

HARPER ADAMS UNIVERSITY

Intellectual Property Policy

Purpose and Definitions

1. **Policy Objective:** The overriding aim of the Policy is to use knowledge gained through research and other day to day activities at Harper Adams University to benefit the wider community, and whilst doing so, obtain a commercial return that can be reinvested in the University. To achieve this objective the University will identify intellectual property arising from its activities and secure Intellectual Property Protection as appropriate.
2. **IP Definition:** Intellectual Property (IP) can be defined as the output of intellectual activity, endeavour or creativity and forms the basis for protecting information, ideas and developments. Examples of IP include inventions, novel ideas, designs, trademarks and copyright material.
3. **IP Protection:** Intellectual Property can be protected by law through copyright, trademarks, patent and design protection. It is the policy of Harper Adams University to encourage, facilitate and exploit IP with a view to maximising the benefit for the University, its staff, students and society in general.
4. **IP Ownership:** IP generated by those working at Harper Adams University in the course of their work belongs to Harper Adams University [Patents Act 1977, Copyright Designs and Patents Act 1988].

The Generation of Intellectual Property

5. **By staff:** Harper Adams University provides the infrastructure, environment and other support processes that enable staff and students to use their specialist knowledge to transform their ideas to a point where they can be commercially exploited. In view of this symbiotic relationship Harper Adams University expects that any exploitation of IP will be in collaboration with the employee(s) generating the IP and that any benefits will be shared. This will include, for example, income from licensing agreements, assignment or sale of IP and royalty streams. On occasion the University may transfer rights to the individual generating the intellectual property, for example, when an academic book is produced.
6. **By students:** Intellectual property generated by students in the course of their studies and research will be the property of Harper Adams University if the University has provided funding or other resources (for example, but not limited to, staff time beyond normal project supervision or the use of specialist equipment) in support of the research or the student. Students will be asked to sign an agreement assigning first ownership rights to Harper Adams University.

In cases where the University has entered into a third party agreement/contract with an external sponsor that is supporting a student research project, the student will be exempt from assigning intellectual property rights to the University, and the provisions of the agreement/contract relating to intellectual property will take precedence. Where the agreement/contract states that the intellectual property is to be shared between the University and the sponsor, the provisions of the agreement/contract will again apply and the University will endeavour to ensure that the contribution made by the student in the development of the intellectual property is recognised by the University and the sponsor. In the case where a student has obtained support for a project from an external sponsor, details of any overriding intellectual property considerations, and a request for an exemption, must be provided in writing by the sponsor before an exemption can be agreed by the University.

In special circumstances, where background intellectual property is currently owned by the student and further study or research could lead to potential commercialisation, the arrangements for sharing intellectual property, recognising the contribution of the University in time and resources to the development of foreground intellectual property, will be negotiated on an individual basis between the University and the student.

7. **Third Party Contracts:** Research, development and other work funded by a third party must be the subject of an approved agreement between the parties. This agreement must clarify the ownership of IP arising from the work. Harper Adams University will seek to retain rights to IP generated from research, development and other work that is funded by a third party. The University recognises that this may not be appropriate when the third party pays a commercial rate for the research, development and other work.
8. **Collaborative Work:** Harper Adams University will seek to derive benefit from IP generated from collaborative projects. This benefit will be in terms of a share of revenue generated by IP exploitation that is proportionate with the University's contribution to the project.

Identifying and Registering Intellectual Property

9. **Identification of IP:** When completing work with a novel aspect, or when involved in supervising the work of a student that might have a novel aspect, the University's employees are encouraged to consider whether IP may have been created. Employees are encouraged to share and discuss novel ideas, inventions and designs and to assess their possible protection and commercialisation with the Deputy Vice-Chancellor. These discussions will be in confidence and without commitment to the further exploitation of the IP.
10. **Publication and Disclosure:** The publication and dissemination of knowledge generated by employees at Harper Adams University is important. However, information relating to unprotected IP should not be disclosed to anyone outside Harper Adams University without first considering whether the IP is valuable and should be protected. Disclosure of information relating to unprotected IP may invalidate IP protection. If information is disclosed to individuals outside Harper Adams University steps should be taken to protect the IP, for example in the form of confidentiality agreements, for which a standard form is available. These steps should be discussed with the University Secretary and/or Deputy Vice-Chancellor prior to disclosure of information.

Exploitation of Intellectual Property

11. Harper Adams University reserves the right to exploit the IP it owns. If potentially valuable IP is generated the Deputy Vice-Chancellor and/or University Secretary at Harper Adams University should be contacted so that steps can be taken to protect the IP as appropriate. The value of the IP should be guarded through non-disclosure of information relating to the IP until appropriate protection is obtained.
12. Where IP is considered valuable the University Secretary will liaise with the University's lawyers and/or appropriate IP protection specialists to discuss the protection and exploitation route of the IP.
13. In considering routes to exploitation of IP, the University will take into account commitments to assign, share or license IP to third parties outside the organisation. This is particularly relevant when contracts for a research or consultancy project contain considerations of this sort. The University Secretary should be consulted at the earliest possible stage of any project regarding IP implications of any contract.
14. **Revenue Sharing from Exploitation:** In all cases where a surplus is made, the University will share the benefits with the originator of the IP. The first tranche of any income each year will be used by the University to recover the costs of exploitation (for example patent fees, legal fees, administration costs, development work). Any surplus beyond that will normally be shared according to the following formula:

Originator: 40%
Group in which IP was created: 20%
University Central Funds: 40%
15. Where IP is created by more than one employee, it will be the responsibility of the originators to agree division amongst themselves.

16. Leaving employment of the University will not affect the IP originators' right to receive a share of income. In the case of death of an originator, the originator's share of income will be paid to the estate of the deceased. The originator will be responsible for any income tax and national insurance applicable to their income share, to the extent that it has not been deducted at source.
17. IP will not be exploited if, following detailed technical and commercial assessment, the cost of exploitation exceeds the expected revenue generated from the exploitation. Should the University decide not to exploit IP, the IP will remain part of the University's IP Portfolio and may be reassessed in the future. Following the decision not to exploit, an employee can seek consent from the University to exploit the IP themselves, at their own expense, consistent with their terms and conditions of employment. Such consent will not be unreasonably withheld.

Management of Intellectual Property

18. The responsibility for recording, monitoring and maintaining the University's IP portfolio will rest with the University Secretary. This will entail renewal of patents, auditing of licensees and, in conjunction with the Research Office and Finance Department in relation to delivery of contracts and the monitoring of income and income distribution. The Director of Finance will be responsible for monitoring the development of any companies in which Harper Adams University has equity as a result of the exploitation of IP.
19. Licensing will be, in most cases, the most appropriate route for the University to exploit IP. Licensing IP to companies better able than the University to exploit the IP will generate an income for the University over a period of time. Licensing agreements should, where possible, be linked to further development contracts. The University Secretary will be responsible for negotiating and drafting the licensing agreement. The employee from which the IP originated and the Director of Finance and/or Deputy Vice-Chancellor will be consulted with regard to the negotiations surrounding the licensing agreement.
20. When the formation of a company is recommended as the most appropriate exploitation route, a working group will be established to produce a business plan and to seek finance for the company. The working group will normally comprise all or some of: the Vice-Chancellor or Deputy Vice-Chancellor, University Secretary, Director of Finance, IP originator, and other members of staff as appropriate. Where additional skills are required, the services of an external consultant will be employed. The Board of Governors must approve the business plan and establishment of a company before implementation.