

Introduction

This leaflet summarises the NCI policy and procedures, regarding the ownership and commercialisation of intellectual property (IP) and the sharing of income with NCI staff, post-graduate students and others who generated the IP.

What is IP?

IP is defined as any invention and other IP that is created by academic, research and other NCI staff (full-time or part-time) in the course of their employment or by post-graduate students in the course of their education or by consultants or others in the course of research, development, teaching, consultancy and other intellectual activity carried out for NCI.

Who owns the IP?

The Policy augments the Irish statutory provisions governing the ownership of intellectual property rights. The ownership of IP rests with the College. Under the terms of the *Copyright and Related Rights Act, 2000* the College owns all copyright in works created by its employees in the course of their employment.

1. Please note that this means that NCI retains IP and will share a proportion of net royalty or other revenue generated by IP **not** that they will share in general revenue generated by company. E.g. If company made 100,000 and royalty payable was 10,000 (NCI and inventor would share income 10,000 not 100,000), the other 90,000 would remain within the company. Inventors may own the company.

How to Disclose IP?

All inventions, software and other IP which has commercial potential must be disclosed on a timely basis to NCI through the Intellectual Property Advisory Committee. The disclosure shall be made using the Invention Disclosure Form.

How is IP Assigned?

The creators of IP assign the IP to NCI or to any person or organisation designated by the college. In making such an assignment the assignees shall declare the names of co-inventors or of anyone known to them who may have a claim on the rights to the IP³.

How is Income from Commercialisation of IP Distributed?

NCI shares royalty¹ and other 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 NCI in the protection and commercialisation of the IP.

75% of net income actually received by NCI will be paid to the creators of the intellectual property

If more than one party is involved in the creation of the IP, the division of payments between the parties will be based on their relative intellectual contributions as outlined in the Invention Disclosure Form.

What is the College's Policy on the publication of Research Results?

It is NCI'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. In accordance with long-standing academic tradition, NCI does not and will not assert ownership of copyright in scholarly publications, books or artistic works of its employees unless there is an agreement to the contrary or patent pending. However, it must be recognised that premature publication or disclosure⁴ except on a confidential basis may make it impossible to obtain valid patent protection.

What Support is Available from NCI?

- NCI through the Intellectual Property Advisory Committee assists researchers in the formal disclosure and assignment of IP.
- Where there is potential for commercial exploitation, the IPA Committee will seek protection for the IP by patenting or other means.
- NCI works with the creator of the IP in commercialisation of the IP typically through licensing to established or spin-out companies⁵.
- NCI also provides access to incubation facilities and other support for spin-out companies.

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