



POLICY ON INTELLECTUAL PROPERTY RIGHTS

Policy Statement

It is the policy of the University to encourage its staff and/or students to:

- create intellectual property (known as 'IP'); and
- proactively identify commercially-valuable IP, suitable protection and robust exploitation to the benefit of the University and its departments, staff and students or, at its discretion, allow and encourage its staff and/or students to exploit such IP on a private basis.

The University regards IP as knowledge and its creative application and, includes a variety of legal rights (known as 'IPR') which protects the applications of ideas and information that may be of commercial value. IP most relevant to the University's activities include patents, copyright, design rights and know-how. In practical terms, all materials generated by staff and/or students should be regarded as potentially being IP and generating IPR.

This policy is intended to provide guidance for the benefit of staff and/or students on the University's position concerning the key principles of ownership, protection and exploitation of IP.

The University treats students and staff equally in relation to IP. This policy applies to all full-time employees, to all enrolled students; it also applies to part-time employees (including where their contract of employment includes any non-teaching duties and/or final year or research student project supervision). It is specifically incorporated into all employees' contracts of employment and any legal relationship between the University and its students. The University acknowledges and accepts that in the case of any inconsistency, it is bound by its legal responsibilities and obligations to staff contained within the general law that cannot be varied by these conditions.

The University delegates authority to its IPR Panel, comprising the Deputy Vice Chancellor, University Secretary, Director of Finance, Director of Professional Research Development and the Director of CMRI, to oversee and instigate the operational implementation of this policy and, where required, advise the University on the key principles of ownership, protection and exploitation of IP.

Policy Scope

Principle 1: Ownership

All IPR, including copyright (except in respect of the 'scholarly works' of staff which includes books, contribution to books, articles and conference papers, and shall be construed in the light of the common understanding of the phrase in higher education as outlined below) created by staff and/or students of the University in the course of their employment and/or programme of studies will belong, in the first instance, to the University.

The copyright in any work or design compiled, edited or otherwise brought into existence by a member of staff as a 'scholarly work' produced in furtherance of his/her professional career shall belong to the relevant member of staff. The University freely allows its staff to publish 'scholarly work' which they produce and to keep all monies received from such publications, however this entitlement is subject to:

- prior notifying his/her relevant Director and/or line manager who will notify the Director of Professional Research Development; and
- any restrictions as may be contained in a contract with a third party (ie a funding body or commercial sponsor); or
- the publication not resulting in any loss of opportunity for commercial exploitation or granting of protection for the IP.

For the avoidance of doubt, the copyright in course materials produced by staff for the purposes of the curriculum of a course run by the University and produced, used or disseminated by the University, and the outcomes from research specifically funded and supported by the University shall belong to the University. Where the staff produces material for personal use and reference as an aid to teaching the copyright shall belong to the relevant member of staff and/or student.

The University may, at its discretion, transfer back by assignment at any time IP (in part or whole) to the staff and/or student(s) who created the relevant IP:

- on such terms as it considers are reasonable given the individual circumstances of the matter;
- retaining always a perpetual, non-exclusive and royalty free licence for the University to use the relevant IP for its business purposes (including marketing); and

following assignment the University will provide no further financial assistance in its subsequent protection and/or exploitation.

Principle 2: Protection

Staff and/or students are expected to report all inventions and discoveries to their School/Centre Director or Head of Unit and the Director of Professional Research Development as soon as they are recognised as such to ensure the IP is properly protected and, where appropriate, a Non-Disclosure Agreement has been entered into.

Disclosure of any details relating to the invention/discovery will jeopardise the granting of protection and there must be no publication and/or disclosure of related information without the prior approval of the Director of Professional Research Development.

The University through the workings of its IPR Panel will at its discretion, after seeking and considering specialist advice (if needed) and the views of the relevant staff and/or student(s), determine and fund (via the relevant School/Centre Budget) the appropriate level of protection it wishes to seek for the arising IP.

In the event the University does not apply for patent or other legal protection the relevant staff member(s) and/or students shall be notified of that decision as soon as is reasonably practicable thereafter.

If the invention/discovery is partly or wholly funded by a third party, the University's IPR Panel will review and advise in light of the contractual arrangements with the third party what steps should be taken to advise the third party of the invention/discovery.

Principle 3: Exploitation

Unless the University has expressly assigned back the IP (in part or whole) to the staff member(s) and/or student(s) who created it, the University through the workings of its IPR Panel will at its discretion, after seeking and considering specialist advice (if needed) and the views/interests of the relevant staff member(s) and/or student(s) and/or any third party, decide the appropriate arrangement for exploitation (if any) of any arising IP and shall be responsible for any subsequent negotiations and associated costs (where appropriate).

If the exploitation of any IP gives rise to the University receiving monies directly from it then, after taking into account:

- the relevant contributions of the staff member(s) and/or student(s);
- the contributions/interests of any third party; and
- the direct cost of funding provided or to be provided by the University to protect and exploit the IP,

those monies shall be shared with the relevant staff member(s) and/or student(s) in a proportion to be determined by the University at the time acting in a fair, reasonable and commercial manner.

If any dispute between the University and the relevant staff member(s) and/or student(s) about the determined proportion of monies shared arises and is not resolved by negotiation, the relevant staff member(s) and/or student(s) may appeal against the decision to the Board of Governors.

Other related Policies and Procedures

Failure to comply with this policy will be considered a matter of misconduct and action would be taken under local disciplinary procedures.

- The University of Bolton Academic Handbook (Revised 2005)
- University of Bolton's Institutional Repository Policy and associated procedures.

Location, Access and Dissemination of the Policy

This policy is incorporated within the University's Financial Regulations.

Overall responsibility for the policy implementation rests with the Vice Chancellor. However, all staff and/or students are obliged to adhere to, support and implement this policy.

The Director of Finance shall ensure that all existing employees and students are informed of the policy and their role in implementing the policy. Directors of School/Research Centres, the Director of Professional Research Development and Student Services shall be responsible for advising staff and students on the application of the policy to specific cases in the first instance, subject to the overall authority of the IPR Panel.