



UCP-IP001 Higher Education Intellectual Property for Students Policy

1 INTRODUCTION

- 1.1 This procedure outlines the process for students to protect their intellectual property. Intellectual Property (IP) is something that you create using your mind - for example, a story, an invention, an artistic work or a symbol which has value and originality. It is created through the development of new ideas, innovative new products, artworks, designs, processes, publications, creative content or output. Thus, the creative work undertaken by students as part of their studies might be IP. It can be protected, for example, by registering patents, trademarks and designs. 'Intellectual Property Rights' (IPR) refers to rights of ownership of Intellectual Property. The main criterion for all forms of IPR is whether you have been responsible for creating something novel or innovative. All students should read this policy carefully so that they are aware of the implications of University Centre Peterborough's (UCP) procedure, and are best placed to exploit any IP they generate. This procedure applies to all work undertaken while you are a student at UCP, and continues to apply to this work after you have left.
- 1.2 Types of IPR: There are various types of IPR. Some exist automatically on the creation of work such as a copyright or design right. However, in the case of patents and certain aspects of design, action has to be taken to protect those rights, which may in turn be both difficult and costly. Definitions vary depending on whether what is created is in the artistic or literary fields (protected by a copyright), a new technology (patent), a product's shape or appearance (design right) or a sign to distinguish your product or service from others (trademark) - but the principle is the same: rights cannot be granted over anything mundane or generic or which currently exists in the public domain or is owned by someone else.
- 1.3 The purpose of this procedure is to have a clear procedure that will:
- apply a uniformity and consistency of treatment across UCP
 - provide clear guidance on the process to be followed for ensuring IP and IPR is protected
 - serve as a UCP procedure statement to interested third parties.

2. SCOPE

- 2.1 This policy applies exclusively to all Higher Education provision offered by University Centre Peterborough.

3. RELATED DOCUMENTS

- Complaints Policy
- Academic Regulations of the Awarding Body
- Work Experience and Placement Policy
- <https://www.gov.uk/intellectual-property-an-overview>

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- <https://www.legislation.gov.uk/ukpga/1988/48/contents>

4. RESPONSIBILITIES

4.1 The Academic Director has overall responsibility for the procedure, but has delegated day-to-day responsibility for overseeing its implementation to:

- Learning Resource Centre Manager in relation to copyright issues
- HE Managers will be responsible for the Implementation of the policy at Faculty level, including preparing and maintaining guidance and documentation in respect of the policy for the benefit of UCP staff and students
- Academic staff will identify issues of IP with the student and understand that rights are protected. To also ensure that the student understands their rights within collaborative work.

5. RISK ANALYSIS

5.1 This policy is required to ensure that correct procedures are in place and are followed.

Analyse risks of non-adherence to this policy

5.2 Failure to adhere to this policy could lead to disputes, complaints and in extreme cases, legal action.

Staff training needed

5.3 All staff involved in this procedure are required to undertake annual training and update their knowledge of copyright and Intellectual Property.

6. DATA PROTECTION

6.1 UCP complies with the provisions of the General Data Protection Regulation Data Protection Act, 2018. As such, applicants' and student data are treated as confidential by all staff involved in this process and is not divulged unnecessarily or inappropriately. However, the aforementioned Act requires UCP to release certain information to UK authorities upon request in order to assist those authorities with the prevention and detection of fraud or other crimes. We will release the requested information on receipt of an appropriate request from UK authorities such as (but not limited to) the police, Home Office (for immigration and related matters), local authorities, and the Department for Work and Pensions.

7. PROCEDURE

Ownership: General

7.1 As a general principle, UCP recognises the student as owner of any IP he/she/they produces while a registered student of UCP. This principle may be subject to variation in the case of externally sponsored or collaborative work, as set out below.

7.2 Insofar as IP belongs to the Student, the Student grants UCP a royalty-free, irrevocable and non-exclusive licence to use this IP for so long as it subsists for the University's academic publications, teaching, research, educational and/or promotional purposes.

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Externally sponsored work

- 7.3 Students may need to assign ownership of IP generated by them, in circumstances where the activity they are involved with is funded by or otherwise benefits from the resources of a third party. The need for an assignment will be determined by UCP, having regard to the terms of any relevant contractual/grant arrangement(s) in place (or envisaged) with the third party. This includes (by way of example only) any research grant, studentship, collaboration or placement agreement governing the relevant activity. Arrangements in relation to any assignment of IP should be put in place at the outset of the project and in accordance with other UCP policy relating to externally sponsored activity.

Collaborative Work

- 7.4 UCP acknowledges that UCP staff and students will often collaborate on projects and generate IP. Subject to the remainder of this section and/or any separate agreement relating to such IP, students will own any IP they generate in connection with the collaboration.
- 7.5 On occasion, UCP students will have opportunities to collaborate with others in a way that creates more complexity in relation to IP ownership and management. UCP will own any IP generated by a UCP student:
- a. where such IP is derived from or is premised on IP belonging to UCP or a member of UCP staff; and/or
 - b. where Additional UCP Resources* have contributed to the development of such IP (whether in connection with or outside the course of the student's studies).

*For the purposes of this section Additional UCP Resources means a contribution of UCP resources (including but not limited to finances or access to premises, equipment or facilities) beyond that normally required by students, whether in connection with or outside their course of study (as applicable).

- 7.6 Students may be required to grant a confirmatory assignment of any IP to UCP in relation to the activity described in 7.5 above. Arrangements in relation to any assignment of IP should be put in place at the outset of the project and in accordance with any other UCP policy/procedure relating to collaborative activity.

Artistic works created by students

- 7.7 The term "artistic work" has the meaning set out in section 4 of the Copyright, Designs and Patents Act 1988 (as amended or replaced).
- 7.8 Students shall own copyright in any artistic work they create in the course of their studies at UCP. In relation to a student's artistic work (including any representation or reproduction of that work), UCP shall be entitled (without payment of any fee or royalty):
- a. to reproduce the work for educational and promotional purposes. This would include, by way of example, reproduction of the work in academic publications, promotional materials, web-sites, exhibition catalogues or flyers, databases, leaflets and prospectuses; and/or
 - b. to exhibit the work to the public during the course of the student's studies at UCP (including any exhibition of the work during the summer of the student's final academic year at UCP); and/or

- c. to exhibit the work to any third party in connection with the student's studies or in connection with UCP's academic and/or research purposes.

*In all instances student work will be identified as such with appropriate recognition and by-line/ credits

8. REVENUE SHARING

- 8.1 If UCP wishes to reproduce the artistic work of a student for any commercial purpose, such reproduction shall be subject to an individual licence on fair and reasonable terms to be negotiated and agreed with the student.
- 8.2 In circumstances where UCP commercialises IP generated by a UCP staff member and/or student, that staff member and/or student will be entitled to a share of any revenue received by UCP.

9. DISPUTES

- 9.1 In the event of a disagreement concerning any of the matters contained in this policy which cannot be resolved by discussion at Faculty level, the dispute may be referred to the Accountable Officer and UCP Council for determination. If a complaint is to be raised it should be done using the procedures outlined on the UCP website www.ucp.ac.uk/policies.