



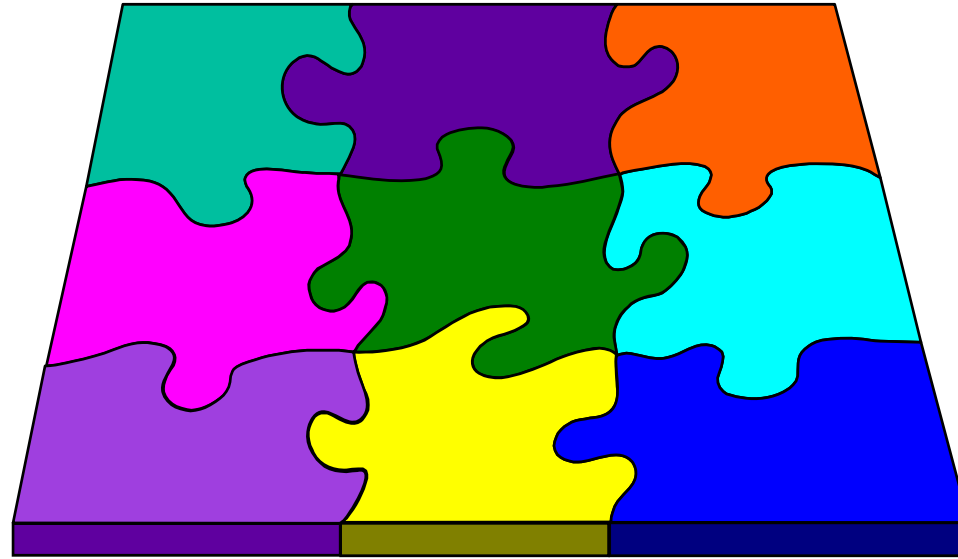
HEI IP Policies – Perception and Practice

An IPAN NUS Research

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What are Intellectual property rights?



IPRs: Patents*, Planter Breeders rights, reg Designs*, unreg Design Right, RegTrade Marks*; Copyrights, moral rights, Performers Rights, Chip Topographies, Geographical indications*

Quasi IP: Know How, Trade Secrets, Confidential Information, Reputation/Passing off,

ProtectingTraditional knowledge and indigenous peoples' rights

We don't ask if young people should learn about.... road traffic law

Pre school – don't go into the road

Primary level – how to cross the road

Secondary level –how to be safe when riding a bike

Upper secondary – if driving a car, need to know the Highway Code, how to avoid injury, damage, fines, loss of licence

University graduate – may make a career of road traffic law, auto insurance and will need to acquire specialist knowledge

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Why should young people **NOT** learn about IP?

Primary school - First encounters © and ®

Secondary school – In Business, STEM, Arts,
Citizenship and Enterprise

Undergraduate – creating inventive project
work, going out on placement

Post graduate – protecting interests of
self, university, and funders

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What is an IP policy?



“Universities also need to develop IP policies. These will help them to make the most of the intellectual assets created by their staff and students and in collaborative relationships with business.”

- <https://www.gov.uk/government/publications/intellectual-property-for-universities>

“Particularly sensitive are issues related to ownership, disclosure and the distribution of income in the event of an invention (*or other IPR*) being commercialised.”

- http://www.wipo.int/export/sites/www/uipc/en/guidelines/pdf/ip_policy.pdf

1990s requirements



- H.E.I. vice-chancellors tasked by HM Government to address staff and student IP creation, ownership, revenue share
- Government encouragement of public sector to value the IP created in NHS, Education, Defence
- Institutions began to consider IP policies and procedures

IP Asset Management



UKIPO publication, ch3 <http://www.ipo.gov.uk/ipasset-management.pdf>

Recognises that ‘one size does not fit all’

Relevance of an IP policy to future graduate employment

Relevance of an IP policy to encouraging student enterprise and entrepreneurship.

IP Policy shouldn't discourage students from commercialising their business ideas

Different policies



- A random sample of statements from policies illustrated the diversity of approaches taken by institutions (see handout)
- However, a study by Newcastle University <file:///C:/Users/BS/Downloads/StudentIPPaper.pdf> revealed the lack of awareness on campus amongst students of the existence of an IP policy, let alone what it said!

Out and Proud



- Students' futures can be affected by the IP policy of their HEI, yet IP policies are not a consideration when choosing a university
- Bring the policy **out** of the drawer. Put it in the spotlight i.e. in the prospectus, on the website
- UK universities should be **proud** to attract students on the basis of a fair, just and reasonable student IP policy, producing graduates who are aware of the role of IP in commercial enterprise.

One size doesn't fit all



- Many institutions are on their 2nd or 3rd policy, realising that their policies need to keep pace with changing legislation and expectations
- Fashions change – from claiming ownership to being more supportive of student initiatives
- EU position: undergraduates own the IP in their innovations is not always understood in all universities!

“undergraduates own the IP in their innovations”

- What does that mean?
- What are the implications?
- For students?
- For the university?

Student comments



Cardiff University student -inventor of award winning fibre optic sensing technology:

Complained that university IP agreements “did not sufficiently benefit inventors” She described the IP agreement that she was offered by the university as, “rigid and out of date”; “universities are keener to secure a stake in fledgling companies than nurture them”.

Times Higher Ed 26.09.13:

IPAN NUS research –

Students understand IP rights as relating to ‘ownership’ of outputs from ideas, but they didn’t raise the issue of their ownership of IP coming from their ideas

<http://www.nus.org.uk/PageFiles/12238/IP%20report.pdf>

How to improve?



University student IP Policies mostly concern copyright.

Patent, Trade Mark and Design may also be relevant to students.

IP Policy should be relevant to students in all disciplines

Design students' IP is compromised annually at their degree shows, which are open to the public.

Can we resolve the conflict between university desire to provide PR for the institution and to show case students' work to potential employees

AND protection of the students' IP?

Student creative works have the potential to be commercialised and form the basis for new businesses.

IP relevant to all disciplines:

STEM,

Creatives,

Humanities and Law,

Business & Accounting

IPAN's next steps: review



- Reviewed university policies
- Reviewed publications, academic research, journal articles
- Begin an IPAN dialogue on the subject
- Begin canvassing support for research in this area from industry

IPAN asks questions i



- Can IP policies be improved to better fit with reality?
- Can IP policy help students gain better awareness of IP and its importance to them?
- Can prospective students gain a better understanding of university IP Policy, so that they can make an informed choice of institution?
- Can IP policy influence university course syllabus to include IP education?

IPAN asks questions ii



- What is the impact of IP policies on students
- Do they influence student recruitment?
- Are IP policies fair, equitable, ethical, legal?
- How enforceable are IP policies?
- ‘What rights can a university legally claim? what rights ought a university to claim?’
- IPAN began to explore with potential research partners (UK IPO, National Union of Students, industry)

Justine Pila 2010 EIPR

Background



2011: IPAN and the IPO commissioned new research with NUS Services into university student attitudes towards IP Rights, reported in 2012;

- 2100 students surveyed

<http://www.nus.org.uk/PageFiles/12238/IP%20report.pdf>

2015: IPAN commissioned the second “grass roots” research study with NUS Insight looking at perception and practice of IP policy in HEI’s from a student and staff perspective.

- 2800 students and 250 teaching staff surveyed
- http://ipaware.net/sites/default/files/IPAN_NUS_University_IP_Policy_v11-2r_online-mainr_28jul16.pdf
- http://www.ipaware.net/sites/default/files/IPAN_NUS_University_IP_Policy_v11-2r_online-appx_28jul16.pdf

Perception of IP



“It was only while completing this that I realised how important IP is and will be to my future career” (*free text response from a student*)

BUT

Many students have no idea whether there is any IP in their project work, or their placement work, nor how to protect it, nor who to talk to about it

Ownership of IP rights in student work



The majority of students do not know who owns any creative rights in work they produce while they are in higher education.

Most staff claim to know about rights ownership. But since 75% claim that their HEI owns IP rights alone or jointly with the student, their knowledge may be based on not fully understanding the application of their HEI's IP policy, and may not be sound.

Student work on public display

Majority of students believe HEIs should do something to protect confidentiality of their creative work exhibited on public display e.g. at degree shows:

- 59% - visitors to sign confidentiality agreements
- 13% - mobile phones etc. to be left at entrance
- 8% - HEI to require something else be done to protect

IP learning and teaching - inconsistent experiences

- Most staff (76%) believe IP should be taught at their HEI, even though there is ignorance amongst staff as to whether it is currently taught, or not.
- UK students have a lower expectation than their international colleagues of receiving IP education whilst in higher education.
- When asked if IP had ever been referred to in their education, 69% students said 'No' or 'Don't Know'
- The 31% who replied 'Yes' were predominantly international rather than UK students.

Developments (1)



- **Institution IP policies**
Use plain English. Regularly review for correct legal effect
- **IP policy content**
Improve staff understanding, particularly about ownership of IP rights from student work.
- **Staff IP knowledge and confidence**
Improve staff ability to advise and enable students to understand how HEI IP policy may impact them.
- **Public exhibition of student work**
Develop good practice guidelines that ensure necessary confidentiality and control so that IP rights are not compromised.

Developments (2)

- **IP learning and teaching**
Provide opportunities across all HEI disciplines
Identify and apply best methods for undergraduates and postgraduates from UK and international HEIs
Provide consistency in content and approach across institutions and subject disciplines
- **IP rights in QAA Benchmarks**
Quality Assurance Agency subject benchmark statements to refer to IP rights
- **Student work experience IP learning**
Staff and students preparing for student work experience to know about IP
- **IP policies**
HEI policies available in comprehensible form to staff and students
Include reference to IP education

Development (3)



- **Student IP Learning**

Provision of adequate and explicit IP learning opportunities should apply in general to all students, with more focus on specific IP rights (e.g. design protection, patents) in specific disciplines

- **Raise IP (policy) Awareness**

HEIs should raise student awareness of existence and relevance

- **Learning and teaching resources**

Should be used to convey the importance and breadth of IP in induction activities, in specific modules, or through other opportunities during the year

Recommendations 1: HEI I.P. Policy



- **1. Take the IP Policy out of a backroom drawer, polish it up, put it in the spotlight**i.e. make University policy an upfront aspect of University marketing to students, and to future funders, highlighted on the website and in the prospectus
- **2. Make university IP policy clear and understandable** by management, staff, students, and commercial funding partners.
- **3. University IP policy to include staff development:** IP awareness, confidence and competence. IP competent staff advisers need to be clearly signposted to students.

Recommendation 2:

Academic associations



- E.g. Business Schools: Association of Business Schools, Chartered Association of Business Schools, Association of MBAs,
- Enterprise Education UK: International Enterprise Education,
- Promote IP Education to disciplines e.g. Business School - offer papers to conferences, write articles for journals, sponsor research projects, involve practitioners to offer guest lectures...

Recommendation 3:

UK QAA



- UKIPO is working with UK QAA to include mention of IPR in subject benchmark statements: (*Are there EPO/EU equivalents?*)
- Recently revised **Music** discipline statement:
- viii Awareness of intellectual property rights: knowledge of the legal, ethical and other regulatory frameworks that are relevant to music production, manipulation, distribution, circulation and reception.
- Recently revised **Communication, Media, Film and Cultural Studies**:
- 5.4 Graduates demonstrate the ability to: viii identify intellectual property issues, prevent infringement of other's intellectual property rights, and understand how to take the appropriate steps to safeguard the innovation and commercialisation
- **P.S. Nurture links with NUS – its campus presence could be useful**

Thank you! Questions welcome

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