



Students and Intellectual Property

The University of Westminster has recently adopted a new Intellectual Property (IP) policy. This document explains briefly how University of Westminster students enrolling and registering in the 2006/7 academic year will be affected by these changes.

What is Intellectual Property?

IP is a collective name for a set of legally enforceable interests which confer on their owners the exclusive right to use inventions and fixed expressions of ideas. Patents protect industrially applicable devices, processes, and chemical compounds. Copyright protects written, musical, and artistic works and most computer software. Two different forms of design right protect shape and appearance. Other rights protect databases, plant varieties, and semiconductor topographies.

Why is IP important?

IP is an asset which can – like other forms of property - be bought, sold, lent, and mortgaged. If managed wisely, IP can be a significant income-generator. Universities are often rich sources of the ideas that IP can protect, and many now actively protect and manage the IP generated by staff and students. US universities now apply for over 12,000 patents a year, and one such patent recently generated \$400 million for its owner in just two years.

What is the University of Westminster's policy?

From the start of the 2006/7 academic year, each Dean of School may stipulate that new PhD students in his/her School must assign to the University the IP they generate in the course of their studies. This places these PhD students on the same footing as their supervisors; IP generated by them in the course of employment also normally belongs to the University. Concentrating ownership in the University's hands makes it quicker and easier to arrange protection for IP with strong commercial potential, and places the administrative and financial burden of such protection on the University rather than on individual inventors.

Other categories of student (new PhD students in Schools where the Dean does not routinely require assignment, undergraduate students, and masters students) will only exceptionally be required to assign their IP.

How does this affect me?

If you are starting a PhD this year in a School where assignment is routinely made, your School will require you on registration to sign a deed (a binding legal contract). This will transfer to the University ownership of the IP you will generate during your programme.

If you are in one of the other student categories, and if you have made unusually heavy use of University facilities or staff expertise in developing IP with clear commercial potential, your Dean of School may – after assessing your case - require you to make an assignment to the University by deed at any point during your programme.

No matter which student category you fall into, if the University commercialises IP you have generated, you will be entitled to a share of the profits made from that IP. Your share will be calculated according to the same formula used to remunerate staff-inventors.

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Under this formula – one of the most generous in the UK university sector - you will receive at least 50% (and in some cases up to 90%) of profits flowing from the IP you have assigned to the University. If by the end of your programme, the University has not commercialised IP you have assigned to it, the IP will usually be transferred back to you so that you can freely use it in your future career.

Questions?

If you would like a copy of the full University IP policy, contact Cameron Thomson on e-mail: C.Thomson@wmin.ac.uk

If you would like to know whether your School normally requires PhD students to assign their IP, contact Huzma Kelly on e-mail: H.Kelly01@wmin.ac.uk.

If you would like fuller details of the profit-sharing formula, contact Cameron Thomson on e-mail: C.Thomson@wmin.ac.uk.

If you have a question about the IP policy or its implementation, contact Huzma Kelly at H.Kelly01@wmin.ac.uk.