Introduction

During the course of your project you may generate some novel work. This is known as Intellectual Property (IP). Intellectual Property is the term used to describe the outputs of creative endeavour in literary, artistic, industrial, scientific and engineering fields that can be protected under legislation. In the University context this can be considered broadly as the results from research or creative projects.

As the generator of IP you are considered to be an ‘inventor’ or ‘creator’ and, together with the University, have rights to the Intellectual Property. This is known as Intellectual Property Rights (IPR). IPR give legal recognition to the ownership of intellectual property. There are several different forms of rights or areas of law giving rise to rights that together make up IPR.

Normally the University works with inventors to manage the IP. The University has facilities and staff within the Research and Enterprise Development Office (RED) specialised in managing IP and can provide expert help and advice. Therefore if you feel that you are an inventor and have created some IP, please speak to your project supervisor as soon as possible. Then you and your supervisor can contact RED and together we can work within the University IP Policy for Students to help you manage the IP you have invented as effectively as possible.

1 Ownership of intellectual property generated by students at the University of Bristol

Both undergraduate and postgraduate students may generate inventions and other intellectual property while carrying out research or similar projects at the University. For these purposes, “intellectual property” includes:

- The ownership of and exclusive right to exploit any patentable discovery or invention made, including any resulting patents and patent applications;
- all rights (including design rights and rights which are capable of registration under the Registered Designs Act 1949 or revision thereof) to any design produced;
- copyright and database rights in (i) any computer program;
- any design capable of commercial exploitation; and (iii) any reports to sponsors and other materials produced in the course of performing the project;
- copyright in any documentation and other materials relating to the above;
- all rights (including rights which are capable of registration under the Registered Trademarks Act 1994 or revision thereof) to any mark produced.

2 Undergraduate and taught course (non-research) postgraduate students

2.1 In the event that an undergraduate student or a postgraduate student on a taught course generates intellectual property in the course of a University project, either solely or in collaboration (where the collaborators may be fellow students, members of University of Bristol staff, employees of a sponsoring organisation or collaborative partner or a combination thereof), he or she is asked to assign to the University any intellectual property that he or she may generate. Assignment will only
take place in the event that intellectual property is generated. A student shall then give to the University all reasonable assistance to enable the University to obtain patents or other forms of legal protection for the intellectual property.

2.2 The University operates a ‘fair share’ system for rewarding inventors which is described in the University’s Revenue Sharing Scheme (as amended from time to time). If the University seeks to exploit commercially any intellectual property generated by an undergraduate or taught postgraduate student, it shall ensure that the student is treated in the same way as an employee inventor in accordance with the University’s Revenue Sharing Scheme in force at the time.

2.3 In the event that an undergraduate or taught postgraduate student generates intellectual property independently of their research project, University facilities or intellectual supervision then that intellectual property shall remain the property of the student. However, subject to the results of due diligence examination, the University may be willing to manage the commercialisation of the intellectual property on behalf of the student. This would require the student to assign their intellectual property rights to the University in return for an inventors reward as described in the University’s Revenue Sharing Scheme.

2.4 Information disclosed to a student during the course of a student’s research activities and any results generated during that period (whether or not technical or commercial in nature) may constitute valuable intellectual property and require protection prior to any form of non-confidential disclosure. It is the responsibility of the research project supervisor to advise the student as to which results and/or information are to be kept confidential. If in any doubt, advice should be sought from the Research and Enterprise Development Office.

3 Postgraduate students (research based)

3.1 Postgraduate students will be required to execute agreements and assignments of intellectual property as a condition of participation in University research projects, a copy of which is available from the Research and Enterprise Development Office. The agreements will be included as a constituent part of any official offer of a studentship placement from the relevant University of Bristol Faculty Office. Where an external party, such as a company, provides funding for a research project additional terms may be required by the funding party.

3.2 The University operates a ‘fair share’ system for rewarding inventors which is described in the University’s Revenue Sharing Scheme (as amended from time to time). If the University seeks to exploit commercially any intellectual property generated by a postgraduate student, it shall ensure that the student is treated in the same way as an employee inventor in accordance with the University’s Revenue Sharing Scheme in force at the time.

3.3 In the event that a postgraduate student generates intellectual property independently of their research project, University facilities or intellectual supervision then that intellectual property shall remain the property of the student. However, subject to the results of due diligence examination, the University may be willing to manage the commercialisation of the intellectual property on behalf of the student. This would require the student to assign their intellectual property rights to the University in return for an inventors reward as described in the University’s Revenue Sharing Scheme.
3.4 Information disclosed to a postgraduate student during the course of a student’s research activities and any results generated during that period (whether or not technical or commercial in nature) may constitute valuable intellectual property and require protection prior to any form of non-confidential disclosure. It is the responsibility of the research project supervisor to advise the student as to which results and/or information are to be kept confidential. If in any doubt, advice should be sought from the Research and Enterprise Development Office.

Revenue Sharing Scheme

The successful commercial exploitation of University owned intellectual property, be it a patented invention or material protected by copyright, will usually result in the University receiving royalty income. This may be either as a lump sum or as a stream of royalty income over a period of time.

The University has a standard scheme for the apportionment of its royalty income which reflects the involvement of the individuals concerned, the host Department and the University centrally.

Each case will need to be considered in the light of the individual circumstances applying, for example, the balance between University time and resources and those privately invested by the individual concerned. Subject to variation depending on circumstances, normally the apportionment of income deriving from such commercial exploitation will be on the following scale:-

A. The first call on income is a payment to the individual(s) involved of up to £4,000 [this should be viewed as an advanced allocation of part of the share of the first £15,000 (net of University outgoings) received]:
   Income £0 gross - £4,000 gross 100% to the individual(s)

B. The next call on income is the recovery of all outgoings by the University; for example patent and legal costs, thus reducing the gross income to a net sum.

C. Further income, received after the initial payment of £4,000 has been made and after the recovery of University outgoings, is apportioned as follows:
   £0 gross - £15,000 net 70% to the individual
   15% to host Department
   15% to University

   [Assuming net income of £15,000 has been received, the individual(s) will receive a total of £10,500 which includes the initial payment of £4,000.]
   £15,000 net - £75,000 net 50% to individual(s)
   25% to host Department
   25% to University
   1/3 to individual(s)
   Greater than £75,000 net 1/3 to host Department
   1/3 to University
   1/3 to University
Notes

1. Apportionment amongst individuals

Where more than one individual is involved, initial responsibility for agreeing the division amongst individuals lies with those individuals. Advice can be sought from the University via the University’s Research and Enterprise Development Office and the University Secretary. In the case of income from exploitation of patents, individuals need not be named inventors to receive a share of income.

2. Leaving employment of University

Cessation of employment, under normal circumstances, will not affect an individual’s right to receive a share of income.

3. Death

In the case of the death of an individual due a share of income, that share of any income will be payable to the estate of the deceased.

4. Variation

If an individual or Department wishes to request an alteration to the normal apportionment, the request is to be put in writing to the Vice-Chancellor for consultation with the Director of RED.

Approved by Council 17 May 2002.