

Research Intellectual Property Policy

Lead Officer (Post):	
Responsible Office/ Department:	
Responsible Committee:	Research, Enterprise & Knowledge Transfer
Review Officer (Post):	HoD MST
Date policy approved:	
Date policy last reviewed and updated:	25/05/2022
Date policy due for review:	25/05/2023
Date of Equality Impact Assessment:	
Date of Privacy Impact Assessment:	Click or tap to enter a date.

Accessible versions of this policy are available upon request.

Policy Summary

Overview	This policy shows our commitment to protecting the IP generated by staff.
Purpose	To specify the Intellectual Property policy adopted by UHI Shetland which will provide clarity for staff on matters relating to this subject and protect the IP belonging to UHI Shetland that is generated by its staff.
Scope	This policy applies to employees, to unpaid personnel who may be Honorary, or working in a voluntary capacity, or on secondment or sabbatical to UHI Shetland and to PG research students engaged in research, consultancy or knowledge exchange activities.
Consultation	The Policy has been reviewed by the SUHI REKT (25/5/22); SMG (14/06/22) and approved by SUHI Board (**/**/****)
Implementation and Monitoring	The policy will be implemented across UHI Shetland. The policy will be monitored on an operational basis by relevant line management staff and on a strategic basis by heads of sections and relevant senior staff.
Risk Implications	<p>Failure to comply with policy may result in loss of proper assignation of IP to UHI Shetland, and to exploitation by third parties.</p> <p>Breach of legalities and procedure around patents, trademarks and suchlike.</p> <p>Breach of copyright.</p>
Link with Strategy	Policy relates to the UHI Shetland Research Strategy.
Impact Assessment	

1. Policy Statement

- 1.1 UHI Shetland, the University of the Highlands and Islands and all Academic Partners are committed to ensuring the ownership, protection, distribution, and commercial development of the 'intellectual property' generated by its teaching, research and KE activities.

2. Definitions

- 2.1 **Intellectual Property (IP):** Inventions, computer software, data, databases, technical know-how and trade secrets. Large banks of new data collected in the course of research and scholarship are also covered here only if they may reasonably be considered to have potential for exploitation.
- 2.2 **Intellectual Property Rights (IPR):** is the corpus of legal rights which includes copyright, database right, moral rights, patents, trademarks, unregistered design right, registered design right, performers' rights and similar areas.
- 2.3 **Background IP:** IP relating to the project that is owned or created or developed by a party other than during the course of the project. This remains with the party introducing it to the project
- 2.4 **Foreground IP:** IP arising wholly out of the project which is owned or created on behalf of a Party. Foreground IP normally remains with the Party creating it, or is jointly owned by the Parties creating it, proportionate to their contribution.
- 2.5 **Invention:** A novel or useful idea relating to processes, machines, manufacturing or compositions of matter. It would include such things as new or improved devices, systems, or technical innovation, computer software, circuits, chemical compounds, biomedical materials, mixtures etc. In lay terms, it is probable that an invention has been made when something new or useful has been conceived or developed, or when unusual, unexpected or non-obvious results have been obtained and can be exploited. Inventions will most commonly be developed through science, engineering and research, but can arise from any area of academic research or scholarship.
- 2.6 **Exploitation:** Action taken to ensure that appropriate Inventions and IP reach the marketplace and the optimal financial return is enjoyed by UHI and its Academic Partners and its employees. Following establishment of the appropriate means of protection (e.g., patenting), exploitation will typically involve licensing, company formation or other technology transfer measure.
- 2.7 **Inventor:** An employee who makes an Invention or creates IP.
- 2.8 **Confidential information:** commercially sensitive, controversial or otherwise valuable information than needs to be protected to ensure effective and ethical operating.

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- 2.9 **Staff:** For the purposes of this policy, 'staff' refers to all UHI Shetland employees, to unpaid personnel who may be Honorary, or working in a voluntary capacity, or on secondment or sabbatical to UHI Shetland. PG research students are also treated as staff.

3. Purpose

- 3.1 This policy allows the collective IP of UHI Shetland, which is one of its most significant assets, to be safeguarded.
- 3.2 Although the legal position is inevitably complex, the law is such that, unless there are specific agreements to the contrary, UHI Shetland would normally be regarded as owning all intellectual property generated by staff during the course of their employment, or if unpaid, during their work period with UHI Shetland.
- 3.3 As owner of that IP, UHI Shetland retains all patent and disposition rights including the right to decide how or whether the IP is exploited or commercialised.
- 3.4 UHI Shetland adopts the UHI Student IP Guidance pertaining to IP generated by Undergraduate Students, Taught Post-graduate Students and Post-graduate Research Students.

4. Scope

- 4.1 This policy applies to all staff. This includes UHI Shetland employees, temporary staff, agency staff, consultants, Board Members, volunteers and collaborators. Those on secondment or sabbatical to UHI Shetland, and PG research students are also treated as staff.
- 4.2 All materials and outputs created under the period of employment or work at UHI Shetland remain the property of UHI Shetland beyond the duration of any contract of employment, or period of work at UHI Shetland. This includes material (of any format) that can be considered as learning, teaching, course material or materials to support delivery of a course. This policy also includes all materials relating to research, consultancy and knowledge exchange activities.
- 4.3 Staff do not retain any rights to use, exploit or re-produce any materials or outputs that have been developed while working for UHI Shetland. These must be surrendered prior to leaving employment of UHI Shetland and copies should not be retained or disseminated externally by the staff member.
- 4.4 Staff may however make a formal written request to UHI Shetland to utilise materials after leaving employment and this will be considered on a case-by-case basis.
- 4.5 For collaborative projects, knowledge exchange, consultancy and enterprise activity the IP arrangements need to be agreed and documented with all parties at the outset of such projects or activities and should form part of the formal agreement with both background and foreground IP being considered.

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4.6 Confidentiality:

- All foreground IP should be treated as confidential and not passed to a third party without permission.
- Where staff are accessing or creating confidential information the line manager or Head of Department may issue specific instructions to some employees to keep their work confidential or to sign confidentiality or non-disclosure agreements. Failure to comply with these instructions or agreements will be deemed a serious disciplinary offence.
- Even when information may not seem of particular importance, staff should only share information in a way that they have been instructed to. Requests for information made by external parties, and in some cases internally (if a confidentiality agreement is in place), should be referred to the relevant project PI or Head of Department if there is any doubt about the nature of the request or the information requested. Staff should not discuss their work or the work of others externally unless they are completely sure that it will not compromise UHI Shetland.
- Press releases and other forms of comment to the press/ public/ social media must be sanctioned by an authorised member of staff and involve the Communications team.

4.7 Safeguarding IP and Commercialisation

- In cases where staff feel that they have an idea, information or other output that could be legally protected and exploited for financial gain (e.g. a new methodology or new technology) that they have developed as part of their work for UHI Shetland, they should, at the earliest opportunity, declare this confidentially in writing to the relevant Head of Department or the Principal.
- This disclosure of IP or the idea itself should not be discussed with anyone else, as this may constitute public disclosure and compromise any future exploitation for the good of UHI Shetland and the employee.
- On disclosure, SUHI will nominate a member of the senior staff to discuss the case with the employee. SUHI will be responsible for determining the most mutually beneficial route to exploitation of the IP and of benefits that may accrue to the employee as a result.
- When appropriate UHI Shetland will engage with UHI Commercialisation processes.

4.8 Copyright

- Copyright subsists in original work of authorship, whether or not published, which has been recorded in writing or otherwise (including electronic form). Copyright laws protect literary works (including academic papers), films, sound recordings and original databases among other things. Computer programs are protected as literary works.

- A copyright owner has the exclusive right (among other things) to reproduce the work, prepare derivative works, distribute by sale or otherwise, and display or perform the work publicly. Copyright protection of a work generally extends for either 70 years after the death of the originator or 70 years after the date on which the work is first lawfully made available to the public. Precise duration of protection depends on the nature of the work.
- Copyright protection is important in order for UHI and its Academic Partners to license copyrightable material.
- It is strongly advised that a 'notice of copyright' is affixed to material and must be in the following format:

“Copyright © UHI Shetland [Year(s)] - All Rights Reserved”

- Where a staff member uses materials that they own the copyright to, e.g. photos taken prior to, or outwith, the employment of UHI Shetland they should grant a free, unconditional, irrevocable, perpetual, non-exclusive worldwide licence for the use of that material to UHI and its APs. If staff do not wish to grant a licence to the UHI and APs, please do not use your own materials. If you grant this licence, cite the material as:

“(Your Name), yyyy, licenced to UHI and Academic Partners”

5. Exceptions

- 5.1 Despite its default ownership of IP, UHI Shetland will not assert its copyright or other IP rights in the normal academic publications of its staff (e.g. journal articles, conference papers and books). For such works, staff can enter into publication agreements with publishers in the same way as a copyright owner. However, when publishing their research, staff must ensure that the method of publication will have the greatest academic impact in their field and achieve the best possible result in research evaluation exercises; and copies of articles, papers etc must be placed in the UHI's open access repository (PURE).

6. Notification

- 6.1 This policy will be available on UHI Shetland's website.
- 6.2 All individuals with responsibilities outlined in Section 7 will be notified of changes.

7. Roles and Responsibilities

- 7.1 The Board of Management is responsible for approving the policy and for ensuring that Shetland UHI complies with any statutory or legal obligations that may arise from the development, patenting or commercialisation of IP.
- 7.2 Senior Management Team is responsible for operational oversight of the policy. They must ensure that Managers, Staff and Students operate in an environment where they can fulfil their responsibilities in relation to the policy.

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- 7.3 Line Managers are responsible for implementing this policy, ensuring that our commitment to IP is followed through and adequately communicated both internally and externally.
- 7.4 All staff have a responsibility to ensure compliance to this policy by:
- Recognising that as their employer, UHI Shetland owns the IP of materials generated by staff through the normal course of their employment.
 - Being aware that through their research and KE activities they will create valuable IP that needs to be protected
 - Working with management to develop, utilise and exploit IP to the best benefit of UHI Shetland
 - Bringing to the attention of management any suspected breaches of this policy
 - Working together to promote an environment that promotes innovation in research and KE.
- 7.5 Contractors, temporary staff, agency staff, consultants, volunteers, collaborators and providers of services on behalf of UHI Shetland are responsible for adhering to the principles of this policy in the context of their engagement with UHI Shetland.

8. Legislative Framework

Copyright, Designs and Patents Act 1988 [Copyright Act - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

9. Related Policies, Procedures, Guidelines and Other Resources

- [UHI IP Policy \(2020\)](#)
- [UHI Student IP guidance \(03-2021\)](#)
- The Lambert IP Toolkit has been produced to aid Companies and Universities wishing to undertake collaborative research projects, see toolkit and guidance at <https://www.gov.uk/guidance/lambert-toolkit>
- [Patents, trade marks, copyright and designs - GOV.UK \(www.gov.uk\)](#)
- UHI [Copyright Policy \(sharepoint.com\)](#)

Version Control and Change History

Approved	By	Review By