

University of Sheffield

INTELLECTUAL PROPERTY POLICY

The University's motto is 'To Discover and Understand'. By the very nature of the academic environment, knowledge and assets are created and disseminated and, collectively and individually, we are rightly proud of our contributions to advancing human endeavour. In undertaking research, innovation and education activities, staff and students generate intellectual property (IP).

This policy describes the University's position regarding the ownership of intellectual property (IP) developed by staff and by students whose Student Intellectual Property is vested in the University according to Regulation XXIII.

The policy applies to all intellectual property developed as part of a member of staff's employment¹ and relates to all University related activities, including research and innovation and student education.

This policy is specifically incorporated into all employees' contracts of employment and any legal relationship between the University and its students.

Additional University guidance exists to provide further detail about the operationalisation of the policy across many aspects and there are links within the policy to relevant guidance.

1. There are many ways to define IP, but broadly it refers to 'intellectual knowledge creation and assets'. In practical terms all material generated by staff should be regarded as potentially comprising or being protected as intellectual property. Examples include, but are not limited to, research data, databases, patents, inventions, copyright (including rights in software), performance rights, rights in educational materials, design rights and trademarks.

1.i Copyright refers to the right an author or creator has over their literary and artistic works - sometimes described as the 'expression of knowledge'.

2. Where a member of staff creates IP during the usual course of their employment or in the performance of duties assigned to them, the University will own that IP².

¹ It is acknowledged that staff and students may create IP outside of the usual course of their employment or programme of study (or work specifically assigned to them). Provided that IP did not require the significant use of University of Sheffield resources, such as laboratory or other facilities, it is outside the scope of this policy.

² Some IP is generated during the course of research, innovation or other activities funded by third parties, such as commercial parties. This may give rights over the IP to the third party. The University will negotiate an appropriate contract to govern these rights. Individual staff and students may not agree to contracts, or any other form of agreement, to assign IP rights to third parties.

2.i Where a student creates IP as part of their academic programme, which is not part of a Higher Degree by Research and/or not specifically referred to in Regulation XXIII, the student will own the IP.

3. Dissemination of IP, particularly with respect to research findings, is a key part of academic life. The University allows staff and students a right of autonomy over the copyright in scholarly works (which, for the purpose of this policy, refers to the outputs arising from research, such as journal articles, books, conference contributions, doctoral theses and includes non-print outputs such as software; it does not include teaching material relating to student education.) In order to enable staff and students to share the findings of their research as widely as possible, the University has developed a Publications and Copyright Policy which provides guidance regarding the exercise of such rights in relation to publications. Guidance on exercising these rights with respect to other research outputs (e.g. data and software) can be found on library web pages. Authors should ensure they follow this policy to enable them to comply with University and funder policies on Open Access.

4. Open Research is the practice of making the processes and outputs of research transparent and freely accessible, whenever possible. Open research practices are increasingly encouraged by funder, publisher and community policies and expectations, and the University's general attitude is 'as open as possible, as closed as necessary'. University IP made openly available as part of Open Research practices must have the appropriate licences, such as 'Creative Commons'³ in place to ensure appropriate attribution to the University. Paragraph 6 below deals with commercialisation of IP and disclosure should precede any open sharing so that this does not impinge on the potential to commercialise.

5. Where staff and/or students have created teaching materials as part of their employment, the copyright in those materials will be owned by the University, whatever their format. This enables the University to guarantee continuity of delivery for students, and to ensure that materials shared without consent or in contravention of University guidance can be protected.

5.i The University does not wish to limit staff progression or mobility. As such, staff are entitled to use the teaching materials they have created outside the University for use in educational purposes (but not for commercial purposes or where the materials are governed by other contracts, such as having been produced under contract to a third party or being used as part of paid for CPD). This allows the materials to be used if, for example, a member of staff leaves the University for a new employer. The materials must continue to be attributed to the University of Sheffield.

5.ii Paragraph 5.i above does not include recordings made through lecture capture, irrespective of the technology used. Recordings of taught sessions may only be shared within the University's Virtual Learning Environment for the purposes set out in the [University's Taught Session Recording Policy](#).

5.iii Open Educational Resources, like Open Research practices (see paragraph 4 above), are increasingly a part of the Higher Education landscape in the UK. University IP made openly available as part of Open Educational Resources practices must have the appropriate licences, such as 'Creative Commons' in place to ensure appropriate attribution to the University. Paragraph 6 below

³ <https://creativecommons.org/licenses/>

deals with commercialisation of IP and disclosure should precede any open sharing so that this does not impinge on the potential to commercialise.

6. Some IP arising from research or education may have the potential to be commercialised, for example by way of an assignment or licence of that IP to a third party or the creation of a new ('spin out') company. Staff must promptly disclose to the University (and keep it confidential in relation to any third party) any commercialisable IP and must also assist the University in protecting it. The University will maintain a [revenue share policy](#), which entitles contributors (including staff and students) to benefit from successful commercialisation. The formal registration of IP (e.g. patents, registered designs and trademarks), commercial licensing and incorporation of spinout companies is undertaken on behalf of the University by the IP and Impact team in Research Services. All invention disclosures, formal IP protection and the review and approval of all transactions that grant third parties rights and/or access to University IP must be reviewed and managed by Research Services, who will seek to obtain all appropriate University approvals.

6.i Contributions to IP with potential commercial value will be discussed with contributors to agree each individual's role before commercialisation commences and to avoid disagreements later in the process.

6.ii Commercialisation of IP does not preclude other academic activities such as publication, but this should be discussed at the point of disclosure with the University's IP and Impact team.

6.iii Where a member of staff or student discloses IP with potential to be commercialised to the University and the University decides not to commercialise, the University will, upon request, provide a licence of that IP to the member of staff or student, following discussions with other contributors, to enable the member of staff or student to pursue its commercialisation independently. Such a licence may include commercial terms such that the University may have the rights to a share in subsequent commercialisation of the licensed IP.

6.iv Should an internal dispute arise about the contributions to development of IP which an individual may have made, this should be reported to the Director of Research Services (for IP relating to research or the Director of APSE (for IP relating to educational materials) in the first instance so that the individuals or groups concerned may be supported to come to agreement. Informal discussions with the relevant Head(s) of Department should be explored before commencing the internal dispute process, overseen by an appropriate Faculty Director of Research and Innovation or of Education, according to the type of IP concerned.

7. For the avoidance of doubt, this policy also applies to Emeritus, Honorary and Visiting academic and other staff and Visiting students.

8. Guidance on how this policy will be operationalised is provided by Research Services, by APSE and by the University Library, depending on the circumstances.

9. Ownership of the policy is jointly held between the Vice-Presidents for Research, for Innovation and for Education. The policy will be reviewed annually by a group appointed by the said Vice-Presidents.

Policy effective 1 January 2023

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