

Policies and Practices on Intellectual Property

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Policies & Practices on Intellectual Property

(Policies & Practices on Intellectual Property, Communication of Research Results into the Public Domain and Rewards for Discoverers)

This Policy applies to all ICR Researchers, which comprises ICR employees and all those listed at points A5 to A7 below (unless the application of this Policy or any part thereof is excluded in respect of any given person or class of persons by written agreement between ICR and any such party); save for paragraph C24, which applies to ICR employees who are on the ICR payroll at the relevant date only.

Failure to comply with this policy is capable of amounting to a disciplinary offence.

A. Ownership, Protection & Exploitation of Intellectual Property

Introduction

1. The term 'Intellectual Property' embraces a range of different property rights which are established and defined by law and recognised under international treaties. The most relevant forms of legal protection are described in more detail

below. Broadly, they are legal rights to own and exploit inventions, ideas and creations. They may subsist in, amongst other things:

- Inventions (whether or not patentable);
- Methods, protocols, operating procedures or similar types of know-how;
- Materials, compounds and cell-lines;
- Laboratory notebooks and research reports;
- Registered and unregistered designs and trademarks;
- Databases, computer software, firmware and related materials;
- Videos, presentations and posters;
- Multi-media works; and
- Know-how and information associated with any of the above.

2. In the context of biomedical science, the longest standing examples of the exploitation of Intellectual Property relate to the compounds and processes developed by pharmaceutical companies into new drugs. More recently, there has been an explosion in the range of biomedical 'inventions' which have been claimed as Intellectual Property, so that it is now commonplace, for example, for individuals or companies to assert exclusive rights to cell lines, vectors, clones, etc.

3. As a research institution, ICR creates a wealth of Intellectual Property. It is ICR's policy that this Intellectual Property should be exploited (i) to its maximum potential firstly for the benefit of cancer patients and secondly for the public good as a whole; and (ii) such that a fair proportion of any subsequent financial benefit can be retained by ICR to finance future research. In order to do this, ICR has implemented the policies and practices which follow. It is important to note that failure to follow these policies and practices, for example, through the premature disclosure of unprotected material, can render worthless a potentially valuable invention with the result that it is never developed for use in the clinic or laboratory and valuable benefits which could have been used to further ICR research may be lost.

Ownership of Intellectual Property

4. All Intellectual Property created by employees of ICR in the normal course of their employment belongs to ICR, which has full legal powers to exploit it.

5. All students enrolling at ICR will be required as a condition of their enrolment to assign all Intellectual Property created during the course of their studies to ICR.

6. Any employee of the Royal Marsden Hospital NHS Foundation Trust ("RM") who holds an honorary contract with ICR will be required to assign to ICR all Intellectual Property created during the course of their work for the ICR

7. Any researcher or other person who is not an employee, but who is doing research work at ICR will (unless otherwise agreed in a binding contract) also be required to assign to ICR all Intellectual Property created whilst working at ICR. Examples of such persons include:

- Visiting workers
- Contractors
- Anyone working at ICR whilst on secondment or sabbatical from another organisation
- Emeritus professors
- Honorary position holders

8. The assignments to ICR set out above ensure that rights in Intellectual Property jointly developed by all workers at ICR are held together to enable effective exploitation.

9. In some cases ICR may transfer ownership of Intellectual Property and/or responsibility for its exploitation to Cancer Research Technology Ltd ("CRT") or other stakeholders depending on the source of funding that supported the work and our agreements with the funding body.

10. Notwithstanding the above, and unless they have been specifically commissioned or are governed by a pre-existing agreement, ICR will waive its claim to ownership of copyright in the following works:

- text and artwork for publication in academic books
- articles written for publication in peer-reviewed journals and periodicals
- papers, posters and oral presentations to be presented at academic conferences
- theses and dissertations submitted for a degree being studied for at ICR
- abstracts associated with any of the above

11. ICR asserts its claim to ownership in all other copyright works and will own all intellectual property rights other than copyright in the above works.

12. ICR also has in place a scheme which ensures that discoverers are able to benefit personally from the exploitation by ICR or (in many cases) other organisations of their inventions (see Section C).

Protection of Intellectual Property

13. There are a number of different types of intellectual property protection available for different types of work and this can vary from country to country. Inventions can be protected by patents; artistic and literary works, and most computer software are protected by copyright; databases may be protected by copyright or specific database rights; trade-marks are used to protect business names, logos and similar identifiers; and designs are protected by design right. There are also some specialist rights which protect things such as computer chip topography and plant varieties. The value of some information, methods and ideas, such as know-how and trade secrets is best protected by keeping them confidential.

Confidentiality

14. ***It is important that all research results and other creations are kept confidential until their value has been assessed*** and a definite decision has been made either to seek intellectual property protection and/or to write up for publication.

15. Confidential information and know-how can be one of the most valuable assets of ICR even though it does not deliberately keep trade secrets; it can be licensed to third parties for development into products to benefit patients and it allows ICR to maximise the impact of its research publications. All information generated by ICR researchers should be given careful consideration before being either published or put forward for patenting – its value will lie in being discreet with research results and keeping information confidential. As employees of ICR, staff members automatically have duties to ICR not to misuse or wrongfully disclose confidential information.

16. Even where it may be possible to protect information using other forms of intellectual property, it is important that information is kept confidential until such protection has been filed. ***The possibility of obtaining patent protection may be lost if there has been any public disclosure of information prior to the patent being filed.***

17. Even where intellectual property protection is available or a patent application has been filed there may still be benefit in keeping certain aspects of results confidential.

18. Confidential information may need to be disclosed when discussing potential collaborations or other relationships. In such cases the information can be protected by entering into a confidentiality or non-disclosure agreement (CDA or NDA) prior to any discussions. Such agreement should be clear and appropriate to the information concerned and the purposes for which it is to be discussed. The Enterprise Unit can arrange for appropriate confidentiality agreements to be put in place ahead of any disclosure of unpublished research results or other confidential information.

Patents

19. The grant of a patent provides the holder with the legal right to prevent others from using their invention for a period of time defined by the country in which the patent has been granted. To be granted a patent, the putative invention must be new (i.e., have not been publicly disclosed), involve an inventive step (i.e. a step not obvious to a reasonably skilled practitioner in the same field, having regard to all publicly available information) and be capable of industrial exploitation. It is also necessary to be able to prove that the people named on the patent application are the actual inventors.

20. The process of filing the patent application is undertaken by professional Patent Attorneys retained by the ICR. It is imperative that researchers alert the Enterprise Unit as soon as they believe that they have created something patentable so that, if appropriate, the Patent Attorneys can begin the process of filing prior to any public disclosure of the work.

21. The decision on whether to file a patent application in respect of any particular product or process will be made by the Enterprise Unit following discussion with the inventors and other interested parties such as funding bodies. In some cases the Enterprise Unit will transfer the responsibility for making the decision on patenting to CRT or other stakeholders depending on who has funded the work.

22. If the decision is made to file a patent application, it would be usual to first file either a UK or US patent application. From the date of this first filing (the "priority date"), inventors have a period of 12 months (the "priority year") in which to refine their invention and to make a decision on whether to submit an application for patent protection in other territories through the PCT process. During this period there may be restrictions on what inventors can disclose through publications, lectures and other means of public dissemination. The reason for these restrictions is that any national patent applications arising from the PCT process may differ from the priority filing because of developments and refinements made during the priority year. In order to minimise restrictions on researchers, ICR endeavours to ensure that patent applications are drafted with appropriate scope and that the filing of international applications is done expeditiously. Inventors will normally also be able to release some information to collaborators on a confidential basis, subject to there being an appropriate confidentiality agreement in place. The extent of restrictions will be

recommended by the Enterprise Unit following discussion with the researchers involved and will vary from case to case.

23. In rapidly developing fields like cellular, molecular or genetic technologies, where many scientists may be on the verge of the same discovery, it is vital that the ICR is able to establish its claims of originality of invention. Relevant correspondence amongst colleagues and collaborators can be important in this context and should be retained. It is also important that laboratory notebooks are properly kept as notes kept during the inventive process may be critical for establishing originality of invention. For these types of records to be of value in establishing originality, they must be legible and comprehensible and deal with the facts of the invention at an appropriate level of detail. Further details of how laboratory notebooks should be kept can be found in Section B.

Copyright

24. Copyright protects original literary, dramatic, musical and artistic works, as well as films and sound recordings. It arises automatically as the author creates a work. There is no need to register copyright but it is highly recommended that authors establish the date of creation by signing and dating their work. Most computer software is also protected by copyright and it is imperative that creators of software document its creation through a signed, dated and witnessed statement which is lodged in a safe place. The duration of copyright varies depending upon jurisdiction, the type of work, whether it has been published and who the creator is but it is typically the life of the creator plus 50 to 70 years.

25. Being a form of Intellectual Property (and except as set out in point A10); copyright arising in works created by ICR Researchers in the course of their work is owned by ICR.

26. Copyright enables the owner to control copying, adapting, publishing (including online), renting, performing and broadcasting of the work. When submitting papers for publication a publisher will often require the author and/or owner to transfer the copyright to them so that they can prevent unauthorised copying of the journal once published (see section B for more information about assigning copyright to publishers).

27. There are certain provisions in copyright law which allow researchers to use copyright works of others for non-commercial work, private study and teaching purposes, but these rights are limited and works must always be properly referenced.

28. Databases can be protected in two different ways. If the database is original in the selection or arrangement of its contents, it can be protected by copyright and the usual copyright rules apply. If the database is the result of substantial investment in time, money and effort then (whether or not copyright also applies) a separate database right will apply. It is possible for both copyright and database rights to apply to the same database. Database right lasts 15 years from the creation date or if published, the publication date and arises automatically upon creation of the database.

Freedom of Information

29. Researchers should be aware that the Freedom of Information Act 2000 and the Protection of Freedoms Act 2012 place certain obligations on public authorities such as ICR in relation to requests for information (the Protection of Freedoms Act 2012

relates specifically to certain datasets). Such requests may have implications for ICR's Intellectual Property, so any such request should be brought promptly to the attention of the Information Manager and Enterprise Unit.

Exploitation of Intellectual Property

30. Exploitation of Intellectual Property ranges from the submission of an article for publication through collaborative research to the selling or licensing of an invention for commercial development and production by commercial entities.

31. For publications, researchers are required to follow ICR's Policy on Keeping of Laboratory records and Communication into the Public Domain of Research results (see Section B).

32. ICR Researchers should disclose to the Enterprise Unit at the earliest opportunity any work which they believe may be capable of protection and commercial exploitation and the circumstances surrounding its creation.

33. ICR Researchers are required to co-operate with the Enterprise Unit in applying for patent or other protection, ascertaining or demonstrating Intellectual Property ownership, producing documentation for potential exploitation partners and exploiting relevant Intellectual Property.

34. The Enterprise Unit negotiates the commercial aspects of the exploitation of Intellectual Property on behalf of ICR and is responsible for ensuring that ICR enters into contracts which yield the maximum acceptable benefits to ICR in accordance with point A3 above). It is ICR's policy that all arrangements relating to the commercial exploitation of Intellectual Property are made through the Enterprise Unit and approaches to and negotiations with pharmaceutical and other commercial organisations must be channelled through the Enterprise Unit – this includes the negotiation of research funding from commercial sources. The Enterprise Unit will in some cases hand over responsibility to CRT or other stakeholders for negotiating collaboration with commercial organisations depending on the funding source of the work involved and ICR's agreements with such organisations.

35. In order to encourage ICR Researchers to develop Intellectual Property, ICR has a Rewards for Discoverers Scheme (see Section C) that enables individuals to benefit personally from the financial returns arising from their Intellectual Property. It is important that creators of Intellectual Property set in train the implementation of its provisions as soon as it is clear that the Intellectual Property has revenue-generating potential and, in any case, before the signing of any revenue sharing agreement.

Third Parties

36. It is ICR's policy to respect the Intellectual Property of others and where it is necessary to use others' Intellectual Property to seek appropriate licences.

37. It is important when seeking to exploit Intellectual Property that ICR is aware of and complies with any third party rights (such as may have been set out in grant or contract terms, MTAs or collaboration agreements). ICR Researchers should therefore inform the Enterprise Unit of all grants or other contributions (including contributions of materials) to their work to allow such rights to be checked.

38. ICR Researchers may also receive approaches directly from third parties in respect of access to their work. All such approaches should be referred to the

Enterprise Unit to ensure that appropriate terms can be negotiated which will allow the third party to obtain the rights they require whilst not hampering the ability of ICR Researchers to continue to carry out their research and publish the results. ICR Researchers should not agree anything with any third party regarding the ownership or exploitation of Intellectual Property without having first discussed and agreed it with the Enterprise Unit. ICR Researchers also must not themselves assign, license or give any rights in ICR's Intellectual Property to third parties and must not purport to do so on ICR's behalf.

B. The Keeping of Laboratory Records and Communication into the Public Domain of Research Results

Keeping Of Laboratory Records

1. It is important both in terms of being able to establish originality of invention for patentable results and in establishing and maintaining research integrity that laboratory notebooks are complete and accurate and kept in such a way that they form a verifiable legal record. It is therefore ICR's policy that Heads of Division put in place systems for ensuring that laboratory notebooks are kept in an appropriate way and their integrity is verifiable.
2. In deciding on a system for the keeping of laboratory notes, Heads of Division take in to consideration not only the potential for patenting and carrying out commercially sponsored research, but also the need for proving the veracity of published work. The Head of Division's decision on how laboratory notes should be kept should be documented and reviewed at appropriate intervals..
3. Where using the physical notebooks, the following practices should be followed to ensure that verification systems are sufficiently rigorous to establish the originality of invention for patenting purposes:
 - Permanent bound notebooks with consecutively numbered pages should be used and entries should be made in ink.
 - Full details of the work, including failed or repeated experiments must be included.
 - Supporting materials such as charts and photographs should be signed, dated and attached permanently to the appropriate notebook. Where it is impossible to attach material to the notebook, it should be carefully cross-referenced and securely stored.
 - Deliberate blank spaces should be struck-through with a single pen line.
 - Pages must not be removed or if this if necessary a countersigned explanation for their removal should be included in the notebook.
 - Work should be regularly dated and signed by the scientist conducting it.
 - Notebooks should also be countersigned at regular intervals by appropriate senior staff. The purpose of this is authentication rather than validation. The counter-signatory should be capable of understanding the work but should not be directly involved in any aspect of the research being recorded. This will normally mean that notebooks will need to be countersigned by the leader of a Team other than the one in which the scientist works. Similarly, for PhD students, countersignature will probably be by someone other than the supervisor who will almost always be involved in the research

- It is important that each page of the notebook is signed and dated both by the scientist and the counter-signatory. The counter-signatory should write on each page 'read and understood' (which can be abbreviated to "R&U" on the second and subsequent page if signing more than one page) together with the signature and date.
 - It is recommended that signature and countersignature should take place at intervals of no longer than once per month. This interval will need to be shorter for work or where there is significant competition. In these circumstances it may be advisable to have work signed on a daily basis. Where there are gaps through, for example, attendance at conferences or leave, it is advisable to note these in the notebook.
 - All notebooks should be countersigned when they are filled or where no further entries are to be made in them.
 - Where small amounts of data and records are generated on computer, hard copy should be printed and attached neatly into permanent, hardbound laboratory notebooks, together with supporting materials. If the amount of data is too large for this to be practical then the crucial findings of the work should be recorded in a physical laboratory notebook (which should be dated, signed and countersigned as above) and this should make reference to where the full data set can be found. If the electronic data can be conclusively dated in some way, (e.g. by "finalising" the document on a particular date so that no further changes can be made), then this would be helpful.
4. Where required, Heads of Division should arrange to have their notebooks signed by a senior Team Leader or the Director of Research or the Director of Clinical Research and Development.
 5. Adequate arrangements should be made to store completed notebooks securely (see Policy on Preservation of Laboratory Notebooks and Records Retention Schedule for Research). If notebooks contain commercially sensitive material, the Director of Enterprise may be consulted for advice on the security of storage.
 6. As an alternative to physical notebooks, electronic laboratory notebooks may be used and in such cases the following practices should be followed to ensure that verification systems are sufficiently rigorous to establish the originality of invention for patenting purposes:
 - Electronic laboratory notebooks should comply with the following industry standards:
 - ISO/IE 17025 (an accreditation standard for technical competence of laboratories)
 - EU Vol. 4: Good Manufacturing Practice Annex 11 (Computerised Systems)
 - US FDA 21 CFR Part 11 (Electronic Records; Electronic Signatures)
 - The following factors should also be considered when selecting and ELN:
 - business continuity
 - data protection (i.e. GDPR)
 - confidentiality
 - encryption & cyber-security
 - Advice should be sought from ICR's scientific computing team to ensure that the above conditions are met and that the ICR can support the proposed system
 - Suitable ELN systems should also:
 - be able to integrate with local AD authentication and authorisation
 - support shared workspaces

- support ability to audit and search including logging of data additions, modifications, deletions etc.
 - in respect of Cloud based services, be based on providers which follow the NCSC principles of Cloud security and be hosted within the EU/UK
 - have an appropriate mechanism to backup the data
 - be platform agnostic for desktops (Windows, Mac, Linux)
 - support recovery of data to a local resource without using proprietary tools
 - be usable on mobile devices
 - provide a mechanism to get "basic" level of support from the supplier including bug fixes, commitment to restore services in the event of an outage etc.
- Full details of the work, including failed or repeated experiments must be included.
 - Supporting materials such as charts and photographs should be integrated in to the record
 - Work should be input in to the system regularly.
7. Researchers within a Division must follow the arrangements implemented by their Head of Division. Where a researcher is in more than one Division they should follow the arrangements appropriate to the work they are undertaking.
 8. Notebooks, ELNs and other laboratory records are and remain the property of ICR. Researchers who leave ICR should not take this material with them without the written permission of the Head of Division (following consultation with the Director of Enterprise if the lab notes contain references to work that is being done in collaboration with a commercial partner or on which a patent application has been filed). ICR Researchers may be permitted to take copies of notebooks when they leave ICR if permission has been given by the Head of Division in accordance with the Data Portability Policy.

Communication into the Public Domain of Research Results

9. One of the principal duties and privileges of the academic research scientist is to communicate into the public domain the results of research. This communication is done mainly through publication in scientific journals and through presentations at scientific meetings.
10. The scientific content of communications is the responsibility of the scientist or group of scientists involved in the work. ICR, as an academic institution, has a duty to work towards the public communication of scientific results. It will also endeavour to ensure that the processes for researching and preparing material for communication are sound and are properly followed. It will seek to protect its reputation, the reputation of its staff, students and of the sponsors of its work. ICR will also seek to ensure that proper steps are taken to protect Intellectual Property which is generated from work undertaken at ICR.
11. It is accepted practice at ICR that ICR Researchers should usually submit research for publication in peer reviewed journals. The peer review process encourages [authors](#) to meet the accepted [standards](#) of their discipline and prevents the dissemination of unwarranted claims, unacceptable interpretations, and personal opinions. The permission of the Head of Division should be sought before submitting research findings to a non-peer reviewed publication.

12. The following policies and procedures relate to the preparation and communication of scientific results and good practice in the conduct of work which might be suitable for patenting. The attention of researchers is drawn to ICR's policies on Intellectual Property (see Section A) and on Rewards for Discoverers (see Section C).

The Publication Process

13. Responsibilities of all ICR Researchers

It is the responsibility of all ICR Researchers:

- To ensure that all material to be submitted for publication in which they are named as an author (see point 15) has been cleared by the Head of Division (or designated delegate – see point 14) prior to submission, even where responsibility for making the submission rests with a co-author.
- When the material has been cleared by the Head of Division, to ensure that all authors have consented to its submission.
- To be aware of and comply with any restrictions placed on publications in any applicable contract, whether a confidentiality, material transfer or collaboration agreement that applies to the research or a requirement made by the funders of the research.
- To ensure that funding bodies, providers of material, joint authors and collaborators are properly acknowledged and that they are sent such publication copies of submitted manuscripts, preprints or reprints as they may require. A copy of all material intended for publication in which an ICR Researcher is identified as an author must be sent to the Research Secretariat and the Director of Communications as soon as possible.
- To comply with any other policies or guidelines of ICR regarding publication of scientific results.

14. Responsibilities of Head of Division

In relation to any item produced within a Division for submission for publication, the Head of Division will ensure that:

- The item emanates from work which has been conducted in a proper and rigorous manner.
- In the case of clinical research, appropriate ethical approval has been granted for the work.
- Funding bodies, joint authors and collaborators are properly acknowledged and any restrictions they have placed on publications have been complied with.
- Advice is sought in relation to any material with potential commercial value (see section A).
- Nothing in the item could be defamatory.
- Matters of public sensitivity have been reported in line with ICR policy and practice.
- Allowing for normal academic debate, the item is not likely to cause ICR to become involved in a matter of public and non-scientific controversy which might damage its reputation or the reputation of its funding bodies.

A Head of Division may delegate responsibilities to Team Leaders within the division. Such delegation must be done in writing, for a defined but renewable period not exceeding one year and is revocable by the Head of Division. Where responsibilities are delegated to Team Leaders, any

uncertainty or dispute should be referred initially to the Head of Division who has authority to determine what, if any, actions should be taken by the author(s) before an item may be submitted for publication. Heads of Division will be responsible for reference to the Director of Enterprise, the Director of Research or Director of Clinical Research and Development where necessary. If, at this stage, outstanding issues exist, the Chief Executive will be the final arbiter.

Authorship

15. In line with the ICMJE's Uniform Requirements for Manuscripts Submitted to Biomedical Journals, it is the policy of ICR that authorship credit should be based only on **a substantial contribution** to all of the following:

- the conception and design, or analysis and interpretation of data;
- drafting the article or revising it critically for important content;
- final approval of the version submitted for publication.

Participation solely in the acquisition of funding or the collection of data does not justify authorship.

Verbal Communication of Results at Meetings, Conferences, etc

16. The duties and responsibilities which apply to the communication of results at scientific meetings, conferences, etc are exactly the same as those that apply to written communication. ICR Researchers have an obligation to have the explicit permission of the Head of Division or designated deputy to bring into the public domain through verbal communication the results of research. Heads of Division or designated deputies must ensure that attention is paid to each of the areas of responsibility detailed above. Researchers should be aware that verbal communication of results could compromise the patent position of Intellectual Property (see Section A).

Publication of Collaborative Research

17. Many ICR Researchers are involved in collaborations with scientists at other public and private laboratories. These laboratories may have their own procedures relating to the communication of scientific results and to patenting. Nevertheless, ICR Researchers who wish to engage in collaborative research with scientists from outside ICR are obliged to follow ICR procedures. This obligation includes taking all reasonable steps to ensure that material submitted for publication is done under covering letters from all authors.
18. Where ICR Researchers are involved in collaborations with commercial or other organisations they should be aware that contracts with these organisations may place restrictions on publications; these may include rights for the sponsor to review publications prior to submission, to delay publication to enable patenting or to remove certain commercially sensitive data. The Enterprise Unit will strive to ensure that such restrictions are kept to a minimum but ICR Researchers involved in such collaborations are required to comply with any such restrictions. ICR Researchers should seek advice from the Enterprise Unit before submitting for publication the results of research from commercial and other collaborations.
19. ICR Researchers should also be aware of the need to establish, in advance, ICR's Intellectual Property position in collaborative work which

may lead to patentable results. The attention of ICR Researchers is drawn to Section A and to the role of the Enterprise Unit in arrangements of this kind.

Assignment of copyright in academic publications

20. Academic publications will usually require copyright in manuscripts to be assigned to them so that they can prevent unauthorised copying of the work once published. This assignment is usually done by way of a document that authors are required to sign when submitting manuscripts for publication. All such documents must be reviewed carefully before being signed. For works where ICR has waived its claim to ownership of copyright (see section A10) authors may sign on their own behalf any document transferring copyright in such works to a publisher. Where any right other than copyright in such works is being transferred or where any other obligations are being placed on ICR Researchers or on ICR, the Enterprise Unit must be consulted for advice before such documents are signed.

Use of the ICR name

21. It is appropriate that the affiliation of ICR Researchers with ICR should be acknowledged in research publications, but it is also important that ICR is not associated with or involved in non-scientific controversy, defamation or other matters which may cause damage to its reputation. As a charitable research organisation ICR should also avoid actual or implied endorsement of commercial products. Care should therefore be taken and advice sought from the communications directorate if ICR's name is to be used on any publication other than the communication of the results of ICR research in recognised scientific journals and at scientific conferences.

C. Rewards for Discoverers Scheme

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Identification of Discoverers

1. When a commercial agreement is concluded (or earlier if necessary) the principal investigator will identify and agree with the ICR Researchers involved their relative contributions. All ICR Researchers are required to use reasonable efforts to reach an agreement. This agreement will be recorded in writing and a copy signed by all the discoverers and the principal investigator. The Head of Division will be responsible for ensuring that such an agreement is made, endorsing it, and lodging a copy of it with the Director or Enterprise.
2. The Director of Enterprise will inform the appropriate person at RM if the work is considered Joint Research under the agreement with RM.
3. The relative contributions of the ICR Researchers concerned may be reviewed from time to time, particularly where research is ongoing. Where the principal investigator believes that the relative contributions have changed or new participants should be included a new agreement will be made, endorsed and lodged as above.
4. When ICR Researchers leave ICR it is their responsibility to keep ICR informed of their address and contact details for correspondence and the

payment of any rewards to discoverers. When seeking agreement to changes to the relative contributions of discoverers, it will be sufficient for ICR to show that attempts were made to contact the discoverer at the last address notified to it. If no response has been received from the contributor 30 days after the second of two attempts (sent by registered post or similar and separated by at least 2 weeks) have been made to contact them they will be deemed to have agreed to any new contributions scheme.

Disputes Between Discoverers

5. All disputes as to inventorship and relative contributions between discoverers shall be referred to the Chief Executive of ICR who will make a final and binding decision. The Chief Executive may seek information or advice from experts or others as they deem necessary to assist them in making a decision.
6. Where both ICR and RM employees have contributed to an invention, the division of payments between ICR and RM will be governed by the joint working arrangements in place between them. In the event of any dispute the respective Chief Executives will reach an agreed decision, which will be final and binding. Failing agreement between the Chief Executives the matter will be referred to the respective chairmen of ICR and RM who will either reach an agreed decision on the matter or decide upon a mechanism by which the matter will be resolved.

Scope of the Rewards Scheme

7. There are a number of areas where the application of the Rewards for Discoverers Scheme may be considered. These are:
 - Payment of royalties.
 - Up-front payments on signature of a commercial contract.
 - Licence and milestone fees on licensing or assignment of IPR.
 - Direct product licensing for materials or computer software.

Any payments to be made under C7 will be at the discretion of the Chief Executive of ICR with any disputes being determined in accordance with section C5 above.

The proceeds of sale of spin-out companies are dealt with under a separate policy governing the formation of spin-out companies.

Reward/Allocation of Funds

8. The allocation of rewards is based on the net income available to ICR after all adjustments listed in section C13 below have been made.
9. The discoverer(s) shall be rewarded annually according to the scale shown in point C24.
10. For joint discoverers the rewards set out in the scale shall be divided between them in such proportions agreed between them in accordance with point 1 to reflect their relative inventive contributions.
11. Following the allocation to discoverers in accordance with points C8-C10, the remaining proceeds shall be divided between ICR and RM in accordance with the agreement between them.
12. For each invention with income in the year up to £120,000, proportions of income shall also be allocated to:

- the Small Equipment Fund,
- the Division(s) in which the discoverers carried out the research, and
- the principal investigator(s) laboratory

as set out in C24; where income in the year is greater than £120,000 the amount to be allocated to above shall be at the discretion of the Chief Executive.

Calculation and Payments of Rewards

13. All payments to discoverers shall be from receipts after the deduction of costs and any external distributions. Receipts, costs and external distributions shall be calculated as follows:
- Receipts:
 - are normally all payments received under point C7 on or after 1st April 1989 by ICR after the deduction of any payment to any other body that may be required by a collaboration, funding or sponsorship agreement.
 - Costs are:
 - Development costs authorised by ICR and/or development partners such as CRT.
 - Patent costs and patent attorney fees.
 - Legal fees and expenses.
 - Any fees and expenses, incurred by external agents such as CRT.
 - Other fees or costs and expenses (if any) reasonably incurred in promoting the exploitation of the invention, including any taxes or duties falling due.
 - External distributions are:
 - the distribution of any income (where applicable), to CRT (on behalf of CR-UK) or any other funding body (in accordance with the agreement between ICR and such other bodies) (where not already deducted from receipts under 12a); and
 - The distribution of any income to any other external contributor or collaborator in accordance with any agreement between ICR and such other external contributor or collaborator (where not already deducted from receipts under 12a).
14. Costs, external distributions and receipts shall accumulate from one year to the next until the receipts are greater than the cost and deductions when the reward scheme will come into operation.
15. All payments to discoverers shall be made whether or not a discoverer continues to be associated with ICR. Where a discoverer is no longer an ICR Researcher they will be contacted annually at their last notified address for instructions as to where their payment should be made. If a discoverer fails to respond to such contact within 30 days (after two attempts to contact them made by registered post or similar means), any share due to them will be held on account for a maximum of three years after which time it will become the property of ICR as appropriate. It is the responsibility of the individual discoverer to ensure that ICR have a current address for the purposes of correspondence related to the Rewards for Discoverers scheme.
16. All payments to discoverers who are on the payroll shall not be pensionable and shall be subject to any appropriate deductions (including, but not limited to, income tax, employees' and employers' national insurance) which will be taken by Finance on payment, unless finance is

informed in writing of any exemptions. Discoverers who are not on the payroll will be paid their share of any reward gross of any such deductions and will be personally responsible for making any payments such as tax that are due on the reward. Discoverers may elect to waive annually all or part of their personal reward and request that it be added to their Division/Department/Service budget. Discoverers may also elect to waive payment entirely in which case their allocation will be added to ICR general funds as appropriate.

17. A new election must be made in accordance with point C16 each year. If no election is made it will be assumed that payment should be made to the discoverer.
18. The discoverer should notify the Enterprise Unit of personal representatives, next of kin or other beneficiary or successor in title with contact details so that, in the event of the discoverer's death, future payments can be made to the correct person(s). Rewards that have already been allocated to a Head of Division or PI discretionary fund or to ICR general funds by a discoverer before his/her death shall remain the property of ICR. If no personal representative, beneficiary or successor in title has been nominated and the Enterprise Unit is unable to identify and locate an appropriate person, then any share which would have been due to a discoverer who is now deceased will be held on account for a maximum of six years pending a claim being made to it, after this time it will become the property of ICR. It is the responsibility of the individual discoverer to ensure that ICR has the contact details of the person to be contacted in the event of their death or incapacity for the purposes of correspondence related to the Rewards for Discoverers scheme.
19. Rewards shall be paid annually on the basis of the income received in the previous year to 31st July.
20. If the amount to be paid out in any one year to a discoverer is less than £100 ICR reserves the right to defer the payment until such time as the amount exceeds £100.

Failure by ICR (or Funding body) to Exploit an Invention

21. In the event that ICR, a funding body (or its nominee), or an industrial partner decides not to exploit an invention or abandons its exploitation, then the opportunity to commercialise passes to any other institutional stake holders (usually in a defined order as set out in an agreement). If none of the stakeholders want to commercialise then the discoverer(s) may request the assignment on reasonable terms of the right to exploit his/her/their own Intellectual Property. ICR will normally agree to such requests.

Implementation & Scope

22. The scheme will apply to all persons who are ICR Researchers on or after 1st April 1989 with effect from that date.
23. For exploitation agreements already in existence on 1st April 1989, the calculations required by points C8-C13 shall include receipts and costs prior to that date but rewards shall only be paid from receipts arising on or after 1st April 1989.

Scale of Rewards

24. The receipts after the deduction of costs (as defined in point C13) for any one invention will be distributed as follows:

In respect of inventions notified to the Enterprise Unit prior to 1st June 2020, or agreements signed before 1st June 2020.

Net income received by ICR (per annum)*	Discoverers	RM (where applicable)	Remaining income for internal allocation	ICR General Fund	Small Equipment Fund	Divisions	PI
Use of funds					Split evenly between all HoD discretionary accounts	HoD discretionary account	PI discretionary account
Up to first £60k	30%	As per IPA	Net income less discoverer's share and any RM payment	50%	25%	12.5%	12.5%
Next £60k (£60k - £120k)	20%			50%	25%	12.5%	12.5%
Over £120k	5%			Discretionary			

In respect of inventions notified to the Enterprise Unit on or after to 1st June 2020, or agreements signed on or after 1st June 2020.

Net income received by ICR (per annum)*	Discoverers	RM (where applicable)	Remaining income for internal allocation	ICR General Fund	Small Equipment Fund	Divisions	PI
Use of funds					Split evenly between all HoD discretionary accounts	HoD discretionary account	PI discretionary account

Up to first £60k	50%	As per IPA	Net income less discoverer's share and any RM payment	50%	25%	12.5%	12.5%
Next £60k (£60k - £120k)	35%			50%	25%	12.5%	12.5%
Over £120k	5%			Discretionary			

** To be reviewed and updated from time to time. Last review date June 2020.*

Note: The Rewards to Discoverers Scheme was approved by the Intellectual Property Committee, the Board of Trustees (Minute Reference B/1/06/10) and the Staff Consultative Committee.

ICR Bonus Scheme

25. In addition to rewards made to discoverers on particular projects as outlined above, ICR may, in its absolute discretion make an award to all ICR staff and students from invention income under certain circumstances as follows:

- The ICR bonus scheme acknowledges that ICR is a collegiate environment and success of one team often depends on the support of many other teams.
- Award of the ICR Bonus and the amount to be distributed is at the ICR's absolute discretion.
- An award will only be made in any one financial year if the total net invention income received by ICR for that financial year exceeds £2m.
- The award will be no more than 10% of the total income earned in that financial year.
- The award will be made to:
 - all staff who have a current contract of employment with the ICR on the date that the announcement of the bonus is made; and
 - all registered and directly engaged research students

provided that anyone who has been employed by or a registered student at (as the case may be) the ICR for less than 6 calendar months will not be eligible to receive the bonus.

- Payment of the bonus to anyone other than the groups specifically mentioned above will be at the CEO's absolute discretion.
- Payments will be made through payroll or by other agreed means
- Each person will receive the same amount (i.e., no adjustment will be made in respect of part time employment)

- All payments will be subject to any appropriate deductions (including, but not limited to, tax, and employees' and employers national insurance contributions) and shall not be pensionable
- In the event of any dispute in respect of eligibility to receive the award, the CEO's decision will be final.