

Transforming Lives



Inspiring Change

Intellectual Property Policy

Effective as of
October 2015

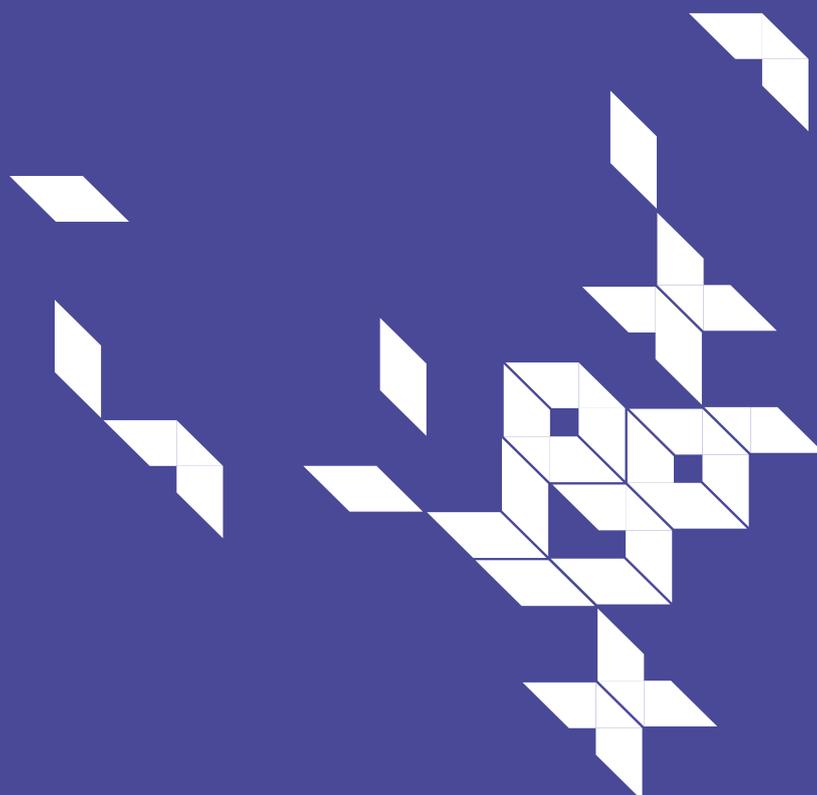
Contents

Intellectual Property Policy.....	04
1.0 Overview.....	05
2.0 What is intellectual property?	05
3.0 Ownership of IP - staff.....	06
4.0 Ownership of IP – students.....	06
5.0 Ownership of IP - associates	06
6.0 IP rights reversion.....	07
7.0 Exploitation of intellectual property.....	07
8.0 Record keeping and audit.....	07
9.0 Confidentiality.....	07
10.0 Queries.....	07
11.0 Variation.....	07

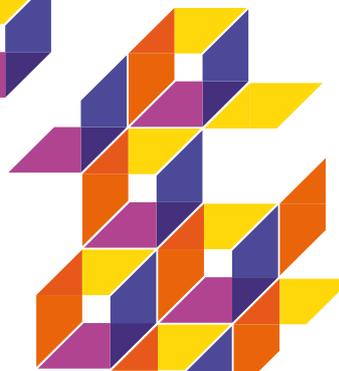
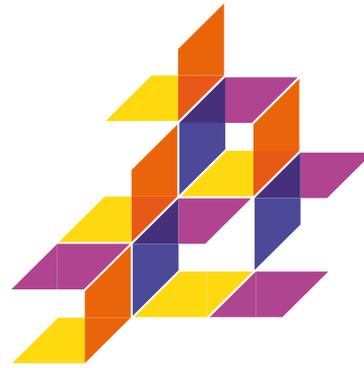
Introduction

The vision for the University

By 2020 we are positioned at the heart of Northamptonshire, intellectually, culturally and economically. Our student experience is outstanding, motivated by a desire to set exceptional standards for ourselves and others, enhanced by cutting-edge digital technologies and a unique learning and teaching 'Blue Ocean' model that sets us apart from the rest. In line with our mission and values to provide the best possible life chances for those who study and work with us we are recognised locally and internationally for our leadership of and commitment to social value creation. Our impact and support for public and private sector enterprise and skills development, purposeful research and professional practice is acknowledged as world leading.



Intellectual Property Policy

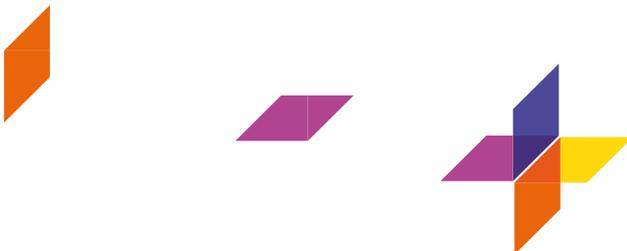


1.0 Overview

- 1.1 This document sets out the policy of the University of Northampton on ownership and commercialisation of intellectual property (IP) in work created by the University's employees, students and people who are affiliated with the University but who are neither employees nor students, including, for example honoraries, visiting professors, visiting readers and visiting researchers (Associates).
- 1.2 This policy is intended to reflect not only the provisions of relevant legislation but also academic custom and practice as it currently operates in the UK HE sector. The aim of the policy is to provide clear guidance and to encourage the development and commercialisation of IP.
- 1.3 For the purpose of this policy, IP includes patents, rights to inventions, know-how, copyright, database rights, rights in computer software, rights in designs, trade marks, domain names, confidential information and all similar rights.
- 1.4 This policy forms part of the contract of employment for all University staff, and the contract of admission, enrolment, education or research with other members of the University.
- 1.5 This policy should be interpreted in a manner consistent with all other University policies.
- 1.6 Nothing contained in this policy will limit any statutory or common law right of a University employee, student, or Associate in relation to IP.

2.0 What is intellectual property?

- 2.1 **Copyright** - A right which arises automatically if certain conditions are met. It protects a wide variety of works, including original literary, dramatic, musical and artistic works, software, film, sound recordings and broadcasts. It lasts, in many cases, for the life of the author plus seventy years. Copyright does not provide a monopoly right: if a similar or identical work to the copyright is produced independently and without copying, it will not infringe copyright.
- 2.2 Examples include course notes, presentation slides and computer software.
- 2.3 **Patents** - Patents protect technical inventions, such as products or processes which are new and are not an obvious development of what has gone before. They protect against unauthorised use or exploitation and are likely to be the most valuable intellectual property right in the context of commercialisation of university research. Applications are made to either the UK or the European Patent Office and undergo an examination and, for the European system, an opposition process before grant or rejection. Patents last for twenty years from the filing date, provided annual renewal fees are paid.
- 2.4 Examples might include a new chemical formula for treating leather, a new mechanism for improving lift safety, a novel insert to improve shoe comfort.
- 2.5 **Trade marks** - A trade mark is a sign or symbol used by a company/organisation to distinguish its products or services from those of other traders. A trade mark can be a brand name (e.g. University of Northampton), a logo, a trading style or packaging. Trade mark registrations last for 10 years, but are renewable for further 10 year periods.
- 2.6 Marks which are unregistered may be protected by an action for passing off. This requires proof of a reputation in the mark, a misrepresentation that could mislead the public and proof of damage, for example financial loss or damage to goodwill. However, an action for passing off can be both difficult to prove and expensive.
- 2.7 **Design rights** - Design rights protect the visual appearance of the whole or part of a product. They can be registered or unregistered: registered rights confer a monopoly whereas unregistered rights give lesser protection. Examples include designs for shoes, furniture or electronic equipment such as smart phones.
- 2.8 A registered design must be novel and of individual character. Protection lasts a maximum of twenty five years, with registrations renewed every 5 years. One can apply for a UK registered design or a Community Registered Design. Design registration is relatively low-cost and is particularly appropriate for industries such as fashion where design is instrumental in selling the product.
- 2.9 An unregistered design gives a right against copying. Protection is given at both the UK and EC level. The EC right is broader in scope but only lasts for 3 years. Under the UK right, protection lasts for 10 years from first marketing.



3.0 Ownership of IP - staff

- 3.1 The University shall own all IP in work produced by University employees in the course of their employment by the University unless otherwise agreed in writing. Such ownership is subject to the exceptions in paragraph 3.5 below and to the provisions relating to employee inventions in the Patents Act 1977.
- 3.2 Material produced in the course of employment includes work in any media generated by the use of University equipment or facilities.
- 3.3 For the avoidance of doubt, IP in the following belongs to the University:
 - 3.3.1 material produced for the purposes of the design, content and delivery of a University course, whether used at the University's premises or used in relation to a distance learning and/or e-learning project
 - 3.3.2 material for projects specifically commissioned by the University
 - 3.3.3 material produced in connection with externally funded research
 - 3.3.4 material produced in the support and service capacity of University staff (including, for example software, finance records and administration reports, results and data).
- 3.4 Employees are required to notify the Director (Research, Impact and Enterprise) of any IP they have generated which they believe, or should have reason to believe has the potential for commercial exploitation.
- 3.5 The University supports the principle of academic freedom and encourages staff to advance their academic development by the publication of articles, conference papers and books. The University will therefore usually agree to assign to the member of staff the copyright in such works upon request by that employee (provided that the works do not form part of a course or teaching materials). In such circumstances, however, the University reserves the right to attach conditions to assignment in order to protect the University's interests.

4.0 Ownership of IP - students

- 4.1 If an individual enrolled on a course of study or research at the University generates IP pursuant to his/her studies or research, the student will own such IP, unless the student:
 - 4.1.1 Has agreed otherwise in writing with the University and/or any sponsor of the relevant work.
 - 4.1.2 Generates IP which builds upon existing IP generated by, or is jointly invented with University employees or Associates (in which case the student will be required to assign such IP to the University and will be entitled to apportioned income in accordance with paragraph 7 below in respect of revenue generated by that IP).
 - 4.1.3 Is also an employee of the University (in which case the student is treated as a University employee for the purposes of this policy).
- 4.2 As protecting and commercialising IP can be very expensive and time-consuming, the University may be willing to take on the costs associated with protecting and exploiting any student-owned IP, provided the University believes the IP has sufficient commercial potential and the student assigns to the University such IP (and the student will be entitled to apportioned income in accordance with paragraph 7 below).

5.0 Ownership of IP - associates

- 5.1 Subject to any written agreement to the contrary, Associates will be required to assign to the University any IP they generate in the course of any activities carried out at the University (in which case the Associate will be entitled to apportioned income in accordance with paragraph 7 below).
- 5.2 The University recognises that in certain cases (including, for example where a visiting academic remains an employee of another organisation), special arrangements may need to be negotiated regarding the ownership and use of IP which the relevant Associate may generate at the University.

6.0 IP Rights Reversion

- 6.1 If having received full disclosure from all staff, students and associates involved in the creation of a specific item of IP the University decides not to protect or exploit that IP then subject to paragraph 6.3 below, the University will normally, upon written request, assign its rights to the person who created the IP in question.
- 6.2 In the event that the assigned rights are commercially exploited, the University may require the person who created the IP to pay the reasonable costs incurred by the University in relation to those rights and any assignment under paragraph 6.1 may contain an obligation on the IP creator to that effect.
- 6.3 In certain circumstances the University may not be free to assign its rights, for example if a public sector body has funded work, that body may have the right to acquire the rights where the University does not exploit them.

7.0 Exploitation of intellectual property

- 7.1 Whilst the University will endeavour to act in good faith to maximise the commercial value of University-owned IP, the University makes no promise as to the extent of any financial returns that may arise from the exploitation of such IP.
- 7.2 Where the University receives royalty or other income from University-owned IP, the individual who created the IP will be entitled to an apportionment of the relevant royalty income after deduction of the University’s relevant costs and expenses in accordance with the following scale:

Net	Inventor/ Author	Department	University
0 - £15,000	70%	15%	15%
£15,001 - £75,000	50%	25%	25%
£75,001 +	33.3%	33.3%	33.3%

8.0 Record keeping and audit

- 8.1 All University employees, students and Associates who may generate IP as part of their work at the University must keep clear, written, dated records of their research and/or development activities and results.

- 8.2 All University employees, students and Associates engaged in research activities at the University are required to comply with all applicable codes of practice and regulation.
- 8.3 University employees, students and Associates must, at the University’s request and expense, do all such acts and execute all such documents which may be necessary to give effect to the terms of this policy and to vest in the University all rights, title and interest in the relevant IP.

9.0 Confidentiality

- 9.1 Whilst the University acknowledges the need of its employees, students and Associates to participate in academic debate and attend conferences, individuals are reminded that premature publication of results arising from any University project will make it impossible to obtain IP protection for any invention and may have other adverse effects on IP.
- 9.2 University employees, students and Associates must not publish or otherwise disclose through any means (including for example by presenting papers or posters at conferences, writing abstracts or chapters in books) results arising from any University project until advice has been obtained from the Executive Dean (Research and Enterprise) on protection and any safeguards required (e.g. confidentiality agreements) and permission for such disclosure has been given by the Executive Dean (Research and Enterprise).

10.0 Queries

- 10.1 In the event that any University employee, student or Associate has an issue or concern they wish to raise in connection with this policy, the employee should raise their concern in the first instance with their Dean or the Executive Dean (Research and Enterprise).

11.0 Variation

- 11.1 This policy is subject to amendment by the University from time to time. A copy of the current terms of the policy will be made available on the University’s website.

For the Guidance section please refer to www.northampton.ac.uk/TheGuidance
 For the Guidance on Intellectual Property please refer to www.northampton.ac.uk/GuidanceonIntellectualProperty
 For the Consultancy document please refer to www.northampton.ac.uk/StaffConsultancyDocument



Transforming Lives  Inspiring Change

Park Campus
Boughton Green Road, Northampton, NN2 7AL, United Kingdom
T 0800 358 2232 E study@northampton.ac.uk W northampton.ac.uk

Avenue Campus
St George's Avenue, Northampton, NN2 6JD, United Kingdom
T 0800 358 2232 E study@northampton.ac.uk W northampton.ac.uk

