

Trust Board meeting: 1 November 2012
TB2012.107

Title	Intellectual Property Policy
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Status	A paper for Approval
History	<p>The Trust's existing Intellectual Property (IP) Policy dates from March 2003 and requires updating in view of the advent of the Joint Research Office with the signature of the Joint Working Agreement and the Framework Intellectual Property Agreement with Isis Innovation and the University of Oxford in November 2011.</p> <p>The amended IP Policy is intentionally similar to the current one of the University of Oxford. The similarity is intended to ensure that Trust staff are treated the same as their University colleagues.</p>

Board Lead	Professor Edward Baker, Medical Director			
Key purpose	Strategy	Assurance	Policy	Performance

Summary

1	<p>IP Ownership</p> <p>The Trust claims ownership of IP created by Trust staff with the exception of copyright in material intended for publication in an academic journal (see 15.2.1). The Trust claims ownership of IP created by Trainees and Students unless agreed otherwise with their parent academic institutions. Consequently Trainees and Students will be treated in the same way as other Trust staff and are entitled to a share in any revenue received by the Trust from the commercialisation of the IP (see 15.2.2). Trust staff are expected to give due consideration to the IP rights of others (see 17.4.1).</p>
2	<p>Revenue share</p> <p>Trust staff who are inventors of IP have a right to receive a share of net revenue (previously it was described as a discretionary gift by the Trust). The revenue share percentages have also increased (see 16.4.1 and 16.4.12).</p> <p>The inventors' entitlement to receive a share of the net revenues will continue if the inventor leaves the Trust. In the event of the inventor's death, the share will be paid to his or her estate (see 16.4.15).</p> <p>Please note that, as drafted, the amended Policy applies to Trust employees. Individuals on secondment into the Trust and sub-contractors will not benefit from the revenue sharing provisions automatically. The Trust may, at its discretion, extend these arrangements to them (see 15.2.3).</p>
3	<p>Equity</p> <p>Where Trust staff have made a significant contribution to the relevant IP or where they may play an important role in the success of the proposed spin out, the individuals will be invited to participate by taking shares. The respective shareholdings of the Trust and the individuals will be negotiated at the time (see 16.4.6).</p>
4	<p>Administration</p> <p>The Trust IP Lead is to be the first point of contact for information and advice on any matters regarding IP used within the Trust or created using Trust resources (see 16.2.1).</p> <p>The Partnership IP Advisory Committee (PIPAC) reports to the Joint R&D Working Group and is set up as a joint committee between the Trust and the University of Oxford. PIPAC's remit is to resolve issues relating to IP which both the Trust and the University have contributed to (see 15.2.11).</p> <p>Where there is any dispute regarding IP ownership between the Trust and its</p>

	staff, the Trust IP Lead and PIPAC will initially be responsible for resolving the dispute. If concerns persist, then an independent expert will be sought to determine ownership (see 15.2.9 and 15.2.11).
5	Patient Benefit In accordance with Department of Health guidance, Trust IP should be exploited with a view to maximising patient benefit. In some cases it might be appropriate to exploit or develop the IP on a commercial basis but it remains possible that the Trust will decide that patient benefit is best served by disseminating such IP free of charge (see 16.3.2).

Recommendation

1. The Trust Board is requested to consider and approve the amended Intellectual Property (IP) Policy

Dr Cynthia Ugochukwu, IP and Contracts Lead

Professor Edward Baker, Medical Director

October 2012

