

University of Ulster

Intellectual Property

Policy and Procedures

“To be a model of an outstanding university with a national and international reputation for quality”

Policy Statement: The University owns all intellectual property created during the performance of the contracted duties of academic and academic-related employees, or assigned to the university by students or other individuals.. The University will undertake to protect commercially important intellectual property and seek its commercial exploitation for the benefit of the region and university. Net proceeds from commercialisation will be distributed between the inventors/creators and the University on a fair and equitable basis.

The policy reflects the following goals of the University

- ?? To create an entrepreneurial environment in the University that encourages and rewards the generation of new inventions and knowledge by staff and students.
- ?? To facilitate the transfer of new commercially and socially important inventions and knowledge to society.
- ?? To motivate the development and dissemination of intellectual property by providing appropriate financial rewards to inventors/creators and the university.
- ?? To ensure that the financial return from the development of intellectual property does not distort decisions and operations of the university in a manner contrary to the mission of the university.

2. Definitions

Certain terms are used in this document with specific meanings, as defined in this section. These definitions do not necessarily conform to customary usage.

Intellectual Property includes any patentable invention, any copyright subject matter, design, trade mark, trade secret or know-how. It also includes works of art, and inventions or creations that might normally be developed on a proprietary basis.

University means University of Ulster

Student means any full-time or part-time post-graduate or undergraduate student, regardless of whether the student receives financial support from the university or from outside sources

Academic and Academic-Related means University employees contracted to perform the duties as defined by University Human Resources Department whether full-time or part-time.

Inventor/Creator means any person or persons who creates an item of intellectual property.

Net proceeds means all proceeds received by the university on intellectual property that it assigns, sells or licenses, minus any application, litigation, interference or marketing costs directly attributable to the intellectual property being licensed. Deducted costs shall be reasonable and fair, and shall be properly disclosed; the sources and amounts of compensation shall also be properly disclosed.

3. Policy Provisions

This section provides information relating to ownership of intellectual property where there is non-university involvement in supporting the creation of the intellectual property.

3-1. Externally Sponsored Work

Where it is anticipated that intellectual property may arise during the course of collaborative or sponsored research with an external organisation such as industry, other universities or research organisations or Government sponsored programmes, an intellectual property agreement must be executed by all parties prior to the commencement of any work. Such, agreement must confirm ownership of intellectual property, proposed route of exploitation and basis of compensation for the University and creators/inventors. Such agreements are negotiated by the University Technology Transfer Section and not by individual members of staff.

3-2. Internally Sponsored Work

Where the University or University-related organisation, such as UUTech Ltd provides funding for particular projects, the University will own any intellectual property arising from the internally sponsored activity.

3-4. Intellectual Property Created Within Scope of Employment

Intellectual property created by university employees who were employed specifically to produce a particular intellectual property shall be owned by the university if said intellectual property was created within the normal scope of their employment. It is the responsibility of all staff to disclose to the University Technology Transfer Section all intellectual property created or arising from duties undertaken as part of their University employment.

4. Resolution of Disputes

This policy constitutes an understanding, which is binding on the university and on the staff and students upon whom it is effective, as a condition for participating in research programs at the university or for the use of university funds or facilities.

Any question of interpretation or claim arising out of or relating to this policy, or dispute as to ownership rights of intellectual property under this policy, will be settled by the following procedure:

1. The issue must first be submitted to the Pro-Vice Chancellor (Research and Development) in the form of a letter setting forth the grievance or issue to be resolved.
2. The Pro-Vice Chancellor (Research and Development) will seek to provide arbitration by convening a group of the relevant Dean and Head of School, Technology Transfer representative, and if required a patent agent.
3. If any of the parties to the dispute is not satisfied with the decision of this group, the party may seek binding arbitration, from an independent UK registered Intellectual Property lawyer

4. CONFIDENTIALITY

Staff are expected to abide by confidentiality agreements with any external organisation. In addition staff are expected to use their best endeavours to prevent public disclosure of any invention/creation arising from their academic duties until approved by the Technology Transfer Section.

PROCEDURES

The Technology Transfer Section will work closely with University Staff to facilitate the management of intellectual property. Staff must disclose new inventions/creations to the Technology Transfer Section prior to any public disclosure. The University Invention Form (Appendix 1) should be used to disclose information to the Technology Transfer Section.

Following receipt of the Invention Form, the Technology Transfer Section will convene a group comprising the relevant Dean, Head of School, Co-ordinator of Academic Enterprise, inventor/creator(s) and a representative of the Technology Transfer Section to appraise the invention/creation for commercial exploitation. Following assessment the University may initiate protection of the intellectual property. Where the University does not seek protection, the inventor/creator(s) may seek assignment from the University.

Once protection has commenced the Technology Transfer Section will endeavour to commercially exploit the intellectual property. Exploitation may

take various forms including licensing, assignment, new company formation or joint venture company.

The Technology Transfer Section, in frequent consultation with the inventor/creator(s) will manage the intellectual property and will meet regularly to review the commercialisation progress. The University reserves the right to terminate protection of intellectual property at any time. However, in such cases the inventor/creator(s) will be notified in advance so that they may seek assignment from the University prior to any further action required to maintain protection.

Where the intellectual property is licensed to a third party (excluding new start-up companies), the Technology Transfer Section will negotiate an acceptable deal. The net revenues arising from the license agreement will be distributed on the following basis:

	UUTech Ltd	Inventor/Creator(s)	Res. Grp
Net Revenues	33 1/3%	33 1/3%	33 1/3%

Where the intellectual property is assigned to a third party, the Technology Transfer Section will negotiate an acceptable deal. The net revenue arising from the assignment agreement will be distributed on the following basis:

	UUTech Ltd	Inventor/Creator(s)
Net Revenue	60%	40%

Where the intellectual property is licensed or assigned into a new start-up company, the **POLICY AND PROCEDURES FOR NEW START-UP COMPANIES** will apply.

APPENDIX 1**UNIVERSITY OF ULSTER - INVENTION INFORMATION FORM**

This form should be signed by all the inventors. An electronic or disk version of the form is available from the Technology Transfer Section by e-mailing <innovations@ulst.ac.uk>.

1. Title of the novel idea**2. Brief description of the novel idea.**

Please attach relevant papers (These should include a description of at least one way of putting the idea into practice and drawings if these are helpful to understand the idea). Please give details of the novel features and its purpose; the problem to be solved by your novel idea; existing solutions to the problem and their disadvantages; how your novel idea solves the problem and the advantages of the solution provided by your idea. What is the added value of the invention?.

3. Disclosure / Publication

Has the novel idea been disclosed, orally, in writing or by demonstration, partially or fully, to any other person who is not a full-time employee of or student in the University or to any external organisation? If so, please give details.

Do you plan to publish or talk publicly about the novel idea in a journal or at a conference or otherwise in the near future? If so, when will this take place?

4. Associated Funding

Was the novel idea generated with the use of research grant/contract funds?

Yes • No •

Sponsor

Grant No

Principal

Investigator

Was any background (pre-existing) information used as a basis for the novel idea? Yes • No •

Yes • No •

If so, who is(are) the owner(s) or, if not known, who funded the work leading to the background information?

5. Development

Do the inventors have signed and dated laboratory note books or other records which establishes the date of origin and nature of the novel idea? Yes • No •

Yes • No •

At what stage of development is the novel idea? (Idea, proven concept, working prototype)

Does the novel ideal need further development?

Yes • No •

Please give details of funding requirements or otherwise.

6. Exploitation

It is important that the University of Ulster has an idea of the potential commercial value of the technology, the target markets and the competitors. List all the possible commercial applications of the novel idea.

Competing Products

*Do you know of any competing products, inventions or ideas currently on the market? Yes • No •
If "yes" please identify these products and the manufacturer(s) where applicable.*

How commercially valuable do you rate this invention?

List all industries and, if possible, all companies which might be interested in developing or applying the novel idea. Please indicate which companies have already been approached (if any).

Since industry does not have your product yet, how does it cope without it? What technology is used instead of yours?

Is this project currently active? Please indicate your current activity with regards to:

- Research and development

- Exploitation

Is the technology still relevant to the marketplace?

7. Prior Art

Please give details of prior work that relates to your invention, listing references where possible. The information should cover the "state of the art" prior to your invention, and should include patent applications, key scientific literature and/or public oral communications.

8. Inventors

Give a list of all the people who were involved in the creation of the novel idea. Please indicate their status in the University (Researcher, Student, Visiting Researcher etc.), if any belong to another organisation and how future royalty income (if any) should be spilt between the inventors.

Main contact for technical input: _____

	Name	Post funded by / Employer	% contribution to the idea
University Employees	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
University Students	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
Non-University	_____	_____	_____
	_____	_____	_____
	_____	_____	_____

9. Statement

We, the undersigned, confirm that the information given in this Invention Information Form is, to the best of our knowledge, full and accurate.

_____ Signature	_____ Name	_____ Date
_____ Signature	_____ Name	_____ Date
_____ Signature	_____ Name	_____ Date
_____ Signature	_____ Name	_____ Date

If you are an University of Ulster academic or researcher and you are using this form to disclose an invention to the Technology Transfer Section, Research Office, DO NOT send the completed form electronically (i.e. via e-mail).

For confidentiality reasons, please either post or hand the completed form to our office:
Technology Transfer Section, Research Office, Science Innovation Centre, University of Ulster, Coleraine, Co. Londonderry, BT52 1ST, Northern Ireland