

Intellectual Property Policy

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INTELLECTUAL PROPERTY POLICY

1 INTRODUCTION

- 1.1 This Policy outlines the rights, responsibilities and procedures of the Trust for staff in relation to intellectual property (IP) and all material(s) created or applied to which the Trust's resources e.g. time, funds, facilities and expertise has contributed.
- 1.2 Whilst the legal position is inevitably complex, unless there are specific agreements to the contrary, the Trust would normally be regarded as the owner of all intellectual property generated by Trust staff and others commissioned to work for or on behalf of the Trust, during the course of their employment/engagement.
- 1.3 This Policy also sets out the Trust's Intellectual Property Rights (IPR) in relation to the ownership and protection of its intellectual property (IP)
- 1.4 This policy takes into account the recommendations of the Intellectual Property Office, the official government body responsible for Intellectual Property rights in the UK and the executive agency of the department for Business, Innovation and Skills (BIS) and is shaped by the consideration that the Trust and its staff and others engaged by the Trust must in any event respect and understand IPR belonging to others.
- 1.5 The term 'Trust' referred to throughout this policy relates to the 'Employer' as the employing body or legal entity for whom staff have entered into a formal contractual relationship.
- 1.6 This policy has been prepared taking account of prevailing legislation including the Patents Act 1977, Copyright, Designs and Patents Act 1988 and Copyright and Rights in Databases Regulations 1997 (the Acts) and follows best practice by enabling the Trust to demonstrate best practice around Intellectual Property Rights, including Intellectual copyright, which is fair, equitable and transparent. Accordingly, the policy is subject to an Equality Impact Assessment and is suitable for publication under the Freedom of Information Act 2000.

2 DEFINITIONS

- 2.1 The Trust defines Intellectual Property (IP) by the outputs, both intellectual and artistic, which are generated by staff employed the Trust, as well as those who are commissioned by the Trust to create or produce specific pieces of work for and on behalf the Trust.
- 2.2 The Trust defines Intellectual Property Rights (IPR) as the legal rights of ownership of any and all IP generated or created for and/or on behalf of the Trust.
- 2.3 There are four main areas of Intellectual Property, which include:
 - Copyright – present in all research results, the tools and materials used.
 - Patents – protecting technical inventions
 - Trade marks or Branding – helping distinguish the goods and/or services
 - Design rights – protecting the visual appearance of products and/or services
- 2.4 The Trust regards intellectual property to include a range of Trust resources and tools including all policies and procedures, tender documents, bids, commercially sensitive information, training materials, photographic and marketing materials and all VLE and other teaching materials created and/or used by Trust staff. This is not an exhaustive list and is provided to give some clarity in terms of the types of Trust property that would fall within the scope of this Policy.

3 OWNERSHIP OF INTELLECTUAL PROPERTY

- 3.1 The rights of all Intellectual Property (IP) created by staff as part of their role(s) with the Trust belongs entirely to the Trust and shall remain the ownership of the Trust always, including the time after the member of staff has left the organisation.
- 3.2 Staff Contracts of Employment state that 'all records, documents and other papers (together with any copies or extracts thereof) made or acquired by you in the course of your employment shall be the property of the Corporation and must be returned to it on the termination of your employment'.
- 3.3 Intellectual property includes all written and/or creative/artistic work carried out for the or on behalf of the Trust, its staff, students and all other stakeholders.
- 3.4 Unless specifically identified and expressly stated the Trust owns all performance rights in all material produced for the Trust for the benefit of the Trust and/or its students, including video recordings and promotional work.

4 PROTECTION OF INTELLECTUAL PROPERTY

- 4.1 Intellectual Property Rights (IPR) on any work created by staff outside of the remit of their employment/engagement with the Trust and where this has not involved the use of any Trust resources such as scholarly work will remain the property of the author. In these circumstances, the Trust would not seek to make any claim from any current or former member of staff who has earned income or credit from e.g. academic publications.
- 4.2 Staff are reminded to respect the moral, ethical and legal rights of the authors of any work which they may wish to use as part of their lesson material, by clearly and appropriately identifying and referencing the creator/author of such work, where applicable.
- 4.3 In the event that staff use any materials or other documentation which they have developed and/or used during the course of their employment with the Trust, outside of the Trust, they must obtain prior approval from the relevant author and the Executive Head Teacher, in writing. Failure to do so may result in the matter being referred to the Trust's Disciplinary Policy and Procedure.
- 4.4 In the event that a member of staff who leaves the Trust subsequently wishes to utilise any Intellectual Property belonging to the Trust, he or she will need to obtain the prior and explicit approval from the relevant author (where applicable) and the Executive Head Teacher, in writing. For the avoidance of doubt, the copyright will remain with the Trust for the purpose of any financial benefit or credit.
- 4.5 Staff who are approached by external organisations or former colleagues requesting sight of or access to copies of any Trust intellectual property are reminded that they must obtain the prior and explicit approval from the relevant author (where applicable) and the Executive Head Teacher, in writing, before sharing such information. Failure to do so may result in the matter being referred to the Trust's Disciplinary Policy and Procedure.
- 4.6 Copyright on student work usually rests with the individual student. The Trust has the right to use, reproduce or republish students' work provided the clear attribution is attached. For the avoidance of doubt, the copyright will remain with the student for the purpose of any financial benefit or credit.

5 PHOTOGRAPHS AND VIDEO RECORDINGS

- 5.1 In determining the suitability of recording assessments or lessons as part of the Trust's commitment to supporting continuous professional development consideration must be given to the wishes of those (students and staff) who do not wish to be filmed as well as any safeguarding provisions for any vulnerable learners.

- 5.2 When photographing students for Trust publications the express consent of the student and/or their parent/guardian must be obtained and forms part of the induction and admissions paperwork for any pupil attending one of our schools.
- 5.3 The Trust will often photograph various events and training sessions which occur throughout the year for a variety of different purposes. Where the images of staff are included in event photographs, these remain the property of the Trust and the Trust reserves the right to use such photographs for a variety of different purposes including publicity or other marketing materials. For any staff who do not wish to have their image associated with any Trust material either for internal or external use, he or she should confirm this in writing to the Executive Head Teacher.

6 INTELLECTUAL PROPERTY OF OTHERS

- 6.1 It is the responsibility of members of staff to obtain suitable consent from the copyright holder for the use of any third party IP protected material, in order to comply with any copyright agreements that may exist.
- 6.2 Staff may be held personally liable for any breach of copyright law and therefore need to take the necessary steps as outlined in this Policy to protect themselves and the Trust.

7 COMMISSIONED WORK

- 7.1 Where the Trust engages the services of an external consultant, all issues associated with Intellectual Property and Intellectual copyright need to be agreed in writing at the outset of the arrangement.
- 7.2 Where the Trust commissions an independent review, audit or investigation of any kind, it must be clearly agreed that any research, findings, conclusions, notes of discussions with individuals or groups of staff firmly remain the property of the Trust and must be passed to the Trust or confidentially destroyed e.g. copies of electronic data.

8 RESTRICTIVE COVENANTS

- 8.1 Although Trust contracts of employment do not routinely include restrictive covenants, (save for specific departments and some senior staff) the Trust reserves the right at all times to protect its legitimate proprietary interests and/or any deal with any intellectual property infringements against any member of staff or former member of staff intending to cause harm to and/or damage the interests of the Trust including but not limited to the financial and/or reputational interests of the Trust by seeking to compete for particular business or specific Trust contracts.