

THE UNIVERSITY OF WARWICK

Minutes of the meeting of the Intellectual Property Committee
held on 4 July 2012

Present: Professor T Jones (Chair), Mr Q Compton-Bishop (Chief Executive Officer of Warwick Ventures Ltd), Professor C Dowson (Academic Member) (from item XX/11-12), Dr P Hedges, (Director of Research Support Services), Mr T Skelhon (Student Member) (from item XX/11-12), Professor H Spencer-Oatey (Academic Member), Professor Sir John Temple (Lay Member of the Council) Mrs M Wenham (Human Resources Manager) (from item XX/11-12)

Apologies: Professor R Dashwood (Academic Member)

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

NOTE: The Chair welcomed Professor Helen Spencer-Oatey to her first meeting of the Committee.

22/11-12 Membership of the Intellectual Property Committee

REPORTED: (by the Chair)

That the appointment of Professor Helen Spencer-Oatey to membership of the Intellectual Property (IP) Committee as an academic member of staff nominated by the Senate covering intellectual property matters in relation to research and teaching had been approved by the Council at its meeting held on 16 May 2012.

23/11-12 Conflicts of Interest

REPORTED: (by the Chair)

That, if any members or attendees of the 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.

24/11-12 Minutes of the Previous Meeting

RESOLVED:

That the minutes of the meeting of the IP Committee held on 10 May 2012, as tabled at the meeting, be approved.

25/11-12 Research Data Management (minute 19/11-12 refers)

REPORTED: (by the Chair)

That a report on the findings of the Research Data Management Working Group would be considered by the University Executive and the Steering Committee and would be brought to the IP Committee in the Autumn Term.

26/11-12

Student Laboratory Notebooks (minute 20/11-12 refers)

REPORTED: (by the Secretary)

- (a) That the University's regulations did not specifically refer to requirements for staff or students regarding completing and retaining research records or laboratory notebooks.

(by Mrs J Prewett)

- (b) That the University's Research Code of Practice (RCP), which applied to both staff and students, referred to the requirement for lab-based data to be retained in indexed lab books and that supervisors were required to review and sign off notebooks to signify that records were complete and accurate.
- (c) That the RCP required that paper or electronic data records be kept for at least 10 years from the date of any publication resulting from the data.
- (d) That paper laboratory notebooks were required to be bound and numbered sequentially such that pages could not be removed and were expected to be countersigned by a scientist who was not working on the same project or funding.
- (e) That the RCP defined Research Misconduct as failure to comply with the provisions of the RCP and that this could lead to disciplinary actions as set out in the University's Statute 28 and related Ordinances, Disciplinary Regulation 23 or employees terms and conditions.

(by Professor Sir John Temple)

- (f) That it was important to ensure that all University researchers were aware of the need to record contemporaneous notes on research ideas, theories and results in order to prove inventorship and to defend against any allegation of research misconduct.

(by the Chair)

- (g) That good research record keeping practice was not only a University research data management requirement but was also an employability skill for science graduates wishing to enter industry or academia and that this could be promoted through good practice training for students.
- (h) That members of the IP Committee were asked to consider how good laboratory notebook and research data records practice might be embedded within the academic community.
- (i) That a project to introduce electronic laboratory notebooks to the Chemistry Department had been initiated and was being led by Professor Martin Wills, noting that this technology could be used to facilitate supervisors reviewing and signing off student data.

RESOLVED:

That the embedding of laboratory notebook and research data records good practice within the University be discussed at the next meeting of the IP Committee.

27/11-12 Strategic Alliance with Monash University

REPORTED: (by the Chair)

- (a) That he would be visiting his counterparts at Monash University at the end of July 2012 and that they would discuss harmonisation of IP regulations.

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

- (b) That further discussion and agreement was required with Monash University to determine the principles for choosing a commercialisation lead for joint inventions and how proceeds would be divided between and within the institutions.

(by the Secretary)

- (c) That the University's Legal Advisor and the Secretary had met with Andrew Picouleau, Deputy Executive Director of HR from Monash University during his visit to Warwick on 29 June 2012 to discuss Warwick's IP Regulation.

28/11-12 Development of Intellectual Property Policy (minute 21/11-12 refers)

CONSIDERED:

- (a) A draft Intellectual Property Policy (IPC.19/11-12)
- (b) A comparison of UK university IP regulations and policies (IPC.20/11-12)

REPORTED: (by the Chair)

- (a) That the IP Policy Working Group, consisting of the Chief Executive Officer of Warwick Ventures Ltd., the Director of Corporate Relations, the Director of Research Support Services, the University's Legal Advisor, Michelle Wenham and the Secretary had met on two occasions since the last meeting of the IP Committee and had developed the Policy Statements (Section 2) of the draft IP Policy (IPC.19/11-12).
- (b) That based on the discussions of the IP Policy Working Group, the draft IP Policy had been developed by Michelle Wenham and the Secretary.
- (c) That the summary of the IP policies and regulations of other UK universities confirmed that the University's position was broadly in line with the sector and that the draft IP Policy covered the same fundamental principles regarding IP ownership and exploitation.

(by Professor C Dowson)

- (d) That Section 1.5 of the draft IP Policy referred to research collaborations limiting the ability of the University publish by no more than a six month period and that research funders could wish to take 12 months to determine if they wished to patent the research outcomes.

(by Mrs J Prewett)

- (e) That the University would generally seek to ensure that the conditions of research funding contracts did not limit publication for more than six months in order to protect the rights of academic researchers, but that the wording of the draft IP Policy would allow specific exceptions if required and agreed.
- (f) That the draft IP Policy referred to University IP in some places and IP in others and that this needed to be resolved to ensure that it was clear that the Policy referred only to that IP which the University owned or had valid reason to claim.
- (g) That Section 6.4 of the draft IP Policy stated that the University owned course materials produced for the purposes of the curriculum of a University course and did not permit academic staff leaving the employment of the University to have a licence to use course materials in their future employment.

(by Professor H Spencer-Oatey)

- (h) That the boundary between Teaching Materials, as defined in Section 4.5 of the draft IP Policy, and course materials produced for a course curriculum was more difficult to define in the area of e-learning materials.
- (i) That the Centre for Applied Linguistics produced e-learning materials which were both used for the University's own courses and licensed to third parties and that it was important that the Policy clarified, for the staff involved in producing this content, that the University owned such materials.

(by the Secretary)

- (j) That Section 7 of the draft IP Policy ensured that, as University Financial Procedures only apply to members of staff, all Creators of IP were aware of their entitlement to a share of any net income generated from the exploitation of University IP, based on their share of inventorship.

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

- (k) That the University would apply the revenue share rules to all Creators including University students, visiting staff and students and emeritus staff.

(by Professor Sir John Temple)

- (l) That clarification was required in Section 8 of the draft IP Policy that escalated disputes would be heard by a panel as opposed to a single independent officer.

(by Mrs M Wenham)

- (m) That Section 3 on the application of the draft IP Policy had been introduced to clarify that the policy did not only apply to individuals engaged by the University through an employment contract with specific references to the University's Regulations, Financial Procedures and Policies, but also to non-employees.

- (n) That HR were currently working to tighten up the contractual arrangements between the University and temporary staff, academic visitors, emeritus academics, contractors etc. and that these measures would ensure that the IP Policy and other University policies were integral to the terms and conditions of appointment or access to the University.

(by the Director of Research Support Services)

- (o) That the six months period of confidentiality limiting publication of research data would begin at the point at which the University initially notified the research partner of the results.
- (p) That the draft IP Policy sat within the wider context that the University was under pressure to adopt a more relaxed position with regard to ownership of IP resulting from industrial collaborations.

RESOLVED:

That members of the IP Committee would submit any further comments or proposed changes to the draft IP Policy (IPC.19/11-12) to the Secretary by 24 August 2012 and that a revised version incorporating the changes would be tabled for discussion at the next meeting of the Committee in September 2012.