

1 Introduction and Purpose

1.1 Introduction

- 1.1.1 This Intellectual Property and Commercial Partnering Policy (the "Policy") has been developed to encourage and facilitate the dissemination of research and the exploitations of knowledge to the benefit of the University its Staff, Students and society.
- 1.1.2 Academic work and research often give rise to expression of ideas, know-how, software, inventions, designs or processes. Rights in and to these outputs are known as Intellectual Property ("IP").
- 1.1.3 The University is an independent corporation with Charitable Status. As such, University Council is required to ensure the University conducts its activities in line with its charitable purposes as laid out in the University Charter and in compliance with charity law generally. This includes protecting and using University assets, including its IP, appropriately and operating sufficient financial controls.
- 1.1.4 The University seeks to identify, protect and subsequently exploit IP as key contributor to the University's strategic objective of creating impact, fostering partnerships and increasing research and knowledge exchange income.

1.2 Purpose

- 1.2.1 This Policy, and the supporting framework described in section 5, aims to address the ownership, use and commercialisation of all IP created by Staff and Students the University and should be read in conjunction with its annexes and the related policies listed in Section 6.1.4.

2 Scope

- 2.1 This Policy shall apply to all intellectual property devised, made, or created on or after 1st January 2021 and is subject to the provisions of the Patents Act 1977, the Copyright, Designs and Patents Act 1988, and any other relevant legislation.
- 2.2 **Who is affected?**
 - 2.2.1 This Policy applies to all current Royal Holloway University employees and postgraduate students. This Policy will also apply to any collaborators on a University project (external partners and internal undergraduates).
- 2.3 **What outputs are covered by this Policy?**
 - 2.3.1 For the avoidance of doubt intellectual property covers but is not limited to algorithms, biological materials, chemical materials, data, databases, documents and other copyright protected materials, including Teaching Materials as defined in the Framework (as set out in section 5 of this Policy), genetically modified organisms, human specimen, images, method descriptions, patentable technologies, patient questionnaires, plant varieties, software, technical data, technical designs, topographies, and/or prototypes.

3 Policy statement

3.1 Ownership

3.1.1 The University claims ownership of all intellectual property which is devised, made, or created:

- a) by persons employed by the University in the course of their employment; and
- b) by postgraduate students in the course of their postgraduate studies.

3.1.2 The University also expects to own all intellectual property which is devised, made, or created:

- a) by under-graduate students who are permitted to contribute to a University project,
- b) by academic visitors who are permitted to contribute to a University project, or
- c) under a services agreement or under a subcontract which the University issues.

3.1.3 The University requires that the individuals set out in sections 3.1.1 and 3.1.2 of this Policy acknowledge that the University is obliged to commercialize University IP via a commercial partnering arrangement, where possible, because of public funding conditions and the University's own charitable objectives, described in 1.1.3.

4 Ownership exceptions

4.1 Artistic and Scholarly Materials

4.1.1 Notwithstanding section 3.1 of this Policy, the University will not assert any claim to the ownership of copyright in:

- a) Artistic Materials (as defined in the Framework as set out in section 5 of this Policy); and
- b) Scholarly Materials (as defined in the Framework as set out in section 5 of this Policy);

4.1.2 unless such materials are Teaching Materials or have been specifically commissioned, whether in return for special payment or not, by the University and are therefore University Materials (as defined in the Framework as set out in section 5 of this Policy).

4.2 Teaching materials for staff leaving the University

4.2.1 The University grants a royalty-free license to staff leaving the University, to use Teaching Materials they have devised, made or created in the course of their employment by the University, subject to the following conditions:

- 4.2.2 a useable, clearly labelled and accessible copy of the Teaching Material, whether in electronic form or other, must be left at the University;
- 4.2.3 use of the Teaching Material is strictly limited to academic purposes only;
- 4.2.4 the Teaching Material may not be used for any commercial publishing purposes whatsoever without the prior written permission of the University; provided that
- 4.2.5 where Teaching Materials have been jointly developed, all contributors would need to give permission for the Teaching Materials to be used for teaching purposes beyond the University.

4.3 Waiver of Intellectual Property Rights

The University's rights under section 3.1. of this Policy above in relation to any particular piece of intellectual property may only be waived or modified by an agreement in writing with the person concerned. Such agreements may only be authorised by the Vice- Chancellor and Principal or their authorised delegate.

5 Implementation of the Intellectual Property and Commercial Partnering Policy

5.1.1. The University will put in place a framework for the implementation of this Policy and to provide detailed guidance for staff and students. This will be in the form of an Annexes to the Policy. This will include (inter alia):

- 5.1.1.1 matters which relate to the Policy such as obligations to maintain confidentiality and to bring suspected intellectual property infringement to the University's attention;
- 5.1.1.2 requirements on students and such other persons as may be specified in the Framework to sign any documents necessary in order to give effect to the claim made by the University in this Policy and to waive any rights in respect of the subject-matter of the claim which may be conferred on them by Chapter IV of Part 1 of the Copyright, Designs and Patents Act 1988; and
- 5.1.1.3 provisions designed for the purposes of implementing this Policy.

6 Monitoring and Compliance

- 6.1.1 This Policy shall be reviewed at least every three years, led by the Head of Research Contracts and the Head of Policy and Integrity, proposed amendments and future versions of the Policy will be authorised in line with the University's Policy Framework.
- 6.1.2 Non-compliance with this policy could lead to breach of our University charter and charitable status.
- 6.1.3 The Research and Knowledge Exchange Committee has overall responsibility for the Policy and incidences of non-compliance will be reported to this committee.
- 6.1.4 This Policy should be read in conjunction with the following University Policies and Procedures:
 - Financial regulations
 - Research Misconduct Policy
 - Costing and Pricing Policy
 - Consultancy Policy
 - Procurement Policy
 - Global Mobility

6.1.5 Document Control Information

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| Policy Owner | Director of Research and Innovation | |
| Operational Owner | Head of Research Contracts | |
| Approving Body | Academic Board | |
| Approved on | December 2024 by EB (No substantive changes to policy so did not need AB approval) | |
| To be reviewed before | November 2027 | |
| Version History | | |
| <i>Version (newest to oldest)</i> | <i>Date of approval</i> | <i>Summary of changes</i> |
| V1 | 14 March 2018 | This policy broadened to cover commercial partnering and read in conjunction with the supporting IP framework. These two documents subsume the previous Intellectual Property Policy (dated 14th March 2018), the Exploitation of Inventions and Patents Code of Practise (dated 24th November 2011), and the Spin-out Company Formation Policy and Procedures (dated 27th March 2007). |
| V3 | 24 October 2020 | This Policy replaces the Intellectual Property Policy (dated 14 March 2018) the Exploitation of Inventions and |

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| | | Patents Code of Practise (dated24th November 2011), and the Spin-out Company Formation Policy and Procedures (dated27th March 2007). |
| V3 | 05 March 2024 | Change to presentation of content |