

THE UNIVERSITY OF WARWICK

Minutes of the meeting of the Intellectual Property Committee
held on 19 September 2012

Present: Professor T Jones (Chair), Mr Q Compton-Bishop (Chief Executive Officer of Warwick Ventures Ltd), Professor C Dowson (Academic Member), Mr T Skelhon (Student Member), Professor H Spencer-Oatey (Academic Member), Mrs M Wenham (Human Resources Manager).

Apologies: Dr P Hedges (Director of Research Support Services), Professor Sir John Temple (Lay Member of the Council).

In Attendance: Dr S Gallagher (Advisor), Mr S Gilling (Advisor), Dr E Melia (Secretary), Mrs J Prewett (Advisor).

29/11-12 Conflicts of Interest

REPORTED: (by the Chair)

That, if any members or attendees of the Intellectual Property (IP) Committee had any conflicts of interest relating to agenda items for the meeting, they were required to be declared in accordance with the CUC Guide for Members of Higher Education Governing Bodies in the UK.

NOTE: No declarations were made.

30/11-12 Minutes of the Previous Meeting

RESOLVED:

That the minutes of the meeting of the Intellectual Property Committee held on 4 July 2012 be approved.

31/11-12 Research Data Management (minute 25/11-12 refers)

RECEIVED:

A preliminary report of findings and recommendations from the Research Data Management Working Group (IPC.21/11-12).

REPORTED: (by the Chair)

- (a) That the initial recommendations of the Research Data Management Working Group had been presented to the University's Senior Management Group and that more detailed proposals would be brought forward in due course.
- (b) That the IP Committee would be kept informed of any further recommendations developed by the Research Data Management Working Group.

32/11-12 Student Laboratory Notebooks (minute 26/11-12 refers)

CONSIDERED:

- (a) An oral report from the Chair regarding the recording of research data and the University's position with regard to its expectations of students.
- (b) Extracts from the University Research Code of Practice regarding Data and Records, Record Keeping, Laboratory Notebooks and Research Misconduct (IPC.22/11-12).

REPORTED: (by the Chair)

- (a) That the guidelines for record keeping and laboratory notebooks set out in the University Research Code of Conduct represented best practice, but were not widely embedded in the working practices of the academic community.

(by Dr S Gallagher)

- (b) That, while there had been some measures undertaken to roll out the University Research Code of Conduct since its approval by the Senate and Council in July 2011, further work was required to disseminate the principles and guidance of the document to staff and students.
- (c) That Student Careers and Skills could be approached regarding the delivery of training sessions for research students on good laboratory notebook practice.

(by Mrs J Prewett)

- (d) That the Research Code of Conduct had been circulated to all Heads of Departments to be disseminated to their staff and students.

(by Professor R Dashwood)

- (e) That it was important that good laboratory notebook practice was embedded at undergraduate level.
- (f) That other universities used standard bound laboratory notebooks which included instructions at the front directing researchers in how to complete the book.

(by Professor H Spencer-Oatey)

- (g) That it was important to ensure that appropriate research records were being kept in the Arts, Humanities and Social Sciences and that she would welcome further guidance and a template, and that many researchers outside of the sciences assumed that laboratory notebook guidance was not relevant to themselves.

(by Professor C Dowson)

- (h) That the University should introduce standardised bound laboratory notebooks with pre-numbered pages and appropriate guidance incorporated.

RESOLVED:

- (a) That a memo would be sent by the Chair to all Heads of Departments and Directors of Research Students summarising key points from the University's Research Code of Practice relating to record keeping and laboratory notebook practice.
- (b) That examples of bound laboratory notebooks and other research records from the private sector and other academic institutions would be considered at the next meeting of the Committee in October 2012.

33/11-12 Intellectual Property in Collaborative Courses

A paper outlining a proposed process for ensuring that intellectual property clauses in collaborative course agreements are reviewed appropriately (IPC.23/11-12)

34/11-12 University Intellectual Property Policy

CONSIDERED:

Revised draft Intellectual Property Policy incorporating comments submitted the Secretary by Committee Members (IPC.19/11-12 (revised)).

REPORTED: (by the Chair)

- (a) That the Secretary had received a number of corrections to the draft IP Policy from members and advisors to the IP Committee and that these had been incorporated into the revised version of the draft IP Policy circulated prior to the meeting (IPC.19/11-12 (revised))
- (by Mrs J Prewett)
- (b) That section 1.6 of the draft IP Policy was to be amended to reflect that the University would only be prepared to consider awarding an exclusive licence to research collaborators to its foreground IP where it was clear that the University was receiving reasonable benefit from the use and exploitation of these rights and a future licence for use for teaching and research was retained by the University.
 - (c) That section 5.2.1.(b) was to be amended to reflect that written authority was required from Warwick Ventures Limited for Creators to enter into any steps towards commercialisation.

RECOMMENDED: (to the Senate and Council)

That the University Intellectual Property Policy be considered and approved as set out in Annex A, Paper IPC.19/11-12 (revised 2).

35/11-12 Monash University Intellectual Property Revenue Share

CONSIDERED:

A report summarising proposed changes to the Monash University share of net revenue to creators from the exploitation of intellectual property (IPC.24/11-12)

REPORTED: (by the Chair)

- (a) That he had received information from Professor Rod Hill, Pro-Vice-Chancellor for Industry Engagement and Commercialisation at Monash University, on proposed changes to the Monash Policy on the Disbursement of Commercial Returns, designed to bring Monash in line with other Australian universities and international peers, to be considered by the Council of Monash University.
- (b) That Monash University previously shared revenue net of patent costs in the ratio: 30% to the Creator(s); 33 $\frac{1}{3}$ % (subject to negotiation) to the School or Faculty in which the Creator(s) performed the relevant work; 15% to the Vice-Chancellor's Fund and the remainder (usually 21 $\frac{2}{3}$ %) to the university as a whole.
- (c) That the proposal set out a change from this flat rate of reward to Creator(s) to a sliding scale which was front loaded in favour of the Creator(s) and would result in Creator(s) receiving 80% of net revenue up to AUS \$100k, 50% for net revenue between AUS \$100k and AUS \$1m and 30% of net revenue above AUS \$1m.
- (d) That the residual income would be shared between the Faculty and the University in equal parts with the Faculty allocation reserved for strategic initiatives to be approved by the Deputy Vice-Chancellor for Research and Chief Financial Officer.
- (e) That, given that Warwick's revenue share position was based on a flat rate of 50% to the Creator(s), there were potentially implications for joint appointments and studentships with Monash University and that specific revenue share terms would need to be agreed for these individuals.
- (f) That the Committee was invited to consider the University's own revenue share policy and whether the current arrangements were sufficient to incentivise Creators of IP to engage in commercialisation activities.

(by the Chief Executive Officer of Warwick Ventures Ltd.)

- (g) That the previous Warwick revenue share position of 33 $\frac{1}{3}$ % of net revenue to Creators had not been sufficient to incentivise academics to disclose inventions to Warwick Ventures.
- (h) That the Monash revenue share proposal was in line with that offered to Creators of IP by Isis Innovation at Oxford University.
- (i) That it would be helpful to clarify which costs Monash University would retain from any gross revenue as Warwick only deducted direct patent and legal costs and did not deduct a share for management costs.

(by Professor Richard Dashwood)

- (j) That commercial organisations did not provide equivalent financial incentives to staff for inventions and academics should engage in commercialisation activity as it was required to deliver research impact for the Research Excellence Framework.
- (k) That a greater incentive to academics to engage in commercialisation of research might be to ensure that all academic departments recognised

the value that this activity contributed towards measurable impact and ensured that the academics were granted sufficient time out from teaching.

(by Professor H Spencer-Oatey)

- (l) That the proposed Monash University revenue share position represented the reverse of her experience of publishing royalties where the greater the revenue an author generates the higher percentage of the income they retain.

RESOLVED:

- (a) That the Chair would speak to Professor Rod Hill of Monash University to determine whether the proposed revised revenue share proposal had been approved by the Monash Council.
- (b) That the difference in revenue share positions between Warwick and Monash would be considered as terms for joint studentships and staff appointments were developed.

36/11-12 Easy Access Intellectual Property

CONSIDERED:

Information from www.easyaccessip.org.uk on Easy Access IP, a collaborative project lead by the University of Glasgow, King's College London and the University of Bristol designed to promote new ways of sharing intellectual property and facilitate universities working with industry (IPC.26/11-12).

REPORTED: (by the Chief Executive Officer of Warwick Ventures Ltd.)

- (a) That Easy Access IP had been adopted by a number of universities and offered 'orphan IP', IP which the universities developed and owned but had not been able to licence and remained inactive, to companies without cost.
- (b) That Warwick's approach to orphan IP was to undertake specific marketing exercising and to look to combine this IP with other IP developed and owned by Warwick or other organisations to create a more commercially attractive package.
- (c) That Warwick would generally drop a patent or other IP protection which had reached the stage of costing the University considerable expense in registration and protection fees. if marketing efforts had not resulted in the identification of a viable commercialisation route, rather than offering it without charge.
- (d) That the University might offer trial access to IP to potential licensees, but would not generally assign IP without receiving any payment due to the considerable costs which the University would have incurred in pursuing protection of the IP.
- (e) That it would be important to monitor the Easy Access IP initiative in the coming months to identify the results it delivers.
- (f) That the universities involved in the Easy Access IP initiative had benefitted from some publicity since its launch.

RESOLVED:

That the IP Committee would consider a paper on the impact of the Easy Access IP initiative in October 2013.

37/11-12

University Patent Agent Tender

RECEIVED:

An oral report from the Chief Executive Officer of Warwick Ventures Ltd regarding retendering for patent agent services.