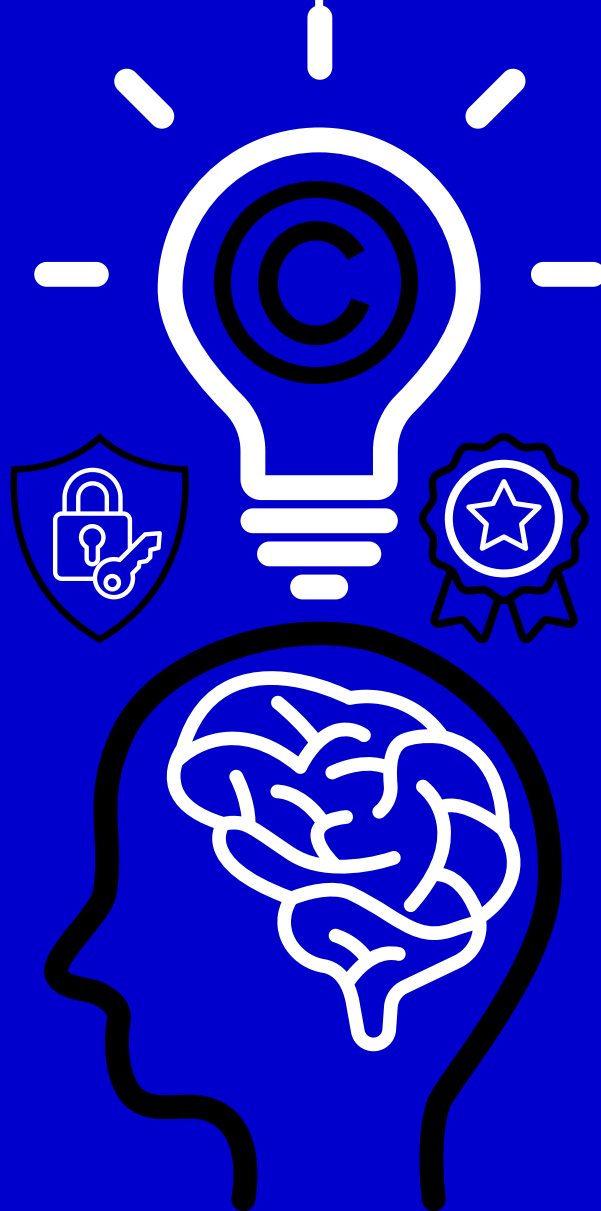

**INTELLECTUAL
PROPERTY AT
IMPERIAL**



**MT1
COLLABORATIVE**





INTELLECTUAL PROPERTY AT IMPERIAL

Intellectual property is any intangible asset that is the result of creative thought. This can include patents, copyrights, trademarks for brand identities, “trade secrets”, and brand specific product designs, and applies to both literary and artistic works, as well as scientific inventions.

Items covered by the definition of intellectual property are protected in similar ways to physical property. The idea is that, as innovators can protect their original ideas, there is greater economic incentive to create in the first place, with an overall goal of greater stimulation of innovation and contribution to technological progress.



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EMPLOYEES AT IMPERIAL

The Patents Act 1977 and the Copyright, Designs and Patents Act 1988, alongside any other relevant legislation, state that all forms of IP created or developed by an employee, within the normal course of their duties as an employee, belongs to their Employer. In this case, any and all IP created by Imperial staff members as part of their work at the College, is owned by Imperial.

For works completed outside of an employee's usual duties, that have been commissioned or instructed by Imperial, the employee is required to assign the rights to any created IP to Imperial.



STUDENTS AT IMPERIAL

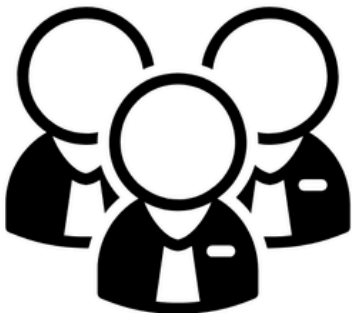
Where students create IP in the course of their work or studies, they themselves will own the rights to the IP, unless:



They create **new IP that builds upon existing IP** already owned by Imperial, or otherwise was created by Imperial employees or associates.



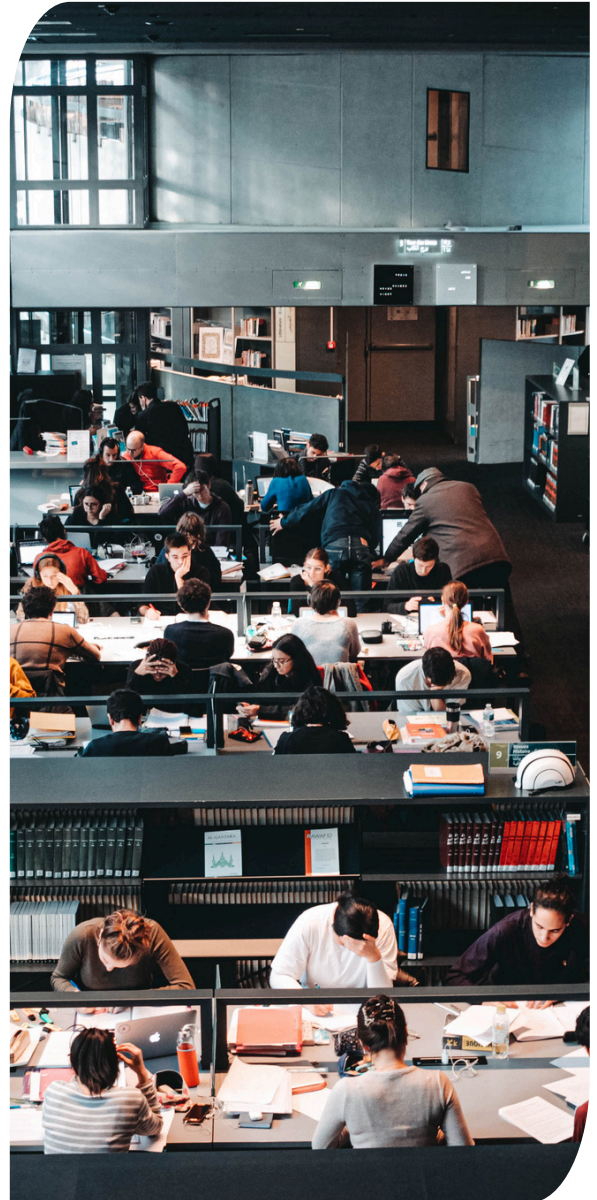
They create **IP that is subject to the terms of an agreement** or contract with a third party or other external party, and the terms of the agreement dictate that the IP is owned by Imperial or by the third party.



They are, or have **the status of, an Imperial employee.**



They **create IP in partnership** with Imperial employees or associates.



In these exceptions, **the Student will be treated the same as an Employee and will be required to assign the IP rights to Imperial.** This also means they can take advantage of the Reward to Inventors Scheme, in respect of IP that generates revenue.



ASSOCIATES TO IMPERIAL

Defined as **other individuals who are associated with Imperial, but are not Students or Employees**. This could include Visiting Researchers, Readers, Honoraries, Senior Research Investigators, or other similar roles.

Persons in these roles may be required to assign the IP rights to Imperial, as the IP will likely be generated over the course of their work with the College. Additionally, Imperial may have obligations to funding bodies that it would not be able to comply with if the College does not have the rights to the IP.

In the context of revenue generated by IP, Associates are usually treated as Employees

There are some exceptions that require special arrangements, where the individual retains employment with another organisation during their work with Imperial (e.g. Visiting Professors).

This will require a case-by-case negotiation of the rights assigned to the involved parties, and for the details of revenue sharing. **In the first instance, contact the Research Office as soon as possible to seek advice. This must be completed as early in the research process as possible.**

If you're unsure if you're classed as an Associate to Imperial, check in with the Research Office.



COPYRIGHT

Imperial waives its right to copyright of IP when the IP is textbooks, research publications, or other teaching materials, and states that the relevant individuals may publish these items to their own benefit. It should be noted that Imperial will be entitled to a global, royalty-free, in perpetuity license for the use of any such materials for the sole purpose of research and education at Imperial, across all media. **It is the responsibility of the individual to make any prospective publisher (or similar) aware of this commitment.**

All Imperial Employees, Students, and Associates must familiarise themselves with Imperial's **“Research Publications Open Access Policy”**, which maintains that certain academic outputs should be available in an open source format.

The above discretionary copyright waiver does not cover other work commissioned by Imperial, which will have its own copyright agreement. This includes copyrighted works generated via research or other commissioned activities such as computer software, databases or other materials with commercial potential.



COMMERCIALISATION OF IP

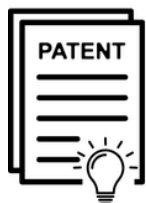
The full list of IP that Imperial lays claim to when any of the previously described conditions are met includes:



PATENTS



TRADE & SERVICE MARKS



UTILITY MODELS (also known as “petty patents” or “innovation patents”)



TRADE NAMES

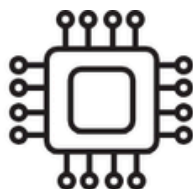


CONFIDENTIAL INFORMATION and/or know-how

As well as rights in:



Domain names



Topography Rights



Designs



Databases



Copyright



Trade Secrets



Moral Rights



Works created by computer hardware or software owned or operated by Imperial



COMMERCIALISATION OF IP

Imperial also lays claim to works created with the aid of Imperial facilities (such as labs, buildings, equipment, and materials), including:



Films



Photographs



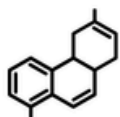
Multimedia works



Typographic arrangements



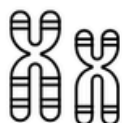
Field and lab notebooks



Any organic/inorganic element



Nucleotide/nucleotide sequence, including DNA and RNA



Gene



Vectors or constructs including plasmids, phages or viruses



Host organisms including bacteria, fungi, algae, protozoa and hybridomas



Eukaryotic/prokaryotic cell lines or expression systems, or any development strain or product of that cell line or expression system.



Protein including any peptide or amino acid sequence



Enzymes



Antibody or protein conferring targeting properties



Any fragment of a protein or peptide enzyme or antibody



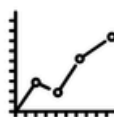
Any drug or pro-drug



Assays and reagents



Any other genetic material or micro-organism



Data for the derivation of molecular structures including NMR spectra, X-ray diffraction patterns and other primary experimental information



Assignments and other calculations required for determination of the structure, and co-ordinates of the derived molecular structure



Transgenic animals



COMMERCIALISATION OF IP

Any individual who creates or works on IP should **keep clear and retrievable records of the basis and development of said IP**. All records should be in readily accessible formats and stored securely. Not only does this support the obligations of good research practice, but it will also aid in securing any claim to an IP.

All individuals engaged in research at Imperial must abide by Imperial's Guidelines for Proper Scientific Conduct in Research Policy.



RECORD KEEPING

Any individual who creates or works on IP should **keep clear and retrievable records of the basis and development of said IP**. All records should be in readily accessible formats and stored securely. Not only does this support the obligations of good research practice, but it will also aid in securing any claim to an IP.

All individuals engaged in research at Imperial must abide by Imperial's Guidelines for Proper Scientific Conduct in Research Policy.

Good record keeping
can form the basis for
your claim to an IP




CONFIDENTIALITY

In the context of IP development and research, **employees and other affiliates will be subject to either a Confidential Disclosure Agreement (CDA) and/or a Research Contract.** As such, all confidential or sensitive information received under these contracts must be held confidentially and only disclosed to authorised individuals (e.g. other members of the research team, but only those stated in the relevant agreement or contract). Individuals also have some responsibility over how data is handled within the relevant team members – **it is recommended that you don't release confidential data to team members who do not adhere to Imperial's Data Protection policy**, where it can be avoided.

If you have concerns about how other team members are handling sensitive or confidential materials, you should report your concerns to your Supervisor (or other relevant authority such as a PI/CI etc.)

N.B. It is a condition of employment/affiliation that **all individuals must familiarize themselves with, and uphold, Imperial Data Protection policy** regarding any and all sensitive data they interact with during their work.

Find a link to the Data Protection Policy in the "Further Reading & Resources" section



Confidential



FINAL NOTE

- The Imperial College Secretary is responsible for overseeing the use of the Imperial brand and associated items, including use within, or for the purpose of, innovations and inventions.
- In the event of any disagreement between an individual and Imperial on the subjects of the IP Policy, which cannot be resolved by discussion, the dispute may be referred to the Director of the Research Office by either party.



FURTHER READING & RESOURCES

Imperial Research Publications Open Access Policy

<https://www.imperial.ac.uk/research-and-innovation/support-for-staff/scholarly-communication/open-access/oa-policy/>

Imperial Guidelines for Proper Scientific Conduct in Research Policy

<https://www.imperial.ac.uk/research-and-innovation/research-office/research-policies/imperial-research-codes-of-practice/>

Data Protection at Imperial

<https://www.imperial.ac.uk/admin-services/governance/policies-and-guidance/guidance/>



CONTACTS



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