



TU Dublin IP Policy

Policy for the management of TU
Dublin Intellectual Property

Paul Maguire

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1. Document Control Summary

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2. Introduction / Context

TU Dublin is committed to the open exchange of ideas and the publication, dissemination and communication of the results of research and scholarly activities, and requests that TU Dublin Colleagues and Students disclosure Intellectual Property to the Knowledge Transfer Office at a sufficiently early stage to:

- Ensure compliance with the National IP Protocol and funder requirements;
- Avoid any unintentional loss of available IP protection; and
- Maximise the exploitation for the economic and social benefits to Ireland.

3. Purpose

TU Dublin has developed this IP Policy to clarify its role in:

- Ensuring that intellectual property arising from research is identified, protected and commercialised;
- Promoting research collaboration that serves business, enterprise, the professions, the community and local interests in the region by being the research partner of choice, accessible and relevant to their needs;
- Ensuring that research is a catalyst for enterprise and innovation by effectively translating outcomes to entrepreneurs, enterprise developers, business innovators, enterprises and the professions;
- Prioritising entrepreneurship by supporting TU Dublin Students and Colleagues, regional entrepreneurs, start-up enterprises and campus spin-outs; and
- Striving to deliver tangible economic and social impact, and a robust pipeline of high potential start-up enterprises and associated high quality employment opportunities.

This policy has been designed to promote an entrepreneurial culture within TU Dublin and to encourage and motivate TU Dublin Colleagues and Students to engage in research and scholarly activities and to transfer their knowledge through publications, collaborations, licences to existing companies, and formation of dedicated spin-out/start-up companies.

4. Scope

This policy applies to all TU Dublin Colleagues and Students.

5. Definitions

The following are some identified core definitions used in this document. These include:

- Colleague – means an employee of TU Dublin, a consultant, a visiting academic, adjunct professor, emeriti or researcher using TU Dublin Resources.
- Creator - means the initiator and developer of the IP and refers to both authors as well as inventors
- Intellectual Property (IP) - refers to all technical innovations, inventions, designs, improvements, brands, creative works (including educational materials, works of art,

industrial or artistic designs, audio, music, video, film) and/or discoveries, information, writings and software, whether patentable or otherwise, susceptible to IP protection, including technology and materials in their tangible form.

- Net Revenues - means revenues received from the commercialisation of IP net of all commercialisation expenses which may include project management, patent filing, marketing, legal, administrative and other expenses incurred in the course of protecting and commercialising the IP.
- Resources - includes but are not limited to TU Dublin's physical structures, research facilities, capital equipment, technical facilities, services, employees and/or TU Dublin-Owned IP.
- Spin-In - means an existing incorporated company that intends to licence, develop or otherwise exploit TU Dublin Intellectual Property and/or leverage staff, infrastructure and/or other TU Dublin Resources on agreed terms. The spin-in must be co-located within TU Dublin and excludes incubator clients.
- Spin-Out - means an incorporated entity which at the time of formation was dependent on the exploitation of specific Intellectual Property rights of TU Dublin. The rights to the company can be linked to a specific TU Dublin Colleague or Student who was within TU Dublin at the time of company formation. TU Dublin has issued the company with a licence/option/assignment to TU Dublin IP and TU Dublin may hold equity in the spin-out.
- Start-Up - means a company formed by TU Dublin Colleagues or Students not based on knowledge or IP generated by TU Dublin, and where there is no formal licence/option/assignment to equity share with TU Dublin.
- Student - means TU Dublin-registered undergraduate students and TU Dublin postgraduate students.

6. Policy Details:

6.1 Policy Overview

This document describes the policy that TU Dublin follows when:

- Identifying Intellectual Property (IP);
- Determining the ownership of IP;
- Protecting TU Dublin IP;
- Exploiting TU Dublin IP via existing companies and the creation of dedicated spin-out companies; and
- Sharing of IP revenues

Further procedural details are contained in RESOP01 – TU Dublin IP Management Procedure.

6.2 Identifying Intellectual Property (IP)

- TU Dublin Colleagues and Students are requested to disclose Intellectual Property to the TU Dublin Knowledge Transfer Office (“KTO”) at a sufficiently early stage to avoid any unintentional loss of available IP protection.
- In order to ensure compliance with the National IP Protocol and funder requirements, TU Dublin Colleagues and Students are required to disclose IP generated by publicly funded research to the KTO so that it can protect the IP and can advise on publishing.
- The KTO may request the Creator(s) to file an invention disclosure with the KTO. Invention disclosure template forms can be obtained from the KTO, and are used to capture the IP, identify the Creator(s) and identify any funding sources used (where applicable).

6.3 Ownership of IP

- TU Dublin recognises that Students and Colleagues who create IP own the products of their intellectual efforts and are free to publish and pursue commercialisation except where:
 - The Creator(s) has entered into an agreement assigning IP to TU Dublin or to a sponsor;
 - The IP results from work specifically required by TU Dublin pursuant to a written contract of employment;
 - The IP results from the performance of a written contract, agreement or commission in which TU Dublin and the Creator have agreed to TU Dublin’s ownership; or
 - Any IP that in the reasonable opinion of the KTO has been created using TU Dublin Resources
- TU Dublin intends that IP created exclusively by a Student Creator(s) will be owned by the Student Creator(s), subject to:
 - Agreement in writing from the KTO that the Student is the sole Creator(s);
 - Opinion of the KTO that TU Dublin Resources did not form a significant part of the development of the IP; and
 - No sponsorship agreements being in place that require assignment to TU Dublin.
- Unless otherwise provided for in writing, TU Dublin specifically acknowledges that the substance of a lecture, whether delivered in the classroom or by any other means, belongs to the Creator(s), and the IP created in the form of a textbook, instructional website or other instructional material developed as part of the normal teaching activities of a TU Dublin colleague is owned by the Creator(s). TU Dublin retains a royalty-free irrevocable perpetual right to use lecture material for scholarly, academic and other non-commercial purposes.
- Where TU Dublin owns IP jointly with other organisations (e.g. universities, institutes, companies, partnerships, etc.) the terms of a negotiated and executed collaborative research agreement between TU Dublin and the other organisations will be used to manage the ownership, protection and commercialisation of IP. The KTO will represent the interest of TU Dublin and TU Dublin’s Creator(s) as part this negotiation.

6.4 Protecting IP

- IP can be protected by law through secret know how, patents, registered designs, copyright, trademarks, and other mechanisms, both registered and unregistered, to ensure that the owner can prohibit others from using their work without permission.
- The KTO in consultation with the Creator(s) and with approval of the Head of Innovation and Enterprise, may develop and implement a commercialisation plan for the IP disclosed in an invention disclosure form, including an IP protection strategy.

6.5 Commercialisation of IP

- The KTO will assist, provide advice, or procure the provision of outside professional advice in relation to the various options for commercialisation and knowledge transfer that may be appropriate, including:
 - Licensing the IP to a third party;
 - Assigning the IP to a third party;
 - Developing the commercial potential of the IP through a Spin-Out or Spin-in;
 - Developing the commercial potential of the IP with a third party; and/or
 - Any other arrangement that may be considered appropriate.
- All licensing terms for TU Dublin-Owned IP or Jointly-Owned IP will be negotiated by the KTO on behalf of the TU Dublin and the Creator(s).
- TU Dublin, in exceptional circumstances, may agree to transfer or assign ownership of TU Dublin-Owned IP to a person or organization provided that:
 - TU Dublin is satisfied that the assignee will commercialise the assigned IP for the benefit of Ireland;
 - TU Dublin receives fair value in return for the assigned IP; and
 - Consideration is given to TU Dublin to retain rights to continue non-commercial research and teaching in all fields.

6.5.1 Creating TU Dublin Spin-Out Companies

- TU Dublin encourages Colleagues and Students, where appropriate, to consider commercialising IP through the formation of a specially created Spin-In, Spin-Out or Start-Up company.
- An application for the approval of a TU Dublin Spin-Out is developed by the KTO in conjunction with the founders for the Spin-Out. The involvement of a founder, who is a TU Dublin Colleague, in the Spin-Out post-formation must be governed by an appropriate contract of engagement with the Spin-Out and a separate contract with TU Dublin.
- The use of TU Dublin Resources by the Spin-Out will also be governed by a separate contract between the Spin-Out company and TU Dublin.
- TU Dublin, as a general guideline, typically seeks an equity stake of 15% of the Spin-Out, though TU Dublin may elect to take a higher or lower equity stake in the Spin-Out. This TU Dublin equity stake recognises TU Dublin's support and contribution to the original idea developed and any underpinning State support received. TU Dublin shall seek a fair return

that balances the contributions to date from the State and TU Dublin, while maximising the overall economic and social benefits to Ireland.

6.5.2 Sharing of IP Revenues

- The Creator(s) of TU Dublin IP may derive commercial benefit from the commercialisation of TU Dublin IP in the form of revenues from royalties, up front, annual or minimum licence fees, dividends related to equity ownership or revenue derived from the sale of equity interests.
- The goals of this sharing of IP Revenues are to:
 - Encourage the development and commercialisation of TU Dublin IP;
 - Reward those responsible for the creation of commercially valuable TU Dublin IP;
 - Cover the cost incurred by TU Dublin in protecting and commercialising TU Dublin IP; and
 - Provide TU Dublin with a fair proportion of such commercial benefits.
- The first €10,000 of commercial benefit received will be distributed in its entirety to the Creator(s) of the TU Dublin IP.
- After the first €10,000 received, TU Dublin will first deduct all charges associated with the protection and administration of the TU Dublin IP before distributing the Net Revenues as follows:

Net Revenues	Creator(s)	Research Group / Faculty / School	TU Dublin
Between €10,001 and €100,000	70%	15%	15%
Between €100,001 and €300,000	65%	15%	20%
Between €300,001 and €1,000,000	50%	15%	35%
Over €1,000,001	35%	10%	55%

6.6 Approval process

Amendments to the IP Policy must be approved by Governing Body.

6.7 Change Process

The Directorate of Research and Innovation provides administrative support, and the Vice President for Research and Innovation has responsibility for this Policy.

This policy will be reviewed at least every three years and more often if needed, including within six months of the publication of any new or updated National IP Protocol or change in other relevant national policy or guidance.

7. Related Documents

This Policy refers to other TU Dublin procedure documents including:
> RESOP01 – TU Dublin IP Policy Procedure

This Policy is intended to be consistent with the terms of the *IP Protocol 2019 – A Framework For Successful Research Commercialisation* - as well as the recommendations arising out the *Review of Intellectual Property Management and Conflicts of Interest (2018)* and the *Review of implementation of IP Polices within Higher Education Institutions (2021)* both commissioned by the Higher Education Authority in partnership with Knowledge Transfer Ireland.

8. Document Management

8.1 Version Control

VERSION NUMBER	VERSION DESCRIPTIN / CHANGES MADE	AUTHOR	DATE
Rev1.0	First version of the TU Dublin IP policy that replaces the individual IP polices of DIT, ITT and ITB	Paul Maguire	19 th September 2019
Rev2.0	Revised to include: > KTI HEA IP Policy Implementation update report issued in May 2021; > the separation of the old policy into a separate TU Dublin Policy and TU Dublin Procedure documents; and > Revised distribution of IP Revenues	Paul Maguire	11 th January 2022

8.2 Document Approval

VERSION NUMBER	APPROVAL DATE	APPROVED BY (NAME AND ROLE)
Rev 1.0	19 th September 2019	Presidents Group
Rev 2.0	23 rd March 2022	Governing Body

8.3 Document Ownership

The Directorate of Research and Innovation provides administrative support and the Vice President for Research and Innovation has responsibility for this Policy.

8.4 Document Review

The Vice President for Research and Innovation is accountable to review this policy document. Amendments must be approved by Governing Body.

Such amendments shall be fully valid and effective from the date of posting.

8.5 Document Storage

This document will be stored on the TU Dublin content management systems under the Policies PUBLIC folder.

8.6 Document Classification

This document is classified as PUBLIC.