



BUCKINGHAMSHIRE
NEW UNIVERSITY

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Guidelines for BNU Intellectual Property Policy

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Important note: this guide should be read in parallel with the [BNU Intellectual Property Policy](#)

Introduction to intellectual property

1. Intellectual property (IP) is broadly defined as property that is the result of utilising intangibles such as creativity and innovation to get tangible results. This IP can then be registered and owned in a similar way to physical property. Examples of intellectual property include copyright, designs, patents, source code in software and trade marks.
2. In the BNU context, IP rights can vest in the results and outcomes of research and development work. As with other property, there can be commercialisation value in the IP, alongside its educational value, which may be realised via various routes including licensing certain rights in the IP to others to use or through the on sale of the intellectual property itself. BNU's Research and Enterprise team are responsible for assisting University researchers to protect and commercialise their IP.
3. BNU employees can (and are expected to) use BNU IP, and take decisions in relation to it, in their day-to-day activities. For example, BNU staff can decide to publish their research in an open source manner. They can also take decisions appropriate to their role in relation to licensing/sharing BNU's IP (such as new source code that is written, formulae produced or databases compiled) with others for research, e.g. sharing on an open-source academic basis.
4. This guide aims to help staff understand how BNU's Intellectual Property Policy operates within a range of possible scenarios. This Guide is not exhaustive and *is for guidance only*. It does not constitute policy in itself and is intended only to be read in parallel with the [BNU Intellectual Property Policy](#).
5. This Guide does not limit, extend, amend or otherwise vary or supersede the University's position set out in the [BNU Intellectual Property Policy](#).

Online IP training

6. BNU offers an online, self-paced course on IP. The course provides a clear explanation of IP and will guide you through many of its practical applications, from publishing papers to commercialising research. To sign up for the course contact ResearchUnit@bnu.ac.uk.

IP ownership - a broad view

7. BNU employees own the IP for the teaching materials and scholarly materials that they author.
8. BNU students own the IP in all works that they create.
9. There are exceptions where BNU retains ownership of the IP. The [BNU Intellectual Property Policy](#) provides these definitive details.
10. Where BNU does not retain ownership of the IP, BNU typically retains the right to licence the works or related materials for the purposes of educational, academic, research and not-for profit purposes. BNU employees/ students should be careful to recognise these rights if they licence or transfer ownership of their work to other third parties. The [BNU Intellectual Property Policy](#) provides these definitive details.

Examples of practical applications

11. Using teaching materials (online or hard copy) for commercial purposes (e.g. publishing a book):

Copyright is an IP right that automatically vests in the tangible expression of an idea. Whilst the IP ownership of the original teaching materials remains with you as the creator/ author of the work, BNU retains the right to use the original course materials for promotional, educational and related not-for-profit purposes. You will need to inform BNU of your prior intention to commercialise these teaching and related course materials. However, should you create/ author any subsequent work or write a book that differs markedly in form to the original material (assuming that the work was written outside of your BNU duties) you do not need to inform BNU as the IP would be yours and it would not be a copy of the original materials.

A further consideration is whether the works and related materials were produced for the purposes of the curriculum of a course run by BNU and/or produced, used or disseminated by the University on the back of an academia led purpose. If so, BNU retains ownership of the IP in the work and you will need to obtain BNU's prior permission for any use outside the BNU. You should contact your Head of School in the first instance.

If you wish to apply for BNU financial support in your intended endeavour, you need to submit a written request to the IP Authorising Group (see the [BNU Intellectual Property Policy](#) for details and application form).

12. A colleague wishes to use your teaching materials:

As the creator/ author of the original teaching materials then permission would need to be given by you before any third party (such as a colleague or other employee or student) could use them. No formal licence is required from the BNU unless a commercial use is discussed. It is good form to name and date all work produced by you and to ensure that any third-party user acknowledges your authorship when seeking to also use your work. BNU will always retain the rights to these works as set out in section 4 of the [BNU Intellectual Property Policy](#).

13. Software, apps, databases and similar works:

In line with any curriculum teaching materials produced, should any application, database, software or similar works be written or created in conjunction with the curriculum materials then BNU owns the IP at the point of it being created by employees during the course of their employment or as otherwise developed with 'more than incidental use of the University's Resources'.

As set out in paragraph 3 above, employees are encouraged to decide if the developed software, database or app is to be released for open-source use or to be kept confidential with a view to protecting the patent, design rights going forward. This again would depend upon the penultimate use of the work and whether the work was produced in the context of shared third-party ownership or other shared IP rights (such as sponsorship or under research grant conditions).

14. Patents and registered designs:

Should patent, registered design or trade mark applications be filed then you would be named as the inventor but BNU would own the IP of any patentable inventions created by you as a BNU employee in the course of your duties.

Protection and commercialisation of patentable inventions, and revenue sharing with employees who are inventors, is typically managed by the IP Authorising Group (see the [BNU Intellectual Property Policy](#) for details).

15. Research materials, e.g. notes or images created in the context of your research:

Any material that forms part of any research carried out by you or any models, works or code otherwise developed by you during or for the purpose of your academic duties will be owned by you as the creator/ author of the works, subject to the exceptions in section 4.6 of the [BNU Intellectual Property Policy](#), as licensed to the BNU for educational, promotional and related not-for-profit purposes.

16. Publishing your research:

As an employee, you can make decisions about the publication of your original research materials in line with the BNU licence to use your materials. As such, when entering into arrangements with publishers, you should ensure the right to use your own research materials for academic purposes, is retained for you and for the University and that the BNU's licensed rights are respected and protected.

17. IP created outside of normal duties using BNU resources:

BNU will own the IP arising where “[m]ore than incidental use of the University’s Resources” has taken place. This means that BNU funds have been used either directly or indirectly to support the work. For example where teaching by, and discussions with, academic employees and/or the use of unpublished research and consultancy, and/or regular use of phones, photocopiers, computers, software or other equipment have aided the research (see section 4.3 of the [BNU Intellectual Property Policy](#)).

Use of the University library is not included in the definition since the published works held there are available to all employees and students and are generally in the public domain. Use of the BNU name may or may not be included in the definition depending on the extent of use.

Commercialisation of IP

Where BNU seeks to commercialise IP, the [BNU Intellectual Property Policy](#) details the BNU procedures for this. The policy also includes a Rewards Model to ensure a fair and transparent model for revenue sharing.

Further information

- General information and support is provided by the Research and Enterprise Directorate ResearchUnit@bnu.ac.uk
- Online IP training is available to staff and students
- The [UK Intellectual Property Office](#) is a great source of background information and training materials relating to IP.
- The [British Library's Business and IP Centre](#) is another good source of background information relating to IP.



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