Policy on ownership and use" 2014.		
Approval		
Approved by: University Education Committee		Date: 1/12/20
Effective from:	1 March 2021	
Review due –	Every five years in consultation with the relevant University bodies.	
Responsibilities		
Executive sponsor:	Professor Suzanne Cholerton	
Policy owner: (This maybe an officer or Committee)	University Education Committee	
Person(s) responsible for compliance:	Heads of School supported by Faculty Deans and Business Development and Enterprise Team	
Consultation		
Version	Body consulted	Date
1	IPSOC	5/12/2019
2	UEC	29/01/2020
2		
2		
3		
4		
5		
Equality, Diversity and Inclusion Analysis: Does the policy have the potential to impact on people in a different way because of their protected characteristics? Yes/ No/ Unsure If yes or unsure please consult the Diversity Team in HR for guidance		
Initial assessment by: <u>Martin Cox</u>		Date: <u>11/10/19</u>
Key changes made as a result of Equality, Diversity and Inclusion Analysis		
Document location		