



## Formation of an IP Committee

<b>Paper Title</b>	Formation of an IP Committee
<b>Outcome requested</b>	Senate is asked to <b>approve</b> the membership and terms of reference of the IP Committee.
<b>Points for Senate members to note and further information</b>	<p>The <a href="#">IP Policy</a>, approved by Senate on the 9<sup>th</sup> October 2014, proposed the formation of an IP committee.</p> <p>The Committee will rule on disputes arising from the application of the IP Policy. The procedure for this is detailed in the terms of reference. An additional guidance document will be developed to support staff and students with this aspect of the IP Policy.</p> <p>The membership of this committee is to be approved by Senate, as is the appeal process against any decisions. The remit, membership and appeal process is described below.</p>
<b>Questions for Senate to consider</b>	Are the membership, terms of reference and dispute resolution process appropriate?
<b>Regulatory/statutory reference points</b>	This Committee is essential to full implementation of QMUL's IP policy.
<b>Strategy and risk</b>	Unclear or perceived unfair application of IP policies may cause staff disputes and dis-incentivise commercialisation and impact activity which in turn causes risks within QMUL's strategic goals of diversifying income streams.
<b>Reporting/consideration route for the paper</b>	Senate to approve before formation of the committee.
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<b>Sponsor</b>	Professor Bill Spence Vice-Principal for Research

## 1. Remit

The IP Committee will have responsibility for:

- The oversight of the Intellectual Property (IP) Policy and recommendations to Senate for any subsidiary policies as required for the management of intellectual property across QMUL.
- The resolution of any disputes arising from the application of the IP Policy.
- Reviewing the IP policy every two years or more frequently if required, in line with relevant legislation and the aim of ensuring its fitness for encouraging the development and fair treatment of IP activity. Recommendations for changes to the IP policy will be considered by Senate in light of the implications and risks to QMUL of any changes.
- To provide guidance as appropriate to staff and students on the meaning and operation of the policy.

## 2. Membership

The proposed membership is:

- Vice-Principal Research (Chair)
- Vice-Principal (Student Experience, Teaching and Learning)
- President of the Students' Union
- A Faculty Dean for Research
- Director of Research Services and Business Development
- A member elected by Senate
- A member external to QMUL
- A member of staff nominated from staff unions

The IP Committee reserves the right to seek legal or other external expertise and advice as required. This advice may be presented in person to the IP Committee or submitted in writing, as appropriate.

## 3. Procedure for the consideration of disputes arising from the implementation of the IP Policy

### (1) *Persons competent to initiate a dispute resolution or complaint*

When disputes arise under QMUL's IP Policy ("the Policy") and its implementation involving QMUL employees, students or individuals accepting and receiving benefit under the Policy ("Claimants"), the IP Committee shall be the authority delegated to resolve such disputes. Any Claimant involved in the dispute, Director of Technology Transfer & QMI ("IP Executive"), Vice-Principal (Research) or the Principal may bring a disputed matter for resolution before the IP Committee under the Policy; provided that all disputes initiated by a Claimant shall be channelled to the IP Committee through the IP Executive.

### (2) *Essential elements of a dispute*

In the first instance, the IP Executive and the Claimant(s) shall make all reasonable efforts to settle a dispute **within 30 calendar days** prior to referral to the IP Committee.

If the dispute cannot be resolved to the satisfaction of all parties during the said time then the IP Executive shall **within ten business days** prepare terms of reference of the dispute

("Reference") in consultation with the Claimant(s) and forward the Reference to the Chair of the IP Committee.

A Reference to the IP Committee must contain:

- i. Names of the parties in the dispute (Claimant(s) as well as all other parties in the dispute) and their contact information;
- ii. The rationale for the bringing the matter forward for dispute resolution;
- iii. The policy element or basis under which the claim for resolution is being made;
- iv. A timeline and relevant facts associated with the matter;
- v. Supporting documentation pertinent to the matter;
- vi. What remedy is being sought from the IP Committee;
- vii. Opinion of the IP Executive in the matter.

(3) *Time limit for bringing a dispute*

A dispute shall be brought by a Claimant to the IP Executive **within 12 calendar months** of the occurrence of an event that forms the basis of the dispute in terms of implementation of the Policy.

(4) *Evaluation process*

**Within ten business days** of the receipt of a Reference, the Chair of the IP Committee will appoint a subcommittee of the IP Committee consisting of not less than three members uninvolved in the matter to review the merits of the case. The Chair of the IP Committee may also seek legal or other external expert opinion on matters related to the case.

The subcommittee shall be mindful of any time-sensitive cases and shall provide the Chair, after an initial evaluation, with a written opinion **within 30 calendar days** that will include a recommendation on whether to: (1) approve the request of the Claimant(s); (2) deny the request of the Claimant(s); (3) refer the request back to the Claimant(s) (or other relevant body or individual) for additional information. The written report will be shared with all parties for comment and the inclusion of additional information where appropriate.

Once all parties have commented on the initial report or have provided any additional information, where appropriate, within the time scale as reasonably fixed by the sub-committee in its initial report ("Limitation Period"), the sub-committee shall prepare a final written report **within 10 business days** of the Limitation Period ("Final Report") and promptly send it to the Chair who will put it before the IP Committee for further deliberation **within five (5) business days**. The IP Committee may meet in person, or may consider the Final Report by circulation. The Committee will evaluate the merits of the case in light of the application of the IP Policy and will notify all parties of its final decision.

(5) *Reporting out*

The IP Committee will communicate its decision in writing **within five (5) business days** of its receipt of the Final Report to the concerned party(ies) to the dispute.

(6) *Confidentiality of the proceedings*

All communications to and from the IP Committee regarding a dispute, as well as the detailed deliberations of the IP Committee are to be held by the parties to the dispute and the IP

Committee members as confidential to the extent allowed by the requirements of the IP Committee in fulfilling its duties, QMUL's policies and applicable law.

(7) *Appeal*

**Within 30 calendar days** of the IP Committee's decision communicated in writing to the interested parties, an appeal against that decision may be made to the Principal or his designee for a final internal decision on the following grounds:

(i) that the consideration of the dispute was not undertaken in accordance with the procedure outlined above; or

(ii) that fresh material relevant to the decision is available which was not, and could not reasonably have been, available to the IP Committee at the time of its deliberations.

(iii) The Principal or his designee shall decide the appeal within a reasonable time depending on the nature and complexity of each case.