

Intellectual Property Policy for Academic Staff

1.0 PATENTS AND INVENTIONS

- 1.1 The provisions of sections 39, 40, 41, 42 and 43 of the Patents Act 1977 relating to the ownership of employees' inventions and the compensation of employees for certain inventions are acknowledged by the university and by its employees.
- 1.2 By virtue of the nature of an employee's duties and the responsibilities arising from them, employees have a special obligation to further the interests of the university.
- 1.3 Any matter or thing capable of being patented under the Patents Act 1977, made, developed or discovered by an employee either alone or in concert, whilst in the performance of their normal duties, duties specifically assigned to them or arising out of anything done by them to which paragraph 1.2 applies, shall forthwith be disclosed to the university and, subject to the provisions of the Patents Act, shall belong to and be the absolute property of the university.
- 1.4 Employees (and notwithstanding the termination of employment) will sign and execute all such documents and do all such acts as the university may reasonably require:-
 - 1.4.1 To apply for and obtain in the sole name of the university, (unless it otherwise directs) patent registered design or other protection of any nature whatsoever in respect of the inventions in any country throughout the world and, when so obtained or vested, to renew and maintain the same;
 - 1.4.2 To resist any objection or opposition to obtaining, and any petitions or applications for revocation of, any such patent, registered design or other protection;
 - 1.4.3 To bring any proceedings for infringement of any such patent, registered design or other protection;
 - 1.4.4 The university hereby undertakes to indemnify its employees in respect of all costs, claims and damages, howsoever and wheresoever incurred in connection with the discharge by its employees of any and all such requests under 1.4.1, 1.4.2 and 1.4.3.
 - 1.4.5 The university acknowledges section 7 and 42 of the Patents Act. In respect of any invention which belongs to the university by virtue of section 39 of the Patents Act, it shall be for the university in the first instance to decide whether to apply for a patent or other protection.

- 1.4.6 In the event that the university decides not to apply for a patent or other legal protection employees have the right to be notified of that decision as soon as is reasonably practicable thereafter.
- 1.4.7 If, following such a decision by the university, employees wish to apply for a Patent either individually or with another employee or employees he/she must first inform the university of his/her intention to do so. Within a reasonable period of time following such notification the university must tell the employees whether it would object to the proposed application. The sole ground for such objection is that the patenting of the invention will involve or result in the disclosure to third parties of trade secrets or other confidential information belonging to the university and that such disclosure may damage the interests of the university.
- 1.4.8 Where the university objects under 1.4.7, employees will undertake in consideration of the payment of compensation to be determined under 1.4.9 below, not to proceed to apply for patent of the invention concerned nor to assist any other person to do so.
- 1.4.9 The calculation of compensation referred to above shall have regard to those factors set out in section 41 of the Patents Act. In the event that the university cannot agree the amount of compensation, it shall be competent for either employees or the university to apply to the president of the Law Society to appoint an arbitrator under the terms of the Arbitration Act, whose decision shall be binding.

2. COPYRIGHT

- 2.1 Subject to the following provisions, the university and its employees acknowledge sections 11 & 15 of the Copyright, Designs and Patents Act 1988.
- 2.2 All records, documents and other papers (including copies and summaries thereof) which pertain to the finance and administration of the university and which are made or acquired by employees in the course of their employment, shall be the property of the university. The copyright in all such original records, documents and papers shall at all times belong to the university.
- 2.3 The copyright in any work or design compiled, edited or otherwise brought into existence by an employee as a scholarly work produced in furtherance of their professional careers shall belong to the employee; 'scholarly work' includes items such as books, contributions to books, articles and conference papers, and shall be construed in the light of the common understanding of the phrase in higher education.
- 2.4 The copyright in any material produced by employees for their personal use and reference, including as an aid to teaching, shall belong to them.
- 2.5 However, the copyright in course materials produced by employees in the course of their employment for the purposes of the curriculum of a course run by the university and produced, used or disseminated by the university shall belong to the university, as well as the outcomes from research specifically funded and supported by the university.
- 2.6 The above sub-clauses 2.3 to 2.5 shall apply except where agreement to the contrary is reached by employees and the university. Where a case arises, or it is thought that a case may arise, where such agreement to the contrary may be necessary, or where it may be expedient to reach a specific agreement as to the application of the above sub-

clause to the particular facts of the case, the matter should be taken up between the employee and their Head of School. By way of example, this sub-clause would apply where any question of assignment of copyright or of joint copyright may arise; other examples and guidance may be contained from time to time in the Staff Handbook.

NOTE this policy reflects the terms and conditions set out in academic staff terms and conditions of employment.