



CIT IP Policy Summary

CORK INSTITUTE OF TECHNOLOGY INTELLECTUAL PROPERTY POLICY

ENQUIRIES TO:

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Introduction

This leaflet summarises the CIT Intellectual Property (IP) policy regarding the ownership and commercialisation of intellectual property and the sharing of income generated from the commercialisation of this intellectual property with CIT personnel and others who generated the IP.

A major objective of the proposed CIT Strategic Plan 2011 to 2016 is that **“CIT fulfils a broad regional, national and international role”**. To meet this objective CIT plans to **“Strengthen and Extend Innovation, Research and Entrepreneurship Activities”**. The Intellectual Property Policy will be a key tool in helping to meet this strategic objective.

The Industry Liaison Office (ILO) is responsible for the identification, protection and commercialisation of IP arising from CIT research. The ILO is also responsible for the implementation, monitoring and updating of the IP Policy¹.

Who owns Institute IP?

The IP Policy augments the Irish statutory provisions governing the ownership of intellectual property rights. The ownership of IP created by CIT Personnel rests with the Institute.

Under the terms of the *Copyright and Related Rights Act, 2000* the Institute owns all copyright, with some exceptions, in works created by its employees in the course of their employment².

The IP Policy also implements the recommendations of the *National Codes of Practice* (April 2004 and November 2005) and the *Funding Agency Requirements and Guidelines for Managing Research-Generated Intellectual Property* (February 2006).

What is Institute IP?

Institute IP is defined as any invention and other IP (Patent, Copyright, Trademarks, Design Rights, secret Know-How, etc.) that is created by the following Personnel:

- All full-time and part-time post-graduate students enrolled at CIT (‘Students’);
- All full-time and part-time employees of CIT regardless of whether they are on contracts of a permanent, pro-rata, casual, fixed-term or indefinite nature, and post doctoral or other researchers (‘Staff’); and
- All individuals other than Students and Staff who engage in research or other IP related activities at CIT including visiting students, visiting researchers, other visitors, consultants, and independent contractors (‘Relevant Third Parties’).

How to Disclose Institute IP?

All inventions, software and other Institute IP which has commercial potential must be disclosed on a timely basis to the Institute through the Industry Liaison Office (ILO).

To disclose IP to the Institute please complete and submit a signed Invention Disclosure Form (IDF), which describes the new innovation, to the Industry Liaison Office.

The Invention Disclosure Form is an Appendix (4) to the IP Policy and it can be obtained from the Industry Liaison Office.

It can also be downloaded from the following web address

www.cit.ie/aboutcit.reports_plansandpolicies

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How is IP Assigned?

The creators of Institute IP assign the IP to the Institute or to any person or organisation designated by the Institute. In making such an assignment the assignees shall declare the names of co-inventors or of anyone known to them who may have contributed to the invention³.

How is Income from Commercialisation of Institute IP distributed?

The Institute shares any income earned from the commercialisation of IP (excluding income earned from equity in spin-out companies) with the creators of the IP. The income distributed is net of the direct expenses incurred by the Institute in the protection and commercialisation of the IP. The following scales will apply in the sharing of net income available for distribution from patents:

Level of patent income	Inventor(s)	CIT TT Fund	Inventor's Dept / Centre
< €100,000 of patent income	70%	15%	15%
€100,000 - €300,000 of patent income	50%	25%	25%
> €300,000 of patent income	40%	30%	30%

If more than one inventor is involved in the creation of the IP, the division of payments between the inventors will be based on their relative intellectual contributions as outlined in the Invention Disclosure Form (IDF). The relative level of contribution should be agreed between the inventors.

What is the Institute's policy on the publication of research results?

It is the Institute's policy to encourage staff and post-graduate students to place the results of their research in the public domain either through publication in learned journals or presentation at conferences. This is vital for academic recognition.

However, it must be recognised that premature publication or disclosure, except on a confidential basis, may make it impossible to obtain valid patent protection for the results and may breach the funding rules and/or contract terms of the research sponsor⁴.

What support is available from the Industry Liaison Office (ILO)?

- The ILO assists CIT personnel in the formal disclosure and assignment of IP to CIT.
- Where there is potential for commercial exploitation, the ILO will seek protection for the IP by patenting or other appropriate means.
- The ILO works with the creator of the IP in commercialisation of the IP typically through licensing to established or spin-out companies⁵.
- CIT also provides access to incubation facilities in the Rubicon Centre and other supports for spin-out companies.

See www.rubiconcentre.ie for more information on the available start-up and incubation supports.

Useful Links:

Industry Liaison Office: www.cit.ie/industry_innovation

Complete IP Policy: www.cit.ie/aboutcit.reports_plansandpolicies

Invention Disclosure Form: www.cit.ie/aboutcit.reports_plansandpolicies

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Footnotes

1. The new *CIT Intellectual Property Policy* was adopted by the Governing Body on the 7th July 2011. It incorporates and updates the main provisions of the previous *CIT Intellectual Property Policy* (May 2003).

2. The Institute will not assert ownership of copyright in pedagogical works, scholarly publications, books or artistic works of its employees, regardless of the form of expression, unless there is a written agreement to the contrary. This exception to Institute ownership of IP does not extend to copyright in software or to database rights.

3. The Institute will not assign rights to the usage of teaching materials to any third party without the prior agreement of the author/creator. If there is an opportunity to exploit those materials/works with a party independent of the Institute, then the commercial value of that exploitation will be shared between the Institute and the author/creator in accordance with the policy on shared royalties.

4. The placing of a thesis in the Institute library constitutes disclosure.

5. Creators of Institute IP wishing to commercialise such IP through companies in which they or their immediate family have a shareholding or other interest must declare that interest to the Institute through the Industry Liaison Office.