

College Associates

In keeping with academic custom, College recognises that the research and teaching activities of Departments and Divisions can be greatly enhanced by the involvement of individuals who are neither College employees nor students, such as Honoraries, Visiting Readers, Senior Research Investigators, Visiting Professors and Visiting Researchers (“Associates”) and encourages such interactions.

The formal appointment of an Associate to College binds the Associate to adhere to and honour College’s [IP policy](#).

Below are sections from the College’s IP policy which address IP ownership and confidentiality and an explanation of College’s approach to these matters, which is adopted to ensure that College is able to honour its obligations to external organisations and that future research programmes and IP commercialisation opportunities are not jeopardised.

IP ownership

“Individuals who are affiliated to College but who are neither employees nor students “Associates” (for instance Honoraries, Visiting Readers, Senior Research Investigators, Visiting Professors and Visiting Researchers) may be required to assign the rights to any IP they create in the course of their College activities to the College.”

The research funding College receives from various organisations is provided with accompanying terms and conditions stipulating both how the relationship between College and the funder and the outputs of the funding are to be managed.

As an example below is an excerpt from the Wellcome Trust’s “Conditions under which a grant is awarded”:-

“The Trust also requires the Organisation to ensure that all persons in receipt of Trust funding or working on a Trust - funded activity (including employees, students, visiting fellows and subcontractors) are employed or retained on terms that vest in the Organisation all Trust - funded IP.”

In circumstances whereby an Associate generates IP in the course of a Wellcome Trust funded research programme, in the absence of an assignment of IP rights by the Associate to College, College would not be able to honour the obligations under which this funding was provided, namely for the arising IP to vest in the Organisation, i.e. College.

Alternatively College may secure funding from an industrial funder, the terms of which vest all arising IP with the funder. Again should an Associate generate IP in the course of a research

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programme, in the absence of the Associate assigning the arising IP to College, College will not be able to honour these obligations.

Should a College Associate generate IP that is commercialised, in recognition of their involvement, they will be eligible under College's discretionary 'Reward to Inventors Scheme' for a proportion of the revenue College receives from Imperial Innovations.

College recognises that, in a limited number of cases special arrangements may need to be negotiated regarding the ownership and use of IP which an Associate may generate. Such arrangements will be negotiated on a case-by-case basis (where relevant with the Associate's employer). Any individual who believes that he or she falls within such a category should contact the Research Office for advice at the earliest opportunity.

Confidentiality

"It is a condition of employment or affiliation that individuals must familiarise themselves with and preserve the confidentiality of sensitive information which is made available to them during the course of their work."

College enters into various contracts with a variety of external organisations most of which, if not all, contain obligations of confidentiality. Whilst it is College and not a researcher that is party to these contracts, the relevant researchers must honour the confidentiality obligations therein as a condition of College employment or affiliation, as any breach of these conditions may have serious consequences for College.

The confidentiality obligation within a contract varies from case to case, but generally it will include a definition of the confidential matter and stipulate how it may be used. For example, the confidential matter may be defined as information received during discussions, research materials, research results, or research reports, whilst the conditions of use may include definitions of the individuals allowed to use the confidential information, the field of research in which the confidential information may be used and if any onward disclosures are permitted.

Associates are also reminded that should they receive confidential information during the course of their Associate activities at College, they must continue to honour the governing confidentiality obligations after their association with College has ended.

College is committed to encouraging the commercialisation of College owned IP, which often requires registering for patent protection. In order for IP to be granted patent protection various criteria must be fulfilled, one of which is that the IP must be novel. Hence, should an Associate have sight of information to be included in a patent application they are reminded that any written or oral disclosure of that information made without the obligation to keep the information confidential may prevent patent protection being granted.