



MPS Foundation Intellectual Property Policy

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1. FOREWORD

- 1.1. The purpose of this policy is to make sure that the MPS Foundation maximises the benefit from the intellectual property (IP) arising from the research work it funds.

2. INTRODUCTION

- 2.1 The purpose of the MPS Foundation is to:-
'To undertake research, analysis and education & training to enable the provision of better care for patients & improve clinician wellbeing'
- 2.2 Through its funding activities, the MPS Foundation supports leading-edge research from which IP will be created. Rights in such IP (IPR) are a valuable asset and consequently the MPS Foundation has an obligation to ensure that it is suitably protected and applied. In developing this intellectual property policy (Policy), the MPS Foundation has considered a wide range of issues relating to the appropriate protection and use of IP, including its role in creating the best conditions for research to flourish and in translating useful research results into tangible public benefits.
- 2.3 The MPS Foundation recognises that management of IP is a sensitive issue that needs to be considered on a case-by-case basis. The aim of this Policy is to provide clear guidance for MPS Foundation-funded researchers on the MPS Foundation's position and expectations concerning the appropriate protection and use of IP arising from its grant-giving.
- 2.4 This document sets out the MPS Foundation's Policy in respect of:
 - a. Ownership of IP and IPR created or funded by the MPS Foundation;
 - b. Appropriate protection of such IP and IPR; and
 - c. Sharing of revenue and rights arising from its commercial exploitation.

3. DEFINITION OF INTELLECTUAL PROPERTY

- 3.1 In the context of this Policy, IP refers to patents, rights to inventions, copyrighted materials, design rights, database rights, rights in confidential information (including know-how and trade secrets), trademarks, business names, domain names, goodwill and all other intellectual property rights, whether registered or unregistered, and all similar or equivalent rights or forms of protection which subsist now or will subsist in the future in any part of the world.
- 3.2 Exploitation of IPR is taken to mean any sale, transfer, assignment or licensing of the IPR and/or the supply, sale or licensing of goods or services involving the use of the IPR.

4. KEY ISSUES

- 4.1. As a starting point, the MPS Foundation will assert ownership of all IP arising from its grant funding. If the MPS Foundation is not the sole funder of that IP then it will claim joint ownership or an appropriate pro-rata share in agreement with the other funding parties and researchers.

- 4.2 However, in those situations where a MPS Foundation-funded institution seeks to have IP ownership vested in it then the MPS Foundation-funded institution must obtain the written consent of the MPS Foundation before claiming ownership in or granting any rights over MPS Foundation-funded IP. This is required by the MPS Foundation's standard Grant Conditions in order to ensure that the research funded by the MPS Foundation is exploited in a way that achieves its aims and maximises the impact for its members and the health professions.
- 4.3 Conditional consent will usually be given by the MPS Foundation based on:
- a. Satisfaction of normal legal and due diligence criteria;
 - b. The institution becoming a commercialisation agent for filing, and maintaining MPS Foundation funded IP
 - c. The institution entering into a revenue and equity sharing agreement in line with law which will ensure that the return is not obviously disproportionate (in either direction) to the institution's contribution;
 - d. The agreement of 'step-in' rights whereby the MPS Foundation (who, for example, may have delegated the IP custodianship and exploitation to another part of MPS) can retain the right to take back the ownership and exploitation of MPS Foundation-funded IP at its own cost. This might arise in cases, for example, where there has been a failure to adequately file, or maintain MPS Foundation-funded IP, or the commercialisation agent has decided to abandon a piece of registered IP, or the agent may want to limit the IP protection to certain geographies which the MPS Foundation may wish to see broadened for wider public benefit reasons;
 - e. The MPS Foundation retaining the right of a royalty-free, irrevocable licence to MPS Foundation-funded IP if the IP has been registered by a commercialisation agent, with the freedom for the MPS Foundation to sub-licence such IP at its discretion to any third party including the Member Protection Society and any of its subsidiaries and
 - f. The MPS Foundation will permit the institution or its researchers to utilise MPS Foundation-funded IP for academic research and teaching for wider public benefit. This should be sub-licensable/transferable if the researcher changes institution.
- 4.4. It is the responsibility of each individual who acts on behalf of MPS Foundation to ensure that IP arrangements with third parties comply fully with the content and spirit of this Policy, for example in collaborative research activity, contract research or consultancy work.
- 4.5 This Policy shall be reviewed and amended from time to time as considered necessary by the MPS Foundation.