

The Exploitation of Inventions and Patents

Code of Practice

The College's policy is to encourage members of staff to work on new developments and inventions and, specifically in the case of academic teaching staff, the terms and conditions of employment expect a person to advance his or her subject by research or otherwise.

2. This Code of Practice is based on the following principles from the CVCP Working Party's Report issued in 1977 and still recommended as good practice:

- i) Universities should promulgate detailed procedures for all categories of staff and students to govern the patenting and commercial exploitation of research results.
- ii) For the avoidance of any doubt on this matter, all contracts of employment for academic staff should include the clearly stated requirement to undertake research in addition to teaching.
- iii) Universities should ensure that all agreements for research under the sponsorship of research councils and other bodies are subject to prior approval by the institution, which should have special regard to detailed mutually acceptable provision for the exploitation of results.
- iv) Universities should ensure that no member of staff undertakes private consultancy work without the prior approval of the institution, which should have special regard to disclaiming the institution's liability.
- v) Universities should, where research students are supported by the university's own scholarships, adopt regulations concerning commercial exploitations which are based on those of the research councils.
- vi) In the case where a student is a member of a research team whose efforts have resulted in an invention, a university should treat him/her, for the purposes of the patenting or commercial exploitation or the research results, in the same way as the members of staff who comprised the rest of the research team.
- vii) If an invention is potentially patentable, care must be taken to ensure that the possibility of patenting is not lost by premature publication.

3. If, in the course of his or her duties, a member of staff makes an invention which he or she believes to be commercially exploitable, this must be reported by the member of staff to the Principal who, in consultation with the HoD and the member of staff, shall ensure that steps are taken to protect and exploit the invention, if appropriate. No contact or arrangements shall be entered into with an outside body or bodies without the prior agreement of the Principal.

4. Ownership of intellectual property is determined by the College's Intellectual Property Policy
5. The inventor and the College will collaborate to protect the secrecy of the invention at all times before the filing of any initial application to patent. (The patents act, 1977, forbids any disclosure before filing with only three exceptions, which operate during the six months before filing: the display of the invention at an international exhibition, disclosure following the unlawful obtaining of information and disclosure by breach of confidence.)
6. If, having taken expert advice, the Principal decides that the College does not wish to take part in the development or exploitation of an invention, the College will assign its rights in the invention to the inventor. Alternatively, arrangements will be made for an interested third party such as a commercial company to take over the rights in terms mutually agreed between the College, the inventor and the company.
7. Otherwise the College will undertake responsibility for the development and exploitation on behalf of both the inventor and the College, will either:
 - i) Ask an external agency such as the British Technology Group (BTG) to assess the invention and if the agency reports that the invention is of interest, the College may ask it to undertake development and exploitation, or:
 - ii) With the collaboration of the inventor, the College will apply for patent protection.
8. Before sharing any benefits from the invention, the College will recover any direct and overhead costs arising from the production of the invention itself and the expenses of patenting. The assessment of overhead costs rests with the Finance Committee after full consultation with those directly concerned.
9. The sharing of net income generated by the exploitation of an invention will normally be as follows:

Net Total Income	College	Department	Inventors
Within the first £10,000	-	10%	90%
Within the next £20,000	15%	10%	75%
Thereafter (over £30,000)	30%	20%	50%

Note: If there are more inventors than one, the Principal will decide upon the distribution of the inventors' share among them.

Arrangements for spin-out companies are determined by the College's "Spin-out Company formation – Policy and Procedures"

10. A student who produces, or belongs to a research group which has produced a patentable invention will be treated as a member of staff for the purposes of patenting and commercial exploitation of the invention.

11. Except where the College has fully assigned its rights to a member of staff when, therefore, total liability rests with the individual, the College's usual liability insurance policies will cover the development and exploitation of patentable inventions in the same way as it covers other College activities.

12. For the purposes of this Code of Practice, computer software will be regarded as an "invention".

13. This code of practice will be reviewed from time to time in light of experience of its operation.

This revised version of Code of Practice was approved by the Council at its meeting on March 27 2007