

Kingston University Intellectual Property Rights Policy

It is the University's policy to encourage and facilitate the successful exploitation of Intellectual Property. This Policy provides guidance for Staff on Kingston University's position relating to Intellectual Property Rights [IPR].

1. Subject to paragraphs (c), (d), (f) and (g) of the Principles (at page 2 of this Policy), the University claims ownership of all of the intellectual property rights subsisting in, and arising from, works (including but not limited to, the works listed in Clause 2 below) which are devised, made or created by:
 - a) persons employed by the University in the course of their employment;
 - b) persons engaged in study or research in the University who, as a condition of their being granted access to the University's premises or facilities, have agreed in writing that this Policy shall apply to them; and
 - c) persons engaged by the University under contracts for services during the course of or incidentally to that engagement.

2. The intellectual property rights subsisting in and/or arising from the following works shall be owned by the University:
 - a) works generated by computer hardware or software owned or operated by the University;
 - b) films, videos, multimedia works, typographical arrangements, field and laboratory notebooks, and other works created with the aid of University facilities;
 - c) patentable and non-patentable inventions;
 - d) registered and unregistered designs, plant varieties, algorithms and topographies;
 - e) University commissioned works not within a), b), c), d);
 - f) intellectual property not within a), b), c), d) that is the subject of any research contract deliverable;
 - g) databases, computer software, firmware, courseware, and related material not within a), b), c), d), e);
 - h) know-how and information associated with the above;
 - i) learning and teaching materials including lecture notes, course / module handouts, audio or visual recordings and other learning materials or works published, electronically or otherwise, by the University or made available through University facilities, resources or networks.

3. Notwithstanding the provisions of Clauses 1 and 2 above, the University fully acknowledges its Staffs' requests to have unfettered rights which permit Staff to freely use the teaching and learning works produced by them during the course of their employment at the University. Consequently, the University hereby grants its Staff a non exclusive, royalty free, irrevocable licence to use, **for any non-commercial purpose**, the teaching and learning works produced by Staff in the course of their employment at the University, and all intellectual property rights subsisting therein.

4. The Policy applies to all Staff on a University contract of employment and will be reviewed and updated from time-to-time as technology, the University's activities, copyright and patents law, and associated matters evolve. The University's rights may be waived or modified by an agreement in writing and approved by the University Secretary and the Pro Vice Chancellor, Knowledge Exchange and Innovation.

5. This Policy shall continue to be in force after the termination of employment or registered studies in respect of the following:
 - a. Any rights to revenue sharing or other payment or benefit that may accrue to Staff and/or Students under the University's *Exploitation of Inventions & Patents Policy* in force, and
 - b. Any obligation to assist the University in the exploitation of the IP (at its expense) shall continue after the employment and/or registered studies have been terminated.

6. The Policy shall apply to all IP devised, made or created on or after December 2008 and is subject to the Patents Act 1977.

Principles

- a) Subject to the following paragraphs, the provisions of the Copyright, Design and Patents Act 1988 (as amended) shall apply to copyright matters, and the provisions of the Patents Act 1997 (as amended) relating to the ownership of employee's inventions shall apply to inventions produced by Staff.
- b) Under these Acts the originator of copyright materials, of inventions that might be patented, or of similar materials owns the IPR arising, except where the originators are employees, when the IPR belong to the employer. As a general principle, therefore, the University owns the IPR in work done by its Staff under their contracts of employment, but makes exceptions to this rule for its Staff in the specific cases described below.
- c) Contractors are also not Staff or employees in the legal sense and thus may own IPR in work that they carry out under contract unless there is a written agreement to the contrary. ALL contracts with contractors should explicitly state that the IPR in materials that they produce under contract belongs to the University (or, as a minimum, that the contractor gives the University an irrevocable, non-exclusive licence to use the materials developed by them).
- d) In exceptional circumstances, and where it is in the interest of the University, the provisions of this Policy, with the exception of (i) above, may be varied by written agreement between Staff and their Dean/Head of Department subject to gaining written approval from the Pro Vice Chancellor, Knowledge Exchange and Innovation, and the University Secretary for such agreement. Where any such IPR created is subject to an agreement with a third party which is approved by the University, the agreement with the third party will take precedence over this Policy in so far as such agreements are at variance with it.
- e) All records (documents, papers and software, etc) which relate to the finances and administration of the University, including course documents, summaries and copies, are the property of the University. The copyright in all such original and any amended material in any media belongs to the University.
- f) The copyright in any work or design produced by Staff as a scholarly work belongs to the member of Staff if its intent was the furtherance of his/her academic or professional standing. Scholarly works include books, contributions to books, articles and conference papers whose principal intent is to add to the body of knowledge. Scholarship is an activity which advances the boundaries of knowledge and understanding of disciplines within and across disciplines by the critical analysis, synthesis and interpretation of ideas and information according to established methodology and which results in publications of various sorts.
- g) The copyright in other materials (books, software, etc.) not directly related to courses or to scholarly works, but produced by Staff during the normal course of their duties, as defined in their contract of employment, belongs jointly to the member of Staff and the University. Any commercial exploitation of such materials will be agreed and carried out in accordance with the policies of the University.