7.2 IP protection
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8. Student-generated IP – University policy position on IP ownership
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8.3 IP generated by students who are also employed by the University
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9. Students and graduates – Support for IP protection and exploitation
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10. Making the most of IP – different ways to realise its value

11. Exploiting IP – University policy position
11.1 IP licensing
11.2 Assignment or sale of IP
11.3 Formation of a spin-out company
11.3.1 Company registration or incorporation
11.3.2 Pre-requisites to company registration
11.3.3 Allocation of shareholding in the company
11.3.4 Licence of IP to the company
11.3.5 Multiple agreements
11.3.6 Consultancy or secondment arrangements
11.3.7 Research framework or collaboration agreement
11.3.8 Appointment of a University Director
11.4 Spin-in company
11.5 University Enterprise Unit

12. Directorships in companies

13. Income distribution from exploitation of research and IP
13.1 Income from IP licensing and sales
13.2 Income from spin-out companies and spin-in companies
13.3 Income from University Enterprise Units
13.4 Applicable costs for netting-off income prior to income distribution
13.5 Income distribution rates

14. Resolution of disputes

15. Managing international risks of University research and IP

Annex 1: Staff – Process and flowchart for applying for and obtaining IP support
Annex 2: Students and graduates – Process and flowchart for applying for and obtaining IP support

1. OVERVIEW AND PURPOSE

1.1 The purpose of this policy is to provide a new framework and drive for the creation of intellectual property (see section 4 for definition) and to provide an environment in which staff and students at the University can make effective use of their ideas to make real change and help shape the world by addressing the challenges that face society today and in the future.

1.2 This policy will help to create a supportive environment that, encourages academic staff and students to translate their ideas and research in ways that bring about sustainable economic and social change, emphasises the importance of generating a strong innovation and enterprise portfolio, and grows the potential of valuable intellectual property created by staff and students.

1.3

applicants cannot rely on such data to support their own applications for marketing authorisation for e.g. generic or biosimilar products.

5.11.3 Market exclusivity runs for a period of 10 years period from the initial marketing authorisation of a medicine during which a generic or biosimilar cannot be placed on the market, even if it has already received a marketing authorisation.

5.11.4 An orphan drug is a pharmaceutical agent developed to treat medical conditions which, because they are so rare, would not be profitable to produce without government assistance. The conditions are referred to as orphan disease, for the diagnosis, prevention or treatment of a life-threatening or chronically and seriously debilitating conditions.

6. STAFF-GENERATED IP - UNIVERSITY POLICY POSITION ON IP OWNERSHIP

6.1 IP generated in the course of employment

6.1.1 The University owns all IP created by staff who are employed by the University, on a full-time or part-time basis, where the IP is generated under their normal duties of employment or duties that have been assigned to them, relating to research, teaching, knowledge exchange and related activities. This is the position under English law, in accordance with the Patents Act 1977 (s.39(1)) and the Copyright, Designs and Patents Act 1988 (s.11(2)).

6.1.2 Where staff create any IP in relation to their work and under their normal duties of employment or duties that have been assigned to them, but outside of their

accept the funding, then the University and staff will generally be required to transfer (or assign) ownership of the IP generated from the University to the funder.

6.7.2 The type of activities funded by a grant could be research, knowledge exchange or public engagement activities. Any of these activities may generate IP and in the case of public engagement activities, examples may include creating public exhibitions, publishing books, digitising archives, and commissioning reports, films, broadcasts, games and artworks.

6.7.3 Where the funder has terms requesting reports or updates of the activities or work carried out, the University and staff shall provide such reports or updates as required. Where the funder has terms which state that the University should share a part of any income received from exploitation of IP generated from any of the activities covered in section 6.7.2 (i.e. a revenue or equity sharing policy) by licensing, sale or having set up a spin-out company, the University and staff will be required to share a part of the income with the funder arising from such exploitation activity. Such payment of income share to the funder will be net of any applicable costs incurred by the University, such as IP costs and legal costs, as determined by the funder's terms.

6.8 IP generated by staff who are jointly-employed

6.8.1 The ownership of IP generated by staff who are jointly employed by the University and another organisation will usually be determined by the terms of each employment contract in the first instance. In these circumstances, any IP generated by a staff member in the course of employment under a University contract of employment

whether the staff member and University is free and able to sign such an agreement.

6.9.2 External researchers, collaborators or entrepreneurs-in-residence as visitors at the University

6.9.2.1 Any external researcher, collaborator or entrepreneur-in-residence undertaking any research or work at the University and generating IP will, unless a specific agreement is put in place between such individuals and the University, be owned by such individuals or their employers.

6.9.2.2 An external researcher, collaborator or entrepreneur-in-residence, or their employer, is expected to sign a suitable agreement with the University to govern their responsibilities and activities while working at the University. Such an agreement will contain appropriate IP arrangements, for example the joint-ownership of new IP generated based on the contribution by each party. Such agreement should be put in place before or as soon as possible after an external researcher, collaborator or entrepreneur-in-residence starts work at the University.

6.9.2.3 Staff should inform their Executive Dean and the faculty's Research Development Manager or equivalent in RIS beforafter f75 T Tm0 G[(M)-3(an)4 84141.92 reW*

in a University project or externally-sponsored research project as described in section 8.2, in which case the IP shall be owned by the University, or
in the course of employment arising from a contract of employment with the University as described in section 6.1, in which case the IP shall be owned by the University.

8.4 IP generated by BSMS students

Undergraduate and postgraduate (including doctoral) students of the Brighton and Sussex Medical School ("BSMS") are normally registered for joint degrees at both the University of Brighton and the University of Sussex, but subject to the policies and processes of the University of Brighton including its IP policy. In relation to the ownership of IP generated by BSMS students, the University of Brighton IP policy is the same as the University of Sussex policy, in that students own the IP they generate in the course of study or research, except in certain circumstances. The University of Brighton and the University of Sussex have an agreed framework for handling the exploitation of IP arising from BSMS research.

9. STUDENTS AND GRADUATES - SUPPORT FOR IP PROTECTION AND EXPLOITATION

9.1 Type of support available

9.1.1 The financial support available from the University for IP protection of student-owned IP may be used only to cover the costs for filing a patent application or an application to register a design. The offer of financial support to students registered at the University to protect their IP is designed to enhance the translation of student-generated IP in creating real-world businesses and encourage entrepreneurship by students.

9.1.2 The financial support available to students in section 9.1.1 will also be available to graduates for up to 1 year from their graduation date.

9.1.3 The typical cost for filing a patent application in the UK and up to 1 year's protection is £10,000. The typical cost for filing a registered design application in the UK and up to 1 year's protection is £1,000.

9.2 Process for applying for and obtaining IP support

The process for applying for and obtaining support to protect student-generated IP is outlined in Annex 2.

9.3 Student retention of IP ownership

A student or graduate who receives support from the University for protecting their IP to develop their enterprise idea will not be required to transfer ownership of the IP to the University as a condition of receiving support.

10. MAKING THE MOST OF IP – DIFFERENT WAYS TO REALISE ITS VALUE

10.1 There are many different ways to exploit IP and create value from it. The University supports many of the different approaches and the particular approach pursued will often depend on the research or IP concerned, the size of the market and how easy it is to access, the expertise or financial investment required to bring the IP to market, and the aims of the academic creators.

10.2 The common approaches to exploiting IP include:

Licensing: granting permission to an organisation ("licensee") to develop, use and/or sell the IP in return for financial compensation.

Assignment or sale: transferring ownership or selling the IP to an organisation ("assignee") in return financial compensation.

Spin-out company: setting up a company to develop and commercially exploit IP that is owned by the University and licensed to the new company in which the University is usually allocated equity or shares in the company.

Spin-in company: a company established by non-University representatives to pursue a business opportunity wherein the company and the University form a long-standing relationship of for example 2 years and the University is engaged to conduct specific research and deliver all or a substantial part of the research to the 12(i0.000008871 0 59E0 1 149.06 611.74 Tm0 G[ )]TBT/F4 11. F1 11.0s5@16F015D3 G[0.00

10.4 The IBP team can provide the necessary support and work closely with staff to get their research and IP ready to exploit by any of the above approaches.

11. EXPLOITING IP

i. Disclosure of IP and IP due diligence with the prospect of obtaining IP protection (see Annex 1).
ii. Market research and competitive analysis (commercial due diligence).
iii.

- IP licensing arrangements;
- IP responsibilities and IP costs;
- Academic consultancy and/or secondment arrangements, and
- Research collaboration arrangements.

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13.5.3 Table C – Distribution of net income from surpluses in Enterprise Units.

13.5.4

13.5.4 The sharing and distribution of net income in accordance with Tables A, B, C will usually take place after the end of each financial year at the University. A financial year at the University starts on 1 August and ends the following 31 July.

14. RESOLUTION OF DISPUTES

If an internal dispute arises in relation to this policy, and there is a need for adjudication, the matter shall be referred for a decision to the Pro-Vice-Chancellor for Research & Innovation.

15. MAI ce

ANNEX 1

STAFF-GENERATED IP –

Students or graduates (up to 1 year from graduation) apply for support to the Innovation & Business Partnerships team to protect IP, i.e. filing a patent or registered design

Flowchart B:
Process for Student IP support

Review / Contacts / References	
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