



# INTELLECTUAL PROPERTY POLICY

## **1. Status and Purpose**

City, University of London (City) is committed to encouraging the protection and exploitation of intellectual property (IP) developed using its resources, where appropriate and for the benefit of society. Accordingly, the purpose of this Policy is to outline City's position on the ownership and management of such IP in line with its charitable objectives, which concentrate on publication and wider dissemination and also on commercialisation with the aim of benefiting society.

This Policy is effective as of 22<sup>nd</sup> November 2019 and supersedes all previous versions and arrangements concerning the ownership and management of IP that City may have adopted.

This Policy sets out the principles that City expects all individuals who fall within its scope (as described in section 2 below) to follow. City reserves the right to amend and replace this Policy at any time at its discretion. In addition, City reserves the right not to follow the principles set out in this Policy in any given case, if, in its opinion, its charitable objectives might be better achieved by other means.

## **2. Scope**

This Policy applies to all full-time and part-time employees, affiliate staff, and students of City, irrespective of whether or not those individuals have any other arrangements (e.g. employment, student, consultancy, etc.) with any other organisation.

City requires all of the individuals described in the previous paragraph to comply with this Policy and to ensure that any other arrangements they may have with any other organisations allow them to do so.

## **3. Definition**

Intellectual property – or IP - is a collective name for the various types of property, recognised by law, that protect creations of the mind. The main types of IP include patents, confidential information, copyright, database rights, trademarks and (registered and unregistered) designs. A more extensive description can be found in the [IP User Guide](#).

## **4. Communication and Awareness**

It is important that City staff and students have an awareness of IP and an understanding of its implications in order to ensure that difficult situations do not arise and exploitation opportunities are not lost. Information about IP is available through a variety of external and internal sources, such as City's [IP User Guide](#) which accompanies this Policy and in seminars and intranet resources provided by City, or via guides published on the UK's Intellectual Property Office website.

## **5. Ownership**

### Employees

In simple terms, under the various pieces of IP legislation in the UK, where IP is generated by an employee in the course of their employment, it belongs to their employer first.

Accordingly, to the maximum extent permitted by applicable law, City will be the first owner of all IP generated by its employees in an employment context (and irrespective of whether the IP is generated during or outside normal working hours, within or away from City's facilities, or in association with any other IP, person or entity).

The words “to the maximum extent permitted by applicable law” appear in the previous sentence in recognition of the fact that the legislation is more nuanced than as stated above (particularly in relation to patents) and City does not seek to overreach what the legislation provides.

#### Undergraduate and Postgraduate Students

When undergraduate and postgraduate students (whether research or taught) generate IP during their studies or research at City, the student will generally be the first owner of that IP. However, there may be circumstances in which this position needs to change and City should instead be the owner of that IP. For example, if a student generates IP and:

- (a) the IP is generated under contract terms with a third party that require the IP to be owned by City or a third party (e.g. under a funded studentship); and/or
- (b) the IP is generated together with City employees, or the IP builds on IP previously generated by City employees;

the student will be required to assign their IP to City, so that City will be the owner of such IP. All students will be automatically deemed to have accepted this requirement to assign their IP to City in the above circumstances as a condition of being accepted for admission to their degree programme.

Where a student is required to assign their IP to City in the above circumstances, City may require the student to sign an agreement to record formally that the above IP ownership position applies. A template example of such an agreement can be found in the IP User Guide. In return, the student will be treated in the same way as an employee of City solely for revenue sharing purposes under this Policy.

For the avoidance of doubt, where IP is generated by an individual who has a dual role at City as both a student and an employee (e.g. where a student is employed by City as a graduate teaching assistant or/and as a research assistant on a project), the context in which the IP was generated will be considered in order to determine whether City or the individual should be the owner of that IP. In general, City will be the owner of any IP that individual generates in the course of their role as a City employee, and the individual will be the owner of any IP they generate in the course of their role as a City student (unless one of the circumstances set out above applies and the student is required to assign the IP to City).

#### Affiliate Staff

Affiliate staff whose research is primarily focused at City (e.g. including visiting academics, honorary staff, retired members of staff, and emeritus professors) will be automatically deemed to have accepted that they will be treated as if they were employees of City (solely for the purposes of this Policy) as a condition of being granted access to any of City’s premises or facilities. Accordingly, such individuals will be required to assign any IP that they may generate whilst engaged in research at City, so that City will be the owner of such IP.

City may require affiliate staff (and/or their home institution as appropriate) to sign an agreement to give effect to the IP ownership position set out in the preceding paragraph. A template example of such an agreement can be found in the IP User Guide.

## **6. Involvement of Third Parties**

For all research projects supported in any way, or commissioned in full or in part, by any third

parties, City requires the principal investigators on those projects to inform all other City staff and students involved in those projects of any contractual terms and issues prior to the start of the research.

## **7. Intellectual Property of Third Parties**

This Policy sets out City's position on the ownership and management of IP generated with its resources. However, City staff and students should also be alert to IP owned by third parties (e.g. other universities, companies or funding bodies). City expects its staff and students to respect third-party IP and to take care not to infringe third-party IP rights.

Accordingly, any City staff and students intending to use any materials or IP provided or owned by third parties must ensure that they and City are authorised to do so. Whilst in some cases research or teaching use may come within exceptions to the relevant IP law, this should not be assumed, as the law in this area is complex. If third-party materials or IP are to be used, then care must be taken that appropriate permissions or rights exist for the intended use. If not, approval should be sought and obtained from the provider or owner for the envisaged use before going ahead.

City staff and students are not permitted to enter into any agreements with third parties that purport to bind City to contractual obligations. Whilst this may seem obvious, it is increasingly common to see software and other IP and materials being obtained online (e.g. by clicking on a simple "I accept" button). Individuals do not have authority to do this in City's name.

## **8. Academic Publications**

City waives its ownership rights to any literary copyright that may subsist in any academic publications produced by its staff and students in the furtherance of an academic career. This includes books, articles in journals, papers for conferences, study notes, dissertations, and theses produced for such purpose; provided in each case that (a) the publication does not form part of a course or teaching materials, (b) the publication has not been commissioned by City, and/or (c) another ownership position is not required by a contract that City has concluded.

The authors of such academic publications each grant to City an irrevocable, perpetual, worldwide, royalty-free, fully paid-up, non-exclusive licence under such literary copyright to carry out all acts restricted by such copyright for research, teaching and publication purposes. The authors are responsible for making any publishers and other relevant third parties aware of this licence granted to City.

## **9. Teaching Materials**

IP in any course or teaching materials produced by any individual to whom this Policy applies will be owned by City (unless City specifically agrees another position with the relevant individual in writing).

## **10. Commercialisation of Intellectual Property**

City is committed to finding practical applications for the outputs of research carried out using its resources with the aim of realising economic and social benefit. An important way of

achieving this is through the commercialisation of IP. Two of the most common methods of IP commercialisation are entering into licence agreements with third parties or ‘spinning out’ IP into a new company in which City may be a shareholder.

City will decide the best route of commercialisation on a case-by-case basis. Individuals are not permitted to use City’s IP for commercial purposes or otherwise engage in any commercialisation activities with City’s IP, without in each case prior written consent from Research & Enterprise.

Where an individual believes that they have created an invention or generated any other type of IP with potential commercial value, they must contact Research & Enterprise as soon as possible.

Further information about the commercialisation process can be found in the [IP User Guide](#).

### **11. Revenue Sharing**

When IP that is owned by City in accordance with this Policy is commercialised by City, revenue sharing arrangements will normally apply. Details of City’s usual revenue sharing arrangements can be found in the Schedule attached to this Policy.

However, where an individual has received equity in a spin-out company, they will not be entitled to benefit under the revenue sharing arrangements in addition to their equity.

### **12. Record Keeping**

City staff and students are required to keep a record of their work related to IP generation. This is not only a crucial part of good research practice, but is also crucial for the evidencing of any claims associated with IP ownership.

### **13. Related Policies & Guides**

This Policy should be read in conjunction with the following other policies of City:

IP User Guide	IP User Guide
Copyright Policy	Grievances Procedure
Conflict of Interest Policy	Ordinances
Consultancy Policy	Framework for Good Practice in Research
Financial Regulations	

<b>Policy Identification Number</b>	
<i>Policy ID to be inserted by SP&amp;P</i>	
<b>Policy Title</b>	
INTELLECTUAL POLICY	
<b>Policy Enabling Owner and Department</b>	<b>Responsible for Implementation and Department</b>
RESEARCH & ENTERPRISE	RESEARCH & ENTERPRISE
<b>Approving Body</b>	<b>Date of Approval</b>
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<b>Last Reviewed</b>	<b>Review Due Date</b>
OCTOBER 2014	NOVEMBER 2020
<b>Publication of Policy</b> ( <i>tick as appropriate</i> )	
For public access online (internet)? <input type="checkbox"/>	For staff access only (intranet)? <input checked="" type="checkbox"/>
<b>Queries about this policy should be referred to</b>	
RESEARCH & ENTERPRISE <a href="mailto:Mariah.Loukou@city.ac.uk">Mariah.Loukou@city.ac.uk</a>	