Undergraduate Student Intellectual Property Rights Policy and Guidelines

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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 UWL Undergraduate students.

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 Student” means any Undergraduate student during his or her period of enrolment at UWL whether registered full or part time.

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

“UWL Student Creative Work” means UWL Undergraduate Student generated artistic and creative works, including databases, websites, academic publications, exhibition catalogues, leaflets, prospectuses created or produced whilst enrolled 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 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 innovation and creativity at UWL.
   
   ● To provide clarity over the ownership of UWL Undergraduate Student IP.
   
   ● To regulate, publish, protect and manage UWL Undergraduate Student IP.
   
   ● To inform UWL Undergraduate Students of the importance of Intellectual Policy rights and their potential for exploitation.
• To put in place a framework to assist in exploitation and commercialisation of UWL Undergraduate Student IP for the benefit of the University as a whole and those individuals who have significantly contributed to the UWL Graduate Student IP.

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

1.1 This Policy forms part of the University Regulations and is binding upon UWL Undergraduate 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 Undergraduate Student IP that has come into existence prior to the date of the modification or addition.

2. Principles and working practices

i) UWL Student IP will usually belong to the Undergraduate student.

ii) UWL will only require assignment or transfer of UWL Undergraduate Student IP where funding, sponsorship, placement providers or collaborative partnerships require such transfer or assignment or where UWL are providing funding or resources.

iii) Sponsorship/ funding

a) Joint sponsorship: UWL Undergraduate Students who are registered with another institution will be required to assign UWL 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 Undergraduate Student receiving sponsorship through external funding should 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 and shall assign its UWL Student IP to UWL where the sponsor requires ownership of Intellectual Property Rights.

3. Placement

3.1 Students on placement: Where a placement provider requires a Student to transfer UWL Student IP to it those rights will not pass to UWL.

4. Collaborative work

4.1 Collaboration with academic staff
Where students are involved in collaborative work with academic staff any UWL Student IP must be transferred to UWL at the outset of any project. Any later commercial exploitation resulting in financial gain will be subject to UWL policy for the benefit of the student and others entitled.

4.2 UWL Undergraduate Student Creative Work

4.3 UWL claims the following rights in relation to UWL Undergraduate Student Creative Work

4.4 To reproduce UWL Student Creative Work without a fee for non-commercial purposes.

4.5 To borrow, for a reasonable period of time, the material element of any UWL Student Creative Work and/or a suitable reproduction of these works in publications by UWL and its staff, and/or purposes of showing these works to professional statutory bodies for the validation of appropriate degree programmes.

4.6 For the avoidance of doubt, the copyright of such UWL Student Creative Work shall remain with the UWL Undergraduate student and any reproduction by UWL intended for commercial purposes will be subject to an individual licence to be negotiated with the UWL 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 Undergraduate Students.

5.2 However, where a sponsor or funding body requires (as in 2.2.1) 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 arrangements to support the exploitation/commercialisation of Intellectual Property

6.1 Where any UWL Undergraduate Student has assigned his/her Intellectual Property rights to UWL that student will be entitled to a significant proportion of the net returns resulting from commercialisation in accordance with his/her contribution.
6.2 Profit is defined by the University as income after recovery of full economic costs (as currently defined in TRAC).

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

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

6.5 Profit share should 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 one.

**Table One**: Proposed UWL IPR Profit share mechanism where student has assigned IPR to the University

<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. Disputes

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

7.2 In the event of a dispute, the UWL Student may appeal to the Intellectual Property Rights Panel.

7.3 The Intellectual Property Rights Panel will comprise:

- The University Secretary,
- Pro-Vice Chancellor (Research & Enterprise)
- An appropriate academic representative

7.4 The UWL Undergraduate 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.

7.5 The University Secretary will acknowledge the UWL Undergraduate Student’s written appeal and shall convene the Intellectual Property Rights Appeal Panel to consider the appeal within 15 working days unless there is an urgent reason to convene the panel sooner.
7.6 The UWL Undergraduate Student may be accompanied at the hearing by a fellow student or Student Union Representative.

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

7.8 Should the UWL Undergraduate Student wish to appeal against the decision of The Intellectual Property Rights Appeal Panel the matter will be referred to an independent mutually agreed external expert, whose decision will be binding on UWL and the UWL Undergraduate Student.

8. Governance

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

May 2012