



University of  
St Andrews

## Intellectual Property Policy

<b>Document type</b>	<b>Policy</b>
<b>Scope (applies to)</b>	Staff and students
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<b>School / unit</b>	Research & Innovation Services
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<b>Information classification</b>	Public
<b>Equality impact assessment</b>	To be completed during the pilot year
<b>Key terms</b>	Research/External work
<b>Purpose</b>	The purpose of this policy is to provide guidance on the University's approach to the protection and exploitation of Intellectual Property. Feedback on the Intellectual Property Policy during the pilot phase (1 Feb 2021 – 1 Feb 2022) can be sent to <a href="mailto:risadmin@st-andrews.ac.uk">risadmin@st-andrews.ac.uk</a> .

<b>Version number</b>	<b>Purpose / changes</b>	<b>Document status</b>	<b>Author of changes, role and school / unit</b>	<b>Date</b>
2.0	Amendment to clause 11 approved	Approved	Head of Intellectual Property / RIS	1 Feb 2021
1.0	Launch of Pilot phase / new policy approved	Approved	Head of Intellectual Property / RIS	14 Dec 2020

1. The purpose of this document is to set out the current policy of the University with regard to the ownership, evaluation and exploitation of innovation and Intellectual Property (IP). It supersedes the document 'External Work – Policy Document for Academic and Academic Related Staff' published in June 2019 and the Student Policy Document "Intellectual property rights" applicable from 1 February 2016.
2. The protection, evaluation and exploitation of IP is a key contributor to the University's Entrepreneurial St Andrews theme.
3. The University encourages the development and commercial exploitation of inventions and innovative designs and ideas to the mutual benefit of the inventor(s), the relevant School/Unit and the University. Further, the University regards it as good practice to recognise and, where appropriate, report promptly any exploitable ideas or inventions arising from research before any rights are lost through premature disclosure.

## **Ownership:**

### **Ownership of IP - Students**

4. This section applies to all students registered with the University, whether as undergraduates, postgraduates or in some other research capacity. It also applies if a registered student is employed by the University or by another organisation or if a student volunteers or takes part in an internship at the University.
5. The University's policy is that students should retain ownership of student generated IP except where there is a specific requirement for the University to take ownership of the IP. Situations where the University will need to take ownership are as follows:
  - a. where, in relation to a student participating in an ongoing research programme, there are sponsors who claim ownership of any IP that arises from the research; or
  - b. where a student is an employee of the University and the IP is created in the course of their normal duties of employment; or
  - c. where, prior to undertaking an internship or volunteering, the student agrees that any resulting IP will be owned by the University or relevant sponsor; or
  - d. where, prior to commencing studies, research or other activities within the University, the student agrees that any resulting IP will be owned by the University or relevant sponsor; or
  - e. where the IP is generated jointly with University staff or builds upon IP generated by University staff.
6. Where one of the specific cases (a-e above) applies, students may be asked to sign paperwork to formally assign the IP to the University. In some circumstances, such as industrially funded PhD Studentships, students may be required to undertake to assign future IP to the University prior to the commencement of studies.
7. Postgraduate research students undertaking research degrees will be afforded the opportunity to assign to the University their rights in any generated IP not covered by the specific cases above. Should this option be accepted, the University will manage the commercial exploitation of this IP in accordance with the standard University position as set out in the 'Exploitation' section below.
8. All students may contact the Technology Transfer Centre (TTC) for advice in relation to the promotion and commercialisation of their IP.

## **Ownership of IP - Staff**

9. The University asserts its automatic ownership rights in relation to IP produced by staff in the normal course of their duties. This is consistent with the University's objectives of creating impact, maintaining sustainable research and encouraging entrepreneurial activity. However, there are exceptions to this position. For certain types of work the University will automatically waive any claim to ownership. There are also circumstances where the University will not automatically own certain rights in a work.

10. The University will waive ownership of copyright in materials of a scholarly nature created in the course of employment. Examples include; academic journal articles, conference papers and related presentations, data produced as part of the research process which underpin publication and dissemination of results, together with materials created for personal use. The University will also waive ownership of copyright in textbooks (unless University funding has been provided to support the creation of said textbook).

11. In return for the University waiving ownership of copyright the owners will grant to the University a non-exclusive, irrevocable, royalty-free licence including the right to sub-license to third parties. The licence will enable the University to use and modify the material for teaching, administrative and other reasonable purposes. Reasonable purposes include depositing journal articles in the institutional repository to support the University's aims for open access and / or depositing other materials of a scholarly nature where required for compliance with external funding bodies. The University will consider requests to terminate or modify licenses on a case by case basis.

12. However, the University reserves the right to assert ownership of the copyright in the following types of materials:

- materials used or created by the University for administrative purposes, promotion and marketing, student and staff recruitment, assessment and examination, handbooks, or for any other institutional purpose (including where materials are being developed for sponsors and other third parties);
- materials that are primarily intended to be used or accessed for any course of study (including course materials, whether to be delivered as flexible and distributed learning material or e-learning material, or on virtual learning environments) with the exception of materials covered by the policies on Lecture Capture and Use of Captured Content;
- materials specified under contract or in writing to be owned by the University;
- materials generated by prior agreement as part of a joint venture with the University;
- computer software;
- laboratory notebooks (in such circumstance the University will request copies);
- employee created web pages.

13. It is best practice for staff to inform the Technology Transfer Centre (TTC) of any inventions, developments, hardware or software, that they consider may be of potential value before making any approach to industry or to other agencies, and before any public disclosure or publication of relevant data. Inventors are strongly encouraged to ensure that any invention is not disclosed before it has been assessed by the TTC.

14. Commercial exploitation of computer software and electronic media copyright material arising from work carried out within the University will be treated on the same basis as all other forms of IP where ownership has not been waived.

## Exploitation:

### Management and evaluation of innovation

15. The Technology Transfer Centre (TTC) within Research and Innovation Services provides general advice in relation to management and exploitation of innovation and also provides a link to organisations involved in technology transfer and commercialisation.

16. If patent protection is deemed possible, the University may elect to obtain such protection for a period of one year pending further exploration of the likely commercial value of the invention. Patent application in the UK is sufficient to ensure backdating of subsequent patents in most other countries to the filing date of the UK application. Patents are taken out in the name of the University with staff cited as named inventor(s). The continuation or extension of patent cover to other countries will depend on individual circumstances and will be reviewed annually. Further guidance on the procedures for filing and prosecuting patents is available from the TTC.

17. If the University decides that it has no interest in an invention, the inventor will be informed in writing without undue delay and the inventor may formally request assignation and then proceed independently if he/she so wishes.

18. Any revenue accruing to the University from a licensing agreement is shared between the University and the inventor(s) after deduction of all legal and patent costs. The following basis of revenue distribution (Revenue Share) will be used to share net royalty income:

Portion of net receipts	Inventor(s) %	School %	University %
Sums <=£20,000	75	20	5
Sums >£20,000 and <=£500,000	50	25	25
Sums >£500,000	35	30	35

19. In certain circumstances the University may be involved in forming a new company, a “spin-out” company, to facilitate the exploitation of a University technology. In such cases the University will hold an equity share in the start-up company.

20. In a situation where initial funding is provided the share will be determined by the value of the university’s technology, investment and support, and through negotiations with the spin-out company’s investors and management.

21. Where a spin-out is unfunded the share will be split 30% in favour of the University and 70% in favour of the remaining founders. The shares of all parties may then be diluted upon future investment.

22. Where a spin-out is formed, any inventors who elect to become founders of the company will then waive their rights to further revenue derived from the University’s share. Any inventors who elect not to become founders will still share in any resulting revenues. Their share of the total revenue will remain the same and the University’s share will increase consistent with the reduction in sharing from inventors who elected to become founders.

23. University staff and students are permitted to hold equity in University of St Andrews start-up and spin-out companies. Staff involvement in both equity ownership and start-up / spin-out company business is subject both to an individual’s contract of employment with the University and the University’s External Work policies. Any such equity holding should be advised to and approved by the SOI Group who are required to keep a register of all staff shareholdings in University of St Andrews start-up / spin-out companies.

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