Intellectual Property Policy for Students

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1.0 Purpose and Objectives

The Engineering College of Technology (ECT) is committed to encouraging and facilitating the successful exploitation of Intellectual Property (IP) for the benefit of the institution, the originators of the Intellectual Property. ECT also supports and encourages the sharing of knowledge in the public domain, when appropriate, for the good of the community and for commercial purposes.

The purpose of this policy is to provide guidance to students enrolled in ECT programmes on the protection of IP generally and particularly on the rights of student in relation to IP. The policy also serves as a guide to ECT staff on how to deal with matters relating to the Intellectual Property Rights (IPR) of students.

2.0 Scope of the Policy

The policy applies to all student who are enrolled on an ECT programme for the duration of their enrolment. The policy also applies to ECT staff in dealing with matters relating to the IPR of students.

The policy applies to all products that could be classified as Intellectual Property in accordance with the Copyright, Designs and Patents Act 1988 (https://www.legislation.gov.uk/ukpga/1988) and related legislation, as applicable in the United Kingdom.

In the context of this policy, Intellectual Property refers to all products or matter that is subject to protection by copyright, patents, designs, database rights, topography rights, trade marks. IP includes but is not limited to:

- Knowledge and expertise, skills, techniques, and all other intellectual or industrial property
- Intellectual assets such as inventions, innovations and discoveries that are novel and could have industrial applicability
- Products or attributes of intellectual or academic activity, such as technical drawings and the results of experiments, tests, or calculations
- Registered and unregistered brands, designs, logos, and names that distinguish one entity from another
- Databases, computer programs, that are compiled with substantial investment in obtaining, verifying, or presenting the contents.

3.0 Definitions

Commercialisation refers to the process of bringing the Intellectual Property to the market to achieve the commercial success of the new product or service with the purpose of exploiting it for business profits and/or growth.

Copyright refers to the exclusive and assignable legal right assigned to the originators of original material the exclusive right to use, reproduce, distribute or display the material for a fixed period, and the right to authorise other persons or entities the right to the material under specified conditions.

Intellectual Property (IP) "refers to creations of the mind, such as inventions; literary and artistic works; designs; and symbols, names and images used in commerce. IP is protected in law by, for example, patents, copyright and trademarks, which enable people to earn recognition or financial benefit from what they invent or create. By striking the right balance between the interests of innovators and the wider public interest, the IP system aims to foster an environment in which creativity and innovation can flourish.." (World Intellectual Property Organization, https://www.wipo.int).

Intellectual Property Right (IPR) refers to the exclusive right assigned to the originators of such property that enables them to reap commercial benefits from their intellectual property. The protection of the intellectual property could be in the form of copyright, a patent, or trademark.

An **invention** is a product or a process that provides a new way of doing something or offers a new technical solution to a problem that surpasses previous solutions.

Moral rights: Under the Copyright, Designs and Patents Act 1988, moral rights "are a set of rights that protect the non-economic interests of creators in their work. These rights are designed to safeguard the reputation, integrity and personal connection that an author or creator has with their work.… These rights apply to various creative works, including literary, dramatic, musical, and artistic works, as well as films, sound recordings and broadcasts" (https://www.lawbite.co.uk/resources/blog/moral-rights).

The **originator** refers to the creator, author or inventor of a work or subject matter in which

intellectual property may or does subsist.

The **owner** of IP refers to the person or entity to which the legal rights of the property have been assigned, and which allows the owner to control the use, distribution, and modification of the IP.

A **patent** is an exclusive right granted for an invention that provides the inventors with legal protection of their inventions and prevents others from making, using, or selling their invention without permission, while allowing public access to the invention to be used to the benefit of society.

Scholarship is an activity that advances the boundaries of knowledge and understanding of disciplines within and across disciplines by the critical analysis, synthesis and interpretation of ideas and information according to established methodology and which results in various types of publications.

Scholarly work refers to works produced in the course of a student's enrolment in an ECT programme, which includes contributions to books, journal articles, conference papers, videos or other academic materials. whose principal intent is to add to the body of knowledge.

A **trademark** is a sign that is used as a unique identifier or a brand to distinguish an entity and its goods and services from those of other enterprises. The trademark is exclusively assigned to the owner of the trademark that prevents others from using or copying it. It could be in the form of a symbol, logo, phrase, or insignia.

4.0 Principles

The following principles must be adhered to in accordance with the prescripts in this policy:

- The development of IP is a collaborative event; therefore, the benefits arising from should be shared.
- The ownership rights of ECT, students, members of staff and third parties must be acknowledged and protected.
- The originators have the right to the acknowledgement of their IP.
- The dissemination of research or project outcomes through publication in academic publications must acknowledge all the originators.
- Originators of IP that is commercially exploited and that generates income should receive a fair share of that benefit.
- ECT should obtain appropriate value from any investment it makes in creating IP that is commercially exploited.
- IP can be jointly owned where the parties have contributed jointly to the creation of intellectual property, in which case a written agreement will indicate the IPR of the partners and the relative share of any commercial benefit, commensurate with each party's contribution to the IP.
- Collaborative projects involving multiple parties may require agreements on IP ownership, which should be determined at the outset of the project.
- In cases where research is funded by external parties, the funder may require ownership or specific rights to the generated IP.
- Confidential information relating to IP may not be shared with third parties without ECT's express permission, unless compelled by law.

5.0 Legislative Framework

The policy complies with the intellectual Property laws, in particular:

- Copyright, Designs and Patents Act 1988: https://www.legislation.gov.uk/ukpga/1988

- Patents Act 1977: https://www.legislation.gov.uk/ukpga/1977/37/contents

The policy must be implemented in adherence to the above Acts, as well as the following legislation and subsequent amendments thereto:

- Consumer Protection from Unfair Trading Regulations (CPRs): The Consumer Protection from Unfair Trading Regulations 2008 (legislation.gov.uk)
- Consumer Contracts (Information, Cancellation, and Additional Charges) Regulations (CCRs): The Consumer Contracts (Information, Cancellation and Additional Charges) Regulations 2013 (legislation.gov.uk)
- Consumer Rights Act 2015: Consumer Rights Act 2015 (legislation.gov.uk)
- Data Protection Act 2018 (https://www.gov.uk/data-protection)
- The good practice framework: handling student complaints and academic appeals of the Office of the Independent Adjudicator for students in higher education (OIA), December 2016 (www.oiahe.org.uk/good-practice-framework.aspx).
- Trade Marks Act 1994: https://www.legislation.gov.uk/ukpga/1994/26/contents
- Unfair Terms in Consumer Contracts Regulations: The Unfair Terms in Consumer Contracts Regulations 1999 (legislation.gov.uk).

ECT acknowledges the moral rights of students in accordance with the Copyright, Designs and Patents Act 1988: “Unlike economic rights, moral rights cannot be sold or otherwise transferred. However, the rights holder can choose to waive these rights (https://www.gov.uk/guidance/the-rights-granted-by-copyright).

The four moral rights recognised in the UK are:

- The right to attribution, i.e. to be recognised as the originator of a work
- The right to object to derogatory treatment of a work that amounts to a distortion or mutilation of the work or is otherwise prejudicial to the reputation of the originator.
- The right to object to false attribution, i.e. the right not to be named as the originator of a work not created.
- The right to privacy of certain photographs and films, i.e. to prevent such images being made available or exhibited to the public.

6.0 ECT's Ownership of Intellectual Property

In accordance with the provisions of the Copyright, Design and Patents Act 1988 (as amended) and the Patents Act 1997 (as amended) ECT claims ownership of all the intellectual property rights subsisting in – an arising from – works that originate from:

- Persons employed by ECT and works created in the course of their employment
- Persons engaged by ECT under contract for providing services in accordance with the conditions in a written contract.

The Intellectual Property Rights subsisting in and/or arising from the following works of the above persons shall be owned by ECT:

- Learning and teaching materials including lecture notes, course / module handouts, audio or visual recordings and other learning materials or works published, electronically or otherwise, by ECT or made available to students through ECT's facilities, resources or networks
- Works generated by computer hardware or software owned or operated by ECT
- Films, videos, multimedia works, typographical arrangements, field and laboratory notebooks, and other works created with the aid of ECT's facilities
- Databases, computer software, firmware, courseware, and related material
- Patentable and non-patentable inventions
- Registered and unregistered designs, algorithms and topographies
- Commissioned works that is the subject of any research contract deli
- Know-how and information associated with the above.
- All records (documents, papers and software, etc) which relate to the finances and administration of ECT, including course documents, summaries and copies, are the property of ECT. The copyright in all such original and any amended material in any media belongs to ECT.

The Intellectual Property Rights subsisting in ECT is subject to the conditions and prescripts in the *Intellectual Property Policy for Staff* and relevant legislative requirements.

If a student is an ECT employee, the ownership arrangements in ECT's *Intellectual Property Policy for Staff* will apply.

7.0 Ownership of Intellectual Property Created by Students

7.1 Students' ownership of IP

Students own the intellectual property they create individually in accordance with this policy, unless they have an agreement to the contrary.

Students may be asked to transfer the ownership of their intellectual property to ECT when participating in projects that:

- Contain pre-existing intellectual property owned by ECT or a third party
- Lead to the creation of intellectual property in collaboration with ECT staff or other students
- Are sponsored by or involve industry collaborators
- Have commercialisation objectives.

7.2 Rights to students' work

ECT's rights to students' copyrighted work

ECT claims the following rights in relation to students' work to which copyright has been assigned to the student and that was produced while they are registered at ECT:

- The right to reproduce, without fee, artistic works for educational and promotional use, including for use on ECT's website, prospectuses, academic publications, exhibition catalogues, leaflets, etc.
- The right to use material element/s of any works produced by students for a reasonable period for the purpose of sharing such works for the validation or accreditation of programmes

ECT retains the right to make copies and store records of work students submitted for assessment (electronic or otherwise) for one of more of the following purposes, subject to the removal of personal data, where possible:

- The assessment and moderation of the students' work
- Comparing the students' work with earlier answers or works to confirm the originality of the work
- Quality assurance by an ECT body for teaching, marking and moderating processes
- To add it to databases of student work for comparison with the work of future students.

Rights to dissertations and theses

Copyright to dissertations and theses shall belong to the student. ECT will have the right to digitise and make public dissertations and theses, unless the student's request to the contrary has been approved by the Dean.

Special attention should be given to protect the confidential nature of any research results relating to patentable inventions.

Right to collaborative work with ECT employee

In the case of a student project that was created with substantial collaboration with ECT staff, ECT will retain the IPR arising during or from the project.

The work of postgraduate students is considered to be collaborative work with ECT employees; therefore, the students will be required to assign all their IPR to ECT.

Collaborative work with an external collaborator

The terms of a research project or other activity involving an industry collaborator and/or is commercially focused, should provide that:

- The student will be able to submit the work for review and complete the requirements of the award of a degree, in which case, reasonable arrangements will be made to protect the commercial value of intellectual property, if necessary.
- The copyright of the work will be retained by the student.
- ECT will withhold the product from public access only for the period determined by relevant contractual obligations, such as embargoes.
- The student will refrain from disclosing the content of the work to the public, during the stipulated time, except with the Dean's prior written consent.
- The student will share in the net profit from any commercialisation, in accordance with the prescripts in this policy.
- The student will be permitted to submit academic papers to scholarly journals, subject to the relevant contractual obligations to ECT or third parties on the protection of intellectual property.

Rights to sponsored work

A student receiving a sponsorship from ECT for work undertaken will be required to assign all of his or her rights to ECT.

In cases where a project is sponsored in terms of a contract between ECT and a third party, the student must be informed of the terms of that contract before commencement of the project.

A student receiving a sponsorship from an external (third party) entity for work undertaken will be required to sign a revenue sharing agreement with the entity stipulating the profit-sharing arrangement.

Students are required to strictly comply with any conditions attached to the sponsorship of a project.

8.0 Commercialisation of Intellectual Property

ECT retains the right to commercialise IP to which it has ownership through the sale, transfer, assignment or licensing of the IP and/or the supply, sale or licensing of goods or services involving the use of the IP.

Where there are opportunities to commercialise work to which the copyright has been assigned to the student, ECT will engage with the student to reach a mutually-agreed profit-share commensurate with the student's contribution.

All students involved in research that is likely to lead to a patentable invention will be required to assign the IPR in the work that they do to ECT prior to commencing the research.

In cases where ECT decides that it does not wish to exploit any IP of which it has ownership, the IP will be assigned to the originator.

9.0 Legal Rights and Obligations

This policy does not remove the right of students and potential students to take action under the UK's consumer protection laws, nor does it prevent them from pursuing other legal remedies.

This policy does not remove the obligation of ECT to adhere to any requirements applicable to providers in relation to UK's consumer protection laws and/or other laws relevant to the issues covered in this strategy.

No prescript in this document will supersede the Consumer Protection Law and/or any other UK Law or Regulation recognised by the national Government that apply to any issues related to the implementation of this strategy.

Notwithstanding any stipulations in this policy, the student will be given the opportunity to obtain independent legal advice in relation to his/her rights as the originator of work to which IPR has been assigned.

10.0 Appeals

In cases where there is a dispute regarding the ownership of IP or the fair compensation for IP, students have the right to appeal in writing to the Academic Appeals Panel, comprised of the Dean, Higher Education Manager, and a member of the Academic Board. If the dispute is not resolved to the satisfaction of both parties, the matter will be referred to the Governance Board that will make the final decision.

11.0 Annual Review

The Quality Assurance Committee will review this document annually and table it at the next

Governance Board for approval. The Committee must keep record of previous versions of the document for future reference.

12.0 Accountabilities

The Governance Board is responsible for the final approval of this policy with input from the Academic Board, for the alignment of the policy with the institutional strategy and ensuring legal compliance.

The Dean is responsible for managing IP relating to educational learning resources, scholarly activities and research. The Higher Education Manager has overall responsibility for managing IP and the implementation of this policy.

The policy is to be implemented via induction and training of staff and distribution to students and ECT's community via the website and other publications.

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1.2	Apr 2025	• 8.0: Text added on the Academic Appeals Panel • Minor editing corrections