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## **WIPO Standing Committee on Patents: UK Response to C.8343**

### **Background Information on Transfer of Technology**

1. The UK Intellectual Property Office (IPO) recognises the importance of providing support to the transfer of knowledge and technology between universities and business in collaboration with one another.

### **Guide to Intellectual Asset Management**

2. Potential impact from university research extends beyond the simple commercialisation of IP. Universities now need to be able to create an overall strategy for managing their IP in line with their mission. Recognising this, the UK IPO published an updated version of its guide to Intellectual Asset Management for universities in 2011.
3. The Guide is underpinned by the European Commission's "Recommendation on the management of intellectual property in knowledge transfer activities and Code of Practice for universities and other public research organisations" [C(2008)1329, 10 April 2008]. It aims to help senior managers in universities set strategies to optimise the benefits from the IP created by their staff and students. It encourages these decision makers to develop collaborative and contract research policies so that IP issues can be identified at an early stage, thus optimising the benefits of their IP and avoiding costly disputes further down the line.
4. The Guide does not provide an IP strategy that can be applied across all institutions as there is no "one size fits all" approach to IP management. Instead, it will assist in the generation of a strategic blend of approaches to IP specific to each individual institution's strengths and missions, which can help secure optimum benefit for the economy, society and the university. It identifies the key features that need to be considered in order to build a strategic framework for the management of IP. The Guide is available here: <http://www.ipo.gov.uk/ipasset-management.pdf>

### **Lambert Toolkit**

5. Following the 2003 Lambert Review of University-Business collaboration, the Lambert tool-kit was launched in 2005 to help collaborating parties get to grips with issues relating to the ownership and exploitation of any IP rights generated in collaborations between academia and business. The toolkit covers common scenarios and its objective is to set expectations in negotiation. The toolkit is used to agree patent ownership and/or licensing terms in these collaborations.
6. The Lambert Toolkit includes:

- a series of Model Agreements for the management of IP such as patents that reflect the varying balance of investment, publication rights and IP control; and
  - a Decision Guide that helps newcomers understand issues and supports users in their negotiations by identifying questions that need to be asked.
7. The UK IPO undertook an evaluation of the toolkit which was published in May 2013. This showed that the toolkit has had a positive effect on collaborative relationships between universities and businesses but also identified some areas where the toolkit could be improved. The UK IPO is now working with partners from universities and industry to modernise the toolkit. The toolkit is available on the UK IPO website: <http://www.ipo.gov.uk/whyuse/research/lambert.htm>

#### **UK-Korea IP Toolkit**

8. The UK IPO has developed a new toolkit with the Korean IPO that helps UK and Korean universities and industry manage IP in collaborative research projects. The aim of the toolkit is to allow non-IP experts to be able to negotiate an agreement on the handling of IP prior to starting a collaborative research project, without needing to spend additional resources on IP advisers. This should stimulate further joint UK-Korea research.
9. The new toolkit is based around the Lambert toolkit model but simplified for ease of use. This means that the toolkit has three model agreements based around three different collaborative research scenarios. All three agreements have guidelines and advice on how to use them woven into the text of the agreements. Although the three agreements do not cover every possible scenario, they do provide a useful guide for IP management. The toolkit is freely available online: <http://www.ipo.gov.uk/research-euroip.htm>

#### **Indo-UK Research Collaboration Toolkit**

10. As part of developing UK-India collaboration on intellectual property, the UK IPO has worked with Indian partners to develop an optional toolkit. We hope IP practitioners in the UK and India will find this useful as part of a practical framework to support the management of IP in academic and industry cross-border research and development. This should facilitate increased levels of productive research collaborations between the two countries.
11. The toolkit provides basic guidance and model agreements to help organisations in the UK and India understand how they can effectively and quickly answer IP management questions such as: who owns the IP resulting from the research? Is it being licensed or assigned? If licensed, is it an exclusive licence? How will disputes be resolved? The Toolkit was launched in March 2013 and has subsequently been made available free of charge online: <https://www.gov.uk/government/publications/intellectual-property-toolkit>

#### **UK-China Technology Transfer – IP Commercialisation Best Practice**

12. The Intellectual Property Office has worked together with Praxis Unico and the law firm Wragge to create a report on IP commercialisation best practice in technology transfer projects between the UK and China. The report is designed to enable UK universities and research institutions that are aiming to collaborate with China to understand the Chinese IP framework more easily and to successfully navigate it.

### **Fast Forward Competition**

13. To encourage new practices in the management of IP in knowledge transfer the UK IPO has run its 'Fast Forward' competition for four years. The competition encourages universities to work with businesses and local communities to develop innovative knowledge transfer practices that set, test, develop or embed best practice for the management of IP in collaborative relationships. Since it was established the competition has awarded £2.7 million of funding to 44 projects. Well known projects such as Easy Access Innovation Partnership (Easy Access IP) and knowledge sharing from the Bloodhound Super Sonic Car (SSC) project have been funded by the competition. Further information on the competition is available here: <http://www.ipo.gov.uk/whyuse/research/fastforward.htm#>

### **Easy Access IP**

14. The University of Glasgow developed their *Easy Access IP* model to offer otherwise unexploited university IP (including patents) free of charge at source, by using simple and effective licence agreements. Glasgow then collaborated with King's College London and the University of Bristol to build on their model which is based upon a portfolio of available IP which allows a potential investor to evaluate the content and suitability for future exploitation.

15. The project has gathered significant national and international interest, already adopted by the Universities of Copenhagen, Ottawa and New South Wales internationally. The concept has thus been promoted in Europe, North America and Australasia, with numerous further expressions of interest from universities in the pipeline. It has demonstrated that a different approach to university IP can lead to exploitation of otherwise unused IP with the potential for longer term benefit both to the licensee and the university licensing the IP. Further information is available at <http://www.easyaccessip.org.uk/>.