

Intellectual Property Policy

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Please note that as a student of the Buckinghamshire New University and studying with the BCNO Group, your studies are subject to the policies and regulations of the University. In some cases the policies have been amended to make them specifically relevant to the BCNO Group and the requirements of the General Osteopathic Council. If you require further guidance please contact the Quality Manager. (quality@eso.ac.uk)

1.0 Introduction

1.1 BCNO's Intellectual Property Policy outlines its position regarding intellectual property (IP) developed by students, staff, and other members of the BCNO Group, and the procedures for obtaining commercial rights to BCNO's IP. It covers the BCNO related activities, such as research and student education.

2.0 Intellectual Property (IP)

2.1 The term IP is used in many ways. In essence, intellectual property is an extension of knowledge and its creative application. It is generally understood that all material generated by staff should be regarded as containing potential intellectual property. There are a number of types of Intellectual Property, including patents, copyrights, performance rights, design rights, and trademarks.

3.0 BCNOs General Approach

3.1 Below are some conditions:

- 3.1.1 While an employee is employed by BCNO, BCNO will own all intellectual property that the employee develops during his or her employment.
- 3.1.2 A student who creates IP as part of his/her academic programme will be the true owner of the IP.
- 3.1.3 Members of academic staff and students, BCNO have in this context been permitted to publish academic papers, subject to the conditions set out in this policy.
- 3.1.4 BCNO's staff and students are encouraged to actively identify the commercially-valuable intellectual property (IP), to develop and protect it, and to exploit it with proper terms for mutual

benefit. Commercial exploitation (for example, on the basis of patents) need not be incompatible with academic activities such as the publication of academic papers.

4.0 Ownership and benefits of IP

4.1 For Staff

4.1.1 Although the legal position is undoubtedly complex, BCNO's position is applicable to the general law, whereby, unless there is a specific agreement to the contrary, BCNO owns all intellectual property generated by its staff.

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4.1.2 However, not all intellectual property created by staff members during their employment at BCNO is necessarily the property of BCNO. The following exceptions apply:

4.1.2.1 In some cases, BCNO may decide that categories of IP belong to the staff members who produce them. However, BCNO's ability to waive its IP claim is limited, partly due to financial reasons, and partly because it is a charitable body that is required by law to own its intellectual property rights. BCNO has every responsibility to put all reasonable measures into place to seek to maximise the return on its assets (which, of course, include intellectual property). To maximise BCNO's efficiency and effectiveness, it has decided to not claim any income generated by BCNO's staff or students from academic publications; for example, income received from the publication of a book or article.

4.1.2.2 Some intellectual property is created through research or other agreements with third parties, where the contract terms might allow a third party to use the intellectual property. To grant such third-party rights, BCNO and the party will typically negotiate these rights before signing the research contract.

4.2 For students

4.2.1 In the case of students creating intellectual property as part of their studies, intellectual property belongs to them unless the following conditions are met:

4.2.1.1 During an activity where ownership is required by a third party (e.g. when a host requires ownership during a student placement or when research is sponsored and the sponsor has ownership rights), the IP is generated;

4.2.1.2 The student-created intellectual property builds on the existing intellectual property generated by BCNO staff;

4.2.1.3 IP generated by students is jointly created with BCNO staff;

4.2.1.4 The student has been recruited with the understanding that their IP position will vary due to the particular commercial or IP sensitive environment .

4.2.2 In cases where BCNO is the sole owner, the exceptions outlined in 4.2.1.2 to 4.2.1.3 above will apply. The BCNO will be responsible for sharing the benefits from the exploitation of this ownership with students in accordance with the framework described in clause 5.

4.2.3 As a matter of clarification, where students generate IP outside of their studies but utilise BCNO's resources in the generation of that IP, BCNO will also be the sole owner of that IP. In this case, BCNO will be the sole owner of IP:

4.2.3.1 Unless otherwise agreed with BCNO, students are prohibited from using, licensing, or transferring any of the intellectual property, which they have generated, beyond the scope of their studies. BCNO should be contacted if any such agreements need to be sought.

4.2.3.2 BCNO will take all necessary steps to make sure that it is able to exercise its rights in full.

4.2.4 Where a student is to be the owner of the IP, the student grants BCNO a free, irrevocable non-exclusive license to allow BCNO to complete its commitments to the student e.g. relating to the supervision and assessment of the student's work.

4.2.5 However, the BCNO will retain ownership rights over publications that contain BCNO owned intellectual property in line with the above, however, BCNO will not claim any income generated by the student from academic publications.

5.0 Commercial Exploitation

5.1 IP exploitation includes the sale, transfer, assignment or licensing of IP as well as the supply, sale or licensing of goods or services involving the use of IP.

5.2 Unless otherwise authorised, BCNO shall determine whether and how to exploit any IP that it owns, whether commercially or otherwise.

5.3 In the first instance, creators of intellectual property should contact the Head of Research to discuss exploitation.

5.4 BCNO reserves the right not to exploit any IP of which it has ownership. However, BCNO will normally license or assign the IP to the creators based on the BCNO's charitable obligations and its use of public funds.

5.5 Without a doubt, BCNO acknowledges and accepts that if there is any inconsistency, it remains bound by its legal obligations and responsibilities under the general law, which cannot be altered by these conditions.

6.0 Use and ownership of IP

6.1 The BCNO's conditions on the ownership, use and exploitation of intellectual property are designed to reflect the general position under the law. BCNO hereby asserts its rights to own and use all intellectual property created by its employees during their employment, and it likewise asserts its rights to own and use all IP generated by its employees outside the course of their employment where significant resources have been invested. The BCNO is committed to sharing with the staff and students concerned the rewards derived from successful commercial exploitation of IP that they have produced.

6.2 To clarify, the following special conditions are applicable for IP ownership, use, and exploitation:

6.2.1 BCNO owns and therefore has the right to use without limitation all material created by staff members during their employment, as well as any intellectual property created by individuals outside the scope of their employment, but which is substantially based upon BCNO resources;

6.2.3 When BCNO publishes IP generated by staff or students, BCNO will wherever possible acknowledge its authors;

6.2.4 Should BCNO decide to commercialise IP created by BCNO employees and/or students, BCNO will share revenues obtained from such exploitation with the authors and inventors, which should be discussed with the Head of Research;

6.2.4 Any student or member of staff having a dispute about intellectual property, including the ownership of a piece of intellectual property, should, in the first instance, contact the Head of Research. Should the need arise, the Head of Research will consult with other staff

members, such as the Head of Departments. Should the dispute not be resolved, it will be sent to the senior academic team for consideration.

7.0 Working with third parties

- 7.1 Unless agreed otherwise, visiting academics or researchers will be treated as BCNO employees in terms of intellectual property they develop during their time at BCNO. In other words, BCNO will claim ownership of IP.
- 7.2 BCNO employee is responsible for ensuring that IP arrangements with third parties, such as collaborative research, contract research or consultancy work, do not conflict with their obligations to BCNO, including the rights of IP ownership.
- 7.3 Consultancy agreements with other institutions and sub-contracting arrangements must ensure that the BCNO's rights are appropriately protected; especially if there is a strong possibility that Intellectual Property will be generated throughout the project.
- 7.4 For further advice on this matter please contact the Head of Research.

8.0 Interactions with Academic Partners

- 8.1 Before disclosing confidential partner IP to any third party, any Research Student and staff should verify that the disclosure is in accordance with an appropriate agreement. The Head of Research or the Principal can assist in obtaining appropriate agreements related to confidentiality and intellectual property.
- 8.2 All intellectual property rights owned by the parties or created or developed by BCNO prior to, or following, the Commencement Date of the academic partnership agreement shall remain the exclusive property of BCNO, and any other academic partner shall be prohibited from using or exploiting any such intellectual property rights.
- 8.3 BCNO will notify its partners and third parties promptly upon becoming aware of any improper use of another party's intellectual property rights.