

Intellectual Property Rights Policy for Students

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Intellectual Property Rights (IPR) Policy for Students

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1. Introduction

Wirral Met College (the "College") is committed to supporting innovation, creativity, and research. The College seeks to ensure that intellectual property, created by Students, is managed and protected in accordance with UK law.

The purpose of this policy is to outline the College's approach to the ownership, protection, and commercialisation of Intellectual Property Rights (IPR) for Students, ensuring fair, transparent, and legal practices are followed. This policy aims to provide clear and fair guidelines for the ownership, protection, and commercialisation of Intellectual Property while promoting creativity and innovation at Wirral Met College.

1.1. Purpose

The aim of this policy is to:

- Define the ownership and management of intellectual property created by Students.
- Establish clear guidelines on the protection of intellectual property under UK law.
- Ensure the fair and effective commercialisation of intellectual property.
- Foster an environment of innovation and creativity while protecting the interests of both the College and individuals.
- Ensure compliance with relevant UK laws and regulations governing intellectual property.

1.2. Scope

This policy applies to:

- All Students, (including those enrolled in full-time, part-time, and distance learning programmes), who are engaging in research, teaching and learning, and creative activities at the College.

2. Definitions

- **Intellectual Property (IP):** Refers to any creations of the mind that can be protected by law, such as inventions, designs, software, patents, trademarks, and artistic works (including music, literature, and other creative outputs).
- **Intellectual Property Rights (IPR):** Legal protections granted to the creators of IP, including copyrights, patents, trademarks, design rights, and trade secrets.

2.1. UK Intellectual Property (IP) law

IP law protects creations of the mind, ensuring that creators and inventors can benefit from their work. It covers several areas of law, each designed to protect different types of intellectual creations. Below is a summary of what is covered by UK IP Law:

2.2. Copyright

- **What it protects:** Original works of authorship, such as literary works (e.g., books, articles), dramatic works, musical compositions, artistic works (e.g., paintings, drawings, sculptures), films, sound recordings, software, and certain types of designs.
- **Rights it provides:** The right to control the use of the work, including reproduction, distribution, and public performance or display.

2.3. Patents

- **What it protects:** New inventions or discoveries that offer a technical solution to a problem (e.g., new devices, machines, chemical processes, etc.).
- **Rights it provides:** The exclusive right to use, sell, or license the invention for a certain period (typically up to 20 years), preventing others from making, using, or selling the invention without permission.

2.4. Trademarks

- **What it protects:** Signs, symbols, logos, or words that distinguish the goods or services of one business from those of others. This includes brand names, logos, and taglines.
- **Rights it provides:** The exclusive right to use the trademark in relation to certain goods or services, preventing others from using a similar mark that might cause confusion among consumers.

2.5. Design Rights

- **What it protects:** The appearance or visual design of a product, including shapes, patterns, and ornamentation.
- **Rights it provides:** The exclusive right to use or license the design for a certain period, preventing others from producing or selling items with a similar design.

2.6. Trade Secrets

- **What it protects:** Confidential business information or knowledge (e.g., formulas, processes, techniques, or business strategies) that gives a business a competitive advantage.
- **Rights it provides:** Protection against unauthorized use or disclosure of the trade secret, usually as long as the information remains confidential and provides business value.

2.7. Database Rights

- **What it protects:** The rights related to the collection, organization, and arrangement of data in databases.
- **Rights it provides:** Protection for the creator of a database against the extraction or reuse of a substantial part of the contents, even if individual elements are not protected by copyright.

2.8. Moral Rights

- **What it protects:** The personal rights of creators, especially in the context of authorship and attribution.
- **Rights it provides:** The right to be identified as the author of a work, the right to object to derogatory treatment of the work, and the right to integrity of the work.

2.9. Plant Variety Rights (PVR)

- **What it protects:** New varieties of plants that are distinct, uniform, and stable.
- **Rights it provides:** The exclusive right to propagate and sell the plant variety, typically for a period of 25 years for most plants.

3. Ownership of Intellectual Property

3.1 Students

- **IP Created by Students:** Generally, IP created by Students during the course of their studies (including projects, dissertations, and assignments) will be owned by the Student. This includes creative works, inventions, and research outputs developed as part of their academic studies.
- **Use of College Resources:** If a Student creates IP with the use of significant College resources (such as funding, equipment, or access to Employees expertise), the College may claim a share in the ownership of the resulting IP. This will be clarified in specific agreements made between the Student and the College.
- **Collaborative Projects:** In cases of group or collaborative work, the ownership of IP will be divided proportionally based on contributions. If the work is subject to external funding or external collaboration, specific agreements regarding ownership will be made in advance.

3.3. Use of College Resources and Facilities

When IP is created with the use of significant College resources, including funding, laboratories, equipment, and Employees time, the College may assert a claim to the ownership or commercialisation rights of the IP. If the creation of IP involves external funding or commercial partners, these arrangements must be agreed upon before the commencement of the work.

4. Protection and Confidentiality of Intellectual Property

- **Confidentiality:** All Students must respect confidentiality during the creation, development, and disclosure of IP. Information about IP should not be disclosed to third parties without proper protection in place, such as non-disclosure agreements (NDAs).
- **Disclosure of IP:** If a Student creates intellectual property that they believe may have commercial potential or needs protection, they must notify the College's designated IP officer. The College will assist in determining the protection mechanisms required (such as patents or copyrights) and in managing the IP appropriately.

5. Commercialisation of Intellectual Property

- **Licensing and Royalties:** If the College decides to commercialise intellectual property, this may involve licensing the IP to external parties or using it to create products or services. In such cases, any financial benefits from commercialisation (e.g., licensing fees, royalties) will be shared according to an agreed-upon formula, typically based on the contribution of the Student or College.

- **Partnerships and Collaborations:** Where the College enters into partnerships with industry or research bodies, the ownership and commercialisation of any resulting intellectual property will be governed by the terms of the partnership or collaboration agreement.

6. Dispute Resolution

If a dispute arises regarding the ownership of intellectual property, Students should first seek to resolve the matter through informal discussion with the College. If a resolution cannot be reached informally, the issue may be escalated through formal channels, including mediation or arbitration, in line with the College's internal Grievance Procedure.

7. Legal Compliance

This policy is in line with UK laws governing intellectual property, including the **Copyright, Designs and Patents Act 1988**, **Patents Act 1977**, **Trade Marks Act 1994**, and other applicable legislation. The College will ensure that any intellectual property it owns or controls is protected in compliance with these laws.

8. Review and Amendments

This policy will be reviewed regularly to ensure it remains current with changes in UK intellectual property law and best practices. Any amendments will be communicated to all Students and implemented in a timely manner.

9. Intellectual Property Legislation

In the UK, intellectual property (IP) laws are governed by several pieces of legislation, each covering a specific type of IP.

Here's an overview of the main legislation:

1. Copyright, Designs and Patents Act 1988 (CDPA) Covers: Copyright, design rights, and patents.
2. Patents Act 1977 Covers: Patents and the process of granting them.
3. Trade Marks Act 1994 Covers: Trade marks in the UK.
4. Designs Act 2003 Covers: Registered designs and unregistered design rights.
5. Trade Secrets (EU Directive 2016/943) Covers: Protection of trade secrets and confidential business information.
6. The Copyright and Related Rights Regulations 2003 Covers: Implementation of EU directives related to copyright and related rights.
7. The Patents (European Patent) Act 1978 Covers: European patents.

8. The Intellectual Property Act 2014 Covers: Various amendments to IP law.
9. Plant Varieties Act 1997 Covers: Plant variety rights.
10. The Trade Marks (EU Exit) Regulations 2019 Covers: Post-Brexit transition for trademarks.
11. The Unauthorised Use of Trade Marks (Amendment) (Brexit) Regulations 2019 Covers: Trade mark use and the effects of Brexit on trade mark law.
12. The Trade Marks (Amendment) (EU Exit) Regulations 2019 Covers: Trade mark systems and the Brexit transition.

10. Contact Information

For further information or to report the creation of intellectual property, Students should contact the College's HR department HR@wmc.ac.uk.