Postgraduate Student Intellectual Property Rights Policy and Guidelines

Responsibility of: University Secretary
Approval date: 28 March 2012
Review date: 28 March 2015
Approved by: Academic Board
Consultation via: Students’ Union
# Contents

1. Introduction ............................................ Page 3
2. Definitions .............................................. Page 3
3. Aims and objectives .................................... Page 3
4. Principles and working practices ..................... Page 4
5. Placement ............................................... Page 5
6. Student creative work .................................. Page 5
7. Student dissertation & theses ......................... Page 5
8. Profit share ............................................. Page 5
10. Disputes ............................................... Page 5
11. Governance ............................................. Page 6
Introduction

The University of West London aims to encourage and support creativity and innovation both in the staff and student bodies as a part of its culture. UWL benefits as a whole where creativity and innovation proliferate. This document sets out the UWL’s formal policy in relation to the promotion, publication, ownership, regulation and management of Intellectual Property created by postgraduate students at UWL.

Definitions

“Intellectual Property” includes patents, copyright, database rights, rights in respect of confidential information, physical property rights in materials, and may include UWL Student Creative Work, applications for any of the above and similar property and rights in any other country of the world. The Addendum to this policy sets out further detail on the characteristics of different types of Intellectual Property.

“UWL Postgraduate Student” means any postgraduate student during his or her period of enrolment at UWL whether registered full or part time on either a taught or research degree.

“UWL Postgraduate Student IP” means Intellectual Property created by UWL students in the course of their postgraduate studies, including but not limited to UWL Student Creative Work and research.

“UWL Postgraduate Student Creative Work” means UWL Student generated artistic and creative works including databases, websites, academic publications, exhibition catalogues, leaflets, Prospectuses created or produced whilst enrolled as a postgraduate student at UWL.

“UWL Profit Share” means commercialisation profit sharing arrangements which UWL intends to put in place to support the exploitation of Intellectual Property generated by UWL staff and UWL students.

“UWL” means The University of West London.

“The UWL Institutional Repository” means the UWL online database facility for publication of material generated by UWL staff and students including but not limited to dissertations and theses in the public domain through the use of the database.

1. Aims and objectives of this policy

- To promote and proactively support innovation and creativity at UWL.
- To provide clarity over the ownership of IP generated within UWL.
- To regulate, publish, protect and manage UWL Postgraduate Student IP.
- To inform UWL Postgraduate Students of the importance of Intellectual Property rights and their potential for exploitation.
To put in place a framework to assist in exploitation and commercialisation of UWL Postgraduate Student IP for the benefit of the University as a whole and those individuals who have significantly contributed to the generation of IP.

To put in place commercialisation profit sharing arrangements (“UWL Profit Share”) for the benefit of the originator of the IP and UWL.

1.1 This Policy forms part of the University Regulations and is binding upon UWL postgraduate students as a condition of enrolment at the UWL.

1.2 UWL reserves the right to modify or add to this policy at any time, although any such modifications or additions will not affect the treatment of any UWL Student IP that has come into existence prior to the date of the modification or addition.

2. Principles and working practices

i) UWL Postgraduate Student IP will usually belong to UWL

ii) UWL students will be required to assign all of their UWL Postgraduate Student IP to UWL whilst being subject to and having the benefits of UWL Profit Share

iii) UWL will normally automatically assign a non-exclusive royalty-free license to all UWL postgraduate students for any IP generated whilst registered with UWL

iv) Sponsorship/ funding

a) Joint sponsorship: UWL Postgraduate Students who are registered with another institution will be required to assign UWL Postgraduate Student IP in accordance with the arrangements between the two institutions and the student will where appropriate be subject to and benefit from UWL Profit Share.

b) External Sponsorship: Any UWL postgraduate Student receiving sponsorship through external funding will be informed of the provisions of that contract in respect of its ownership of Intellectual Property Rights by his/her supervisor / tutor prior to the commencement of any work under the sponsorship.
3 Placement

3.1 Students on placement: UWL Postgraduate students undertaking a placement will be informed of the provisions within the placement agreement concerning IP. In the absence of any mention of IP it will be assumed that all IP generated as part of a placement belongs to UWL and will be subject to clause 2.1.

4 UWL Student Creative Work

4.1 UWL claims the following rights in relation to UWL Postgraduate Student Creative Work and requires all postgraduate students registered with UWL to assign UWL a non-exclusive royalty-free licence to use creative work as described.

4.2 To reproduce UWL Postgraduate Student Creative Work for non-commercial purposes.

4.3 To show or exhibit creative works to professional statutory bodies for the validation of appropriate degree programmes, to potential students or in any other manner supportive of creative expression in UWL.

4.4 For the avoidance of doubt, the copyright of such UWL postgraduate Student Creative Work shall remain with the UWL student and any reproduction by UWL intended for commercial purposes will be subject to bespoke license to be negotiated with the UWL Postgraduate Student and subject to UWL Profit Share.

5 Student dissertations and theses

5.1 Usually the copyright in dissertations and theses is owned by UWL With all postgraduate students automatically being assigned a non-exclusive royalty-free license.

5.2 However, where a sponsor or funding body requires (as in 4.2) IP to be transferred or assigned to it, the copyright shall be dealt with in accordance with those requirements.

5.3 If conditions are attached to the grant or other funding under which the work was sponsored, these must be strictly complied with.]

5.4 UWL will have the right to digitise and make public dissertations and theses and place these in The UWL Institutional Repository. This will be controlled by the University in accordance with its normal academic practice taking into account the Institutional Repository Policy.

6 UWL Profit Share

6.1 The University recognises the contribution staff, postgraduate students and Schools (collectively termed “creators”) play in the capture and exploitation of
IP, and therefore has developed a policy of providing financial reward to these parties, though it is not legally obliged to do so.

6.2 Profit with respect to IP is defined by the University as income after recovery of full economic costs (as currently defined in TRAC)

6.3 Financial reward can take two forms, profit sharing and equity and a profit sharing agreement ensures that all stakeholders directly involved in creating intellectual property are properly rewarded in the event of successful commercial exploitation.

6.4 Profit share will only be paid to IP creators once all the costs involved in the protection and exploitation of the IP, including legal fees, have been deducted, and should be distributed from net profit to the University according to the table in 6.5

6.5 The University of West London profit share scheme

<table>
<thead>
<tr>
<th>Cumulative Profit (£)</th>
<th>Student (%)</th>
<th>School (%)</th>
<th>University (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Up to £49999</td>
<td>50</td>
<td>30</td>
<td>20</td>
</tr>
<tr>
<td>£50,000 to £99999</td>
<td>25</td>
<td>25</td>
<td>50</td>
</tr>
<tr>
<td>£100,000 +</td>
<td>10</td>
<td>15</td>
<td>75</td>
</tr>
</tbody>
</table>

7 Intellectual Property Seminar/ tutorial

7.1 All UWL students registered for a higher degree involved in research shall attend a seminar or tutorial which shall include a discussion of this policy and guidance in relation to any sponsorship or funding conditions relating to support provided in individual cases.

8 Disputes

8.1 Disputes arising will be dealt with under this policy and the Student Complaints Policy does not apply.

8.2 In the event of a dispute, the UWL Postgraduate Student may appeal to the UWL IPR Appeal Panel.

The UWL IPR Appeal Panel will comprise:

- the University Secretary,
- the University Copyright Officer
- the Director of Research & Enterprise
- an appropriate academic representative

The UWL Postgraduate Student should put his/her appeal in writing setting out the grounds of the appeal and send it to the University Secretary within 28 days of the disputed issue being identified or sooner if there is an urgent reason to do so.
8.3 The University Secretary will acknowledge the UWL Postgraduate Student’s written appeal and shall convene the IPR Appeal Panel to consider the appeal within 15 working days unless there is an urgent reason to convene the panel sooner.

8.4 The UWL Postgraduate Student may be accompanied at the hearing by a fellow student or Student Union Representative.

8.5 The IPR Appeal Panel shall give the UWL Postgraduate Student its decision within 5 working days unless it requires external legal advice from its advisers in which case it will notify the UWL Postgraduate Student of the reason for its delay in issuing its decision.

8.6 Should the UWL Postgraduate Student wish to appeal against the decision of the IPR Appeal Panel the matter will be referred to an independent mutually agreed external expert, whose decision will be binding on UWL and the UWL Student.

9 Governance

9.1 Governance shall lie with the University Research, Scholarship and Enterprise Committee and it shall be reviewed in the light of any changes in statute and on a 3 yearly cycle.

April 2012