# 

**IP Policy Writers’ Checklist**

**A Mechanism for Kick-starting the Policy Drafting Process**

Version January 29, 2019

Table of Contents

[1. Identifying the needs and desired outcomes 4](#_Toc520361060)

[1.1 identifying the needs 4](#_Toc520361061)

[1.2 identifying the desired outcomes 4](#_Toc520361062)

[2. Identifying and Analyzing the Stakeholders 6](#_Toc520361063)

[3. Understanding the Contextual Environment 7](#_Toc520361064)

[3.1 analysing the legal environment 7](#_Toc520361065)

[3.2 analysing the institutional environment 7](#_Toc520361066)

[3.3 analysing the local eco-system 8](#_Toc520361067)

[4. Identifying essential policy Issues 9](#_Toc520361068)

[5. drafting the Policy 12](#_Toc520361069)

[5.1 the true nature and purpose of a Policy 12](#_Toc520361070)

[5.2 wipo tools to help you draft a Policy 13](#_Toc520361071)

[5.3 formal review 13](#_Toc520361072)

[5.4 final approval 14](#_Toc520361073)

[6. managing communication and implementation 14](#_Toc520361074)

[7. monitoring, evaluating and improving the policy 15](#_Toc520361075)

[Annex I – IP Policy Writers’ checklist 17](#_Toc520361076)

**Preface**

Institutional IP Policies exist in a variety of forms, scope, and degree of specificity. There is no perfect template, superior to others. What matters is that the Policy works and is owned by its users – the institution and its staff, students and visitors.

The aim of this Checklist is to set a consistent basis for academic and research institutions (hereinafter referred to as “Institutions”) willing to draft their IP Policy, by providing guidance on policy choices, and step by step information on the different stages the process of creating or improving an IP Policy usually involves.

Policy drafters must realize that writing an IP Policy can be a long, involved process. Stakeholder buy-in, reasonable expectations, and patience are key ingredients for success.

**Authorship and Acknowledgements**

The IP Policy Writers’ Checklist was prepared by Ms. Lien Verbauwhede Koglin. We would like to thank Dr. Richard Cahoon and Ms. Maria del Pilar Noriega Escobar for their inputs.

The Checklist is of the **WIPO IP Toolkit for Academic and Research Institutions –Connecting Academic Research with the Economy and Society**[[1]](#footnote-1),which alsoincludes:

* IP Policy Template for Academic and Research Institutions*:* Acompendium of key issues that are essential in an IP policy. Authors: Ms. Lien Verbauwhede Koglin, Mr. Richard Cahoon, Mr. Mohammed Aljafari, Ms. Hagit Messer-Yaron, Mr. Barthelemy Nyasse, Ms. Maria del Pilar Noriega Escobar and Ms. Tana Pistorius.
* Guidelines for the Customization of the IP Policy Template:An explanatory guide to adapt the IP Policy Template to the varied legal frameworks, cultural contexts, and local ecosystems in which institutions operate. Authors: Ms. Lien Verbauwhede Koglin, Ms. Kerry Faul and Mr. Richard Cahoon.
* Academic Intellectual Assets Map: Designed to understand the broad scope of potential assets that an academic institution owns or may own and the way to strategically use them. Project leader: Ms. Olga Spasić, authors: Mr. Steven Tan and Dr. John Fraser.
* Model Agreements: A compilation of model agreements for knowledge and technology transfer between academic institutions and with business partners. Project leader: Ms. Olga Spasić, author: Mr. D. Patrick O'Reilley.
* Case studies: A tool for training technology managers, making reference to several of the Model Agreements. Project leader: Ms. Olga Spasić, authors: Ms. Hagit Messer-Yaron and Dr. Keren Primor.

**Disclaimer**

This Checklist has been drafted to assist Institutions with the development of their IP policy. Although this document is detailed, it does not represent an exhaustive statement and should be used for informational purposes only. The Checklist is not to be treated as a substitute for professional legal advice.

This publication is part of the **WIPO IP Toolkit for Academic and Research Institutions**[[2]](#footnote-2)**,** which alsoincludes:

* IP Policy Template for Academic and Research Institutions:Acompendium of key issues that are essential in an IP policy. Authors: Ms. Lien Verbauwhede Koglin, Mr. Richard Cahoon, Mr. Mohammed Aljafari, Ms. Hagit Messer-Yaron, Mr. Barthelemy Nyasse, Ms. Maria del Pilar Noriega Escobar and Ms. Tana Pistorius.
* Guidelines for the Customization of the IP Policy Template*:* An explanatory guide to adapt the IP Policy Template to the varied legal frameworks, cultural contexts, and local ecosystems in which institutions operate. Authors: Ms. Lien Verbauwhede Koglin, Ms. Kerry Faul and Mr. Richard Cahoon.
* Academic Intellectual Assets Map: Designed to assist the Toolkit User to understand the broad scope of potential assets that an academic institution owns or may own and the way to strategically use them. Project Leader: Ms. Olga Spasić, authors: Mr. Steven Tan and Dr. John Fraser.
* Model Agreements: Compilation of model agreements for knowledge and technology transfer between academic institutions and with business partners. Project Leader: Ms. Olga Spasić, author: Mr. D. Patrick O'Reilley.
* Case studies: Five Hypothetical Case Studies, as a tool for training technology managers and which correspond and make reference to several of the Model Agreements. Project Leader: Ms. Olga Spasić, authors: Ms. Hagit Messer-Yaron and Dr. Keren Primor.

1. Identifying the needs and desired outcomes

1.1 identifying the needs

Understanding who and what triggered the decision to create an IP Policy is important since this is likely to affect your Policy’s nature and content.

Checklist 1 – IP Policy Triggers

* Government – Was the process prompted by governmental pressure? Institutions all over the world face growing pressures to more actively participate in their region’s economic development. Is there a legal requirement? For example, in a number of countries’ legislation[[3]](#footnote-3) and in the regulations of some research funding agencies, Institutions are required to have an IP Policy in place; to commercialize research outcomes; or to set up an IP management office within the Institution.
* Institution – Was the decision to create an IP Policy taken as part and parcel of the overall strategy of the Institution administration? What are their motivating factors: increasing competition for resources; financial austerity; etc.?
* Faculty – Have faculty and staff begun to lobby for an effective IP management system at the Institution? If so, it will be important to fully understand the individuals’ views on commercialization and to be clear on the changes they want to implement (e.g. to address spin-off companies).
* External factors – Have other external issues spawned the process? For example, a legal challenge brought against your Institution; staff misuse of IP; struggles with external contractors; flagrant misappropriation of the Institution’s name; a missed opportunity; etc. If this is the case, special efforts are needed to prevent the Policy from being a mere reaction to those issues.

1.2 identifying the desired outcomes

An important role for Institutions in today’s knowledge driven economy is to move research results from the laboratory into new or improved products and services in the marketplace. This commercialization process depends to a large extent on the availability of an IP Policy that supports the effective identification, protection, and management of any IP associated with the research results. However, the commercialization road is rocky; and unrealistic expectations are too often a major cause of failure and frustration.

Ensure right at the beginning that all relevant stakeholders understand clearly the goals and objectives of the IP Policy and get a realistic picture of the expectations.

Checklist 2 – IP Policy Goals and Objectives

By setting up a commercialization program, supported by an enabling IP Policy, what does your Institution expect to achieve?

* Advancing the region’s competitiveness – Institutions that rely heavily on public funding are often under pressure to “pay back” the community and revive the region surrounding the Institution, whether it be through the licensing of technology to other companies or through the development of spin-offs. This is not an unfounded expectation. However, developing a regional economy based on academic commercialization is a slow process.
* Tackling societal challenges – Many times collaborative research initiatives aim to tackle societal challenges at the regional level, i.e., and developing innovative solutions that could be directly applied in the regional context and could have impact on the customer’s lives.
* Social responsibility – Innovations resulting from academic research have the biggest impact when they are translated into real products and services. However, the social responsibility of higher education requires Institutions to consider a number of concerns associated with commercialization, such as the impact of patenting on their traditional missions, the effect on the direction of research, the actual costs and benefits of IP protection and licensing, the effects on the diffusion of, and access to, publicly funded research results, the ability to contribute to the region, etc. IP Policies provide a reference point for the Institution’s ethical and social commitments as they relate to the creation and management of its IP.
* Benefits from industry partnerships – Commercialization provides an opportunity to collaborate with industry partners and investors. These partnerships can result in broadened funding sources, applied research, hands-on teaching, employment prospects of students, improved inter-sectorial mobility, enhanced reputation and access to empirical data from industry. IP Policies are crucial to ensure certainty and transparency to reinforce the links with industry.
* Additional research funding – Institutions often expect commercialization activities not only to bring in industrial sponsorship but also to provide income from royalties and equity in spin-offs. However, experience shows that not all IP Management Offices manage to become self-funded, and even when they do, start-up funds are generally required for a number of years.
* Internal coherence – Staff in different departments have different needs, some of which may be at odds with one another. Without a Policy that clarifies the institutional perspective, an Institution can inadvertently foster conflicting in-house activities in the treatment and use of IP.
* Fulfillment of fiduciary duties – IP is an Institution asset, comparable to other assets such as buildings, technical equipment, staff, etc. This means that executive administrators must manage IP with the same due care as they would any other asset. An IP Policy will help determine the scope of the fiduciary duties to manage these assets prudently.
* Dispute avoidance – IP Policies allow to preventatively address issues before disputes arise. They inform staff of "do's" and "don'ts" and standards of good practice. They hold Institutions accountable and set a high standard for an Institution to follow.
* Policy debate – IP Policies provide an opportunity for Institutions to add their voice to broader (i.e. national) IP debates (e.g., fair use in a digital environment, term extension, research exemptions, etc.). Because policies bespeak accountability, they lend credibility to those who develop them. Institutions that have their own IP Policy are highly informed of the issues as a result of the Policy development process: they can enter the debates with knowledge and authority.
* Reputation and ranking – IP policy and effective management of IP can positively influence the good image of the Institution in the eyes of research/industry partners, financing institutions and students; this can increase the position of the Institution in different rankings.

Among other issues, IP Policies typically regulate the following:

* Ownership and rights to use IP
* Responsibility for the protection and management of IP
* Obligations of the Institution, researchers, students and visitors[[4]](#footnote-4)
* Commercialization of research results
* Confidentiality standards
* Incentives and related benefit sharing
* Conflicts of interest.[[5]](#footnote-5)

2. Identifying and Analyzing the Stakeholders

An IP Policy will not be successful in isolation; it needs buy-in from senior executives, all the way down to the individual employee/student level. In addition, successful knowledge transfer will also depend on the dynamic interaction of the Institution with its environment and potential industry partners. Before you dive into the policy-writing process, you should think through who will be affected by your policy, and how you can garner their buy-in.

Checklist 3 – Stakeholders to Be Consulted

* Internal Stakeholders – Within the Institution, the emphasis should be on creating a culture of innovation and entrepreneurship that takes IP into account as part of each person’s regular job. One of the best ways to accomplish adherence to your IP Policy is to include the entire Institution community in the drafting process. Do you fully understand the views on commercialization of:
  + senior management[[6]](#footnote-6) (central administration, departments, colleges);
  + potential IP creators[[7]](#footnote-7) (faculty, administration, staff, students, visitors);
  + IP managers and technology transfer professionals[[8]](#footnote-8) (staff or IP Management Offices, Commercialization Committees, etc.); and
  + human resources and legal department?
* Regional Partners – The way in which the region accepts and responds to academic commercialization plays an important role in the ultimate impact of an IP Policy for the Institution and the community[[9]](#footnote-9). Have you consulted the following players:
  + relevant government agencies;
  + local industry (small and large);
  + networks and clusters;
  + local communities; and
  + relevant indigenous groups?

Checklist 4 – Feedback Plan

* How will you inform stakeholders about the changes you are about to develop?
* How frequently and at which stages will communication take place?
* Who will be responsible to consult the relevant parties?

3. Understanding the Contextual Environment

While the policy development process is in itself a valuable undertaking, other factors - both external and internal – will affect your Institution’s ability to succeed in its knowledge transfer and academy-industry relationships. A comprehensive study of the contextual environment is needed to be able to make the best policy choices.

3.1 analysing the legal environment

An Institution’s IP Policy must be consistent with national employment and IP legislation and any exemptions that may exist for public researchers or for Institutions and their faculty. Unfortunately, it is not always straightforward to find out what are the national rules on the ownership and commercialization of IP emerging from Institutions.[[10]](#footnote-10) The help of an IP lawyer may be needed to help clarify the key legal issues.

Checklist 5 – Key Legal Environment Issues

Does your country have any laws, regulations, policies or guidelines that focus on:

* default legal regime for employee’s inventions/creative output
* ownership of research results in publicly sponsored research
* specific ownership rules for public research institutions and possibility to modify them contractually
* specific ownership regime for students/visiting researchers/doctoral students and possibility to modify it contractually
* specific regime for commercialization procedures
* requirements regarding transfer of IP and licensing
* creation of spin-offs
* organization and support of commercialization processes within the Institution (e.g. IP Management Offices[[11]](#footnote-11), special propose company)
* apportionment of expenses and revenues from research activities and the subsequent commercialization of the results
* exemptions for research use
* publication of scientific results financed by public bodies
* possession, use and transfer of biological materials (biodiversity laws)
* access to and benefit-sharing of genetic resources or traditional knowledge
* non-disclosure and non-compete clauses in research contracts
* incentives (e.g., legal requirements for researchers to disclose; royalty sharing or equity participation in spin-offs; tax reduction for incomes from IP commercialization, number of inventions filed or patented as one of criteria for academic achievements’ assessment)
* conflicts of interest involving research staff and IP activities
* mandatory IP licensing requirements.

3.2 analysing the institutional environment

Two important internal factors need to be considered when drafting an IP Policy. The first is the Institution’s existing policies, which affect the Institution’s ability to protect IP, license and spin off companies.[[12]](#footnote-12) The second is the innovation and commercialization culture within the Institution and within departments.

Checklist 6 – Institutional Policy Framework

Does your Institution have any existing policies or strategic directions regulating to:

* A precise type of IP (copyright, trademark, utility models)
* The participation of students in research
* Collaboration with industry
* Access to research infrastructure
* Arrangements with commodity groups, industrial associations, etc. that may impact IP ownership and disposition
* Confidentiality
* Publications
* The functioning of the Institution’s IP Management Office[[13]](#footnote-13) (if there is one)
* The creation of spin-off companies
* Research records or laboratory notebooks
* Open access, open innovation
* Conflicts of interest
* Biological material ownership & management.

Checklist 7 – Institution’s Entrepreneurial Culture

* Does the Institution support risk taking, innovation, new business creation, applied research and collaboration with industry?
* Does the Institution encourage entrepreneurship? Among students? Faculty and staff? Outside entrepreneurs?
* Does the Institution promote local spin-off formation or engage with the local industry?
* Is there an entrepreneurial climate in the entire Institution - all departments and research centers, not just the leadership?
* How is commercialization viewed in general by staff and students? Do they see the benefits of cooperating with industry? Do they have entrepreneurial skills?

3.3 analysing the local eco-system

Institutions do not operate in a vacuum. The success of knowledge transfer largely depends on the entrepreneurial conditions beyond the Institution. Trust; absorptive capacity of the local firms; and communication and collaboration with government agencies, firms and other regional players are vital for the Institution’s commercialization capability. Hence, changes in your IP Policy need take these players and their relations to your Institution into account. Analyzing the influence of the history, economic settings and players of the region will help determine what IP commercialization mechanisms will work best in the region.

Checklist 8 – Local Eco-System

* Does national and local government support innovation and academy-industry relations? What programs, incentives or funds have they put in place?
* Is there a developed industry in the region? What is the size and number of the main players?
* Is there a strong regional network of innovation and innovative partners (such as laboratories, research councils, spinoffs, science parks, incubators, venture capital firms, etc.)?
* What is the level of absorptive capacity[[14]](#footnote-14) of the local firms?

4. Identifying essential policy Issues

Before you start writing any Policy, be sure to gather all the information you need to develop an accurate document. This includes:

* The Institution’s procedure for drafting policies
* The Institution’s mission
* Financial resources
* Characteristics of the Institution’s research and IP
* Rules on ownership
* Infrastructure
* Rules on IP management and commercialization
* Incentives

Checklist 9 – Procedure for Drafting the Policy

* Template - Does your Institution have any guidelines or template for drafting policies?
* Roles and responsibilities – Identify the following:
* **Responsible** - Who shall be responsible for developing and administering the IP Policy[[15]](#footnote-15) (e.g. a Policy Steering Committee[[16]](#footnote-16), Advisory Committee[[17]](#footnote-17), IP Commission, appointed individuals)? Is that Committee comprised of internal staff only or does it include outside participants?
* **Approver** – Who is responsible for approving or authorizing the Policy i.e. the one who signs it off and delegates to the person who is responsible for delivery?
* **Consulted** - Who should contribute to, or be involved in, the development of the Policy (a two-way communication)? What expert advice will you need? Who could give advice? Which individuals or groups have expertise/responsibilities related to management and commercialization of IP?
* **Informed** – Who needs to be kept in the loop (a one-way communication)?
* Endorsement - How will you achieve the buy-in of key stakeholders? (See also Checklist 3.)
* Implementation - How do you plan to manage the implementation of the Policy? This could involve identifying tasks, assigning responsibility, liaising with staff and establishing timeframes.
* Timeline - What is a realistic schedule for the creation and approval of the IP Policy? Create a comprehensive calendar.

Checklist 10 – Compatibility with the Institution’s Mission and Values

* What is your Institution’s mission and overall *modus operandi*? Is it driven by purely academic concerns or can it accommodate IP commercialization goals? What if the commercialization goals are tied to the widest possible dissemination of the Institution’s knowledge and technology? What are your Institution’s priorities: teaching, knowledge creation, research, humanitarian and philanthropic achievements, social and economic development of the region?
* Is the Institution’s mission compatible with commercialization of IP?
* Is senior management in agreement with the goal of IP commercialization?
* If the Institution is part of any thematic networks or clusters, does IP commercialization fit with established practices of those networks or clusters[[18]](#footnote-18)?
* Does the Institution’s IP strategy balance commercial return and public benefit? If so, how?

Checklist 11 – Financial Resources

* From what source will the process of creation and implementation of the IP Policy be financed?
* What funds do you have to conduct research, and to protect IP arising from research outcomes?
* Do you have resources for financing talented staff of the IP Management Office[[19]](#footnote-19)?
* Do you have resources for financing IP legal support (lawyers, patent attorneys)?
* Do you have resources for financing spin-off creation?
* Are any government or regional funds available to support IP commercialization at your Institution?
* Are costs for protecting IP eligible costs in projects/grants you run at your Institution?

Checklist 12 – Institution’s Research and IP

* Is the Institution’s research oriented towards the needs of society/local industry/academia?
* What IP does the Institution own? What types of IP does it create? What IP does the Institution use[[20]](#footnote-20)? Does the Institution develop/use software or databases? Does the Institution receive, possess, and transfer biological material?
* What copyright materials are created and/or used in the Institution? How are these materials used? How is fair use applied?
* Do you have any licenses for the ongoing use of digital publications or digital databases? If so, how are they managed?
* Do you have access to relevant physical or digital information via networking or partnership?
* What IP will be most commercialized?

Checklist 13 – Ownership

* Does your Institution have the right to retain title to (own) IP generated in the performance of government grants and contracts?
* What is your Institution’s position on ownership of IP created:
  + by faculty, staff, employees
  + by students
  + by visitors[[21]](#footnote-21)
  + in the case of external sponsorship and research collaboration
* What is your Institution’s position on ownership of
  + copyright works
  + industrial property (e.g. inventions)
  + know-how?
* What rights does the government have on IP generated at universities and R&D institutions? Is there an obligation for the Institution to report to the Government?
* What is your Institution’s position on open access, open innovation, publication, and collaboration?

Checklist 14 – Infrastructure

* Who is/will be responsible for IP management and knowledge transfer?
* Does your Institution have a unit (IP Management Office) that is responsible for evaluating inventions’ economic prospects and deciding whether to protect and commercialize IP?
* If so, does the staff of such unit possess the necessary skills in order to carry out their tasks effectively? Do they have business skills?
* If not, do the scope and volume of exploitable research results justify the establishment of an IP Management Office? In this regard, should you consider pooling resources with other institutions?
* Can you set up such a unit and do you have sufficient funds for making it operational? Have you considered mechanisms to fund the unit sustainably?

Checklist 15 – IP Management and Commercialization

* What IP management procedures are followed by the Institution?
* What are the possible modes of commercialization? Does the Institution allow exclusive licensing? Assignment of IP? Spin-offs? Joint Ventures?
* How are revenues from research commercialization shared among faculty, university, government and other stakeholders?
* Do you have model contracts (e.g. IP transfer, material transfer, option, licensing), model IP clauses (e.g. in employment contracts, collaboration contracts, research contracts)?
* Do you use standard confidentiality clauses in employment contracts (crucial for non-disclosing invention/know-how)?
* Will the Institution be able to count on an effort on the part of the researcher/inventor to assist in IP protection and further development?
* Are your researchers obliged to keep records or laboratory books of their research, (crucial for authorship, co-ownership issues)?
* Does the Institution have some partnerships with industry? What is the scale of involvement of the private sector?
* How is the Institution’s interaction with industry initiated and structured? Does the Institution actively pursue links with industry? Or do most contacts between the Institution and companies happen through the faculty, inventors/researchers?[[22]](#footnote-22)

Checklist 16 – Incentives

* How do you intend to support the quality of scientific output?
* How do you intend to support IP-based technology development?
* What incentives do you intend to put in place for academics and researchers[[23]](#footnote-23) to remain involved in the commercialization of their research outcomes? For example:
  + awarding property rights to the inventor or IP creator;
  + benefit sharing - royalties and other financial benefits resulting from the commercialization of IP;
  + access to equity in spin-off companies;
  + academic promotion criteria taking into account activities such as patenting, licensing, research contract, mobility and collaboration with industry;
  + support mechanisms, such as staff and resources, to assist inventors in the early stages of the new opportunity’s development;
  + leave of absence and consulting privileges that allow the academic to pursue his/her commercial opportunities, while keeping his position as a faculty member intact.

5. drafting the Policy

5.1 the true nature and purpose of a Policy

Although the elements included in an IP Policy will vary depending on the needs of an Institution, it is important to understand the true nature of a Policy.

Checklist 17 – “Good Practice” in the Policy Area

* Uncomplicated - A policyfocuses on general statements, not details. No policy will cover every contingency, nor should it.
* Legally binding - Good policyconforms to all relevant laws and regulations. Consult legal counsel to get advice on the laws that govern IP in your country.[[24]](#footnote-24)
* Clear - A policy is for researchers and students, not for lawyers. However it includes legal rules and definitions. It should be drafted as clearly as possible in a “user-friendly” manner.
* Core values - Good policy acknowledges institutional culture and values. The IP Policy should accommodate, and refer to, the Institution’s mission and philosophy.
* Comprehensive - An IP Policy will usually work together with other Institution policies and procedures to achieve the overall goals of the Institution.[[25]](#footnote-25) These should be linked or referenced when relevant.
* Tailor-made - When developing IP Policies, Institutions frequently turn to other universities or research institutions as models. Reviewing other policies is good practice, (see below: the WIPO Database of IP Policies) but it is unwise to partially or wholly adopt them for one's own use. In the end, an Institution’s IP Policy must be rooted in its specific mission, history, culture and values, research capability, regional environment, and resources available.
* Responsible commercialization - The intention is to underline the role of the Institution to make a return on investment to society by making sure that important discoveries get commercialized.

5.2 wipo tools to help you draft a Policy

The World Intellectual Property Organization (WIPO) undertakes a range of activities to support the development of IP Policies for universities and research institutions around the world.

* [**WIPO’s webpage**](http://www.wipo.int/about-ip/en/universities_research/ip_policies)**[[26]](#footnote-26)** dedicated to IP Policies for Universities offers frequently asked questions; a Database of IP Policies; a selection of free public documents and practical guidelines.
* The[**WIPO Database of Policies**](http://www.wipo.int/about-ip/en/universities_research/ip_policies) currently contains over 650 policies, manuals and agreements from some 70 countries.  It can be searched by type of institution, topic, country, language and type of document. The Database allows you to find examples of how other Institutions, in different countries, have dealt with issues like ownership of IP, creation of spin-offs, students and visiting researchers, conflicts of interest, incentives, revenue sharing, IP management offices, collaboration agreements, non-disclosure clauses in research contracts, publication of scientific results, etc.
* The **WIPO Intellectual Property Policy Template for Academic and Research Institutions** and its **Guidelines for Customization**[[27]](#footnote-27) can provide great insight and guidance into the key IP issues that are addressed in an IP Policy. Adhering to a template will streamline the writing process and save time for you. However, here again, customization to local factors and individual circumstances are crucial in shaping your singular IP Policy.

Checklist 18 – Drafting Advice

* Follow the following steps:
  + Get acquainted with IP policy issues;
  + Search the WIPO Database for examples of other institutions;
  + Use the WIPO IP Policy Template as a starting point; and
  + Customize with the help of the WIPO Guidelines for Customization.
* Ensure that the word ‘draft’ is included as a watermark on all new and revised Policies prior to approval.
* Ensure the draft document is only available internally until final approval.
* Writing style advice:
  + Be as brief as possible;
  + Be straightforward, concise and precise – make every word count;
  + Intentional and consistent use of the words ‘must’, ‘should’ and ‘may’ is important and helpful: ‘Must’ = a requirement; ‘Should’ = good or best practice; ‘May’ = advice;
  + The language shouldn’t be too technical. Acronyms should be spelt out the first time they are used; and
  + The Policy must have a clear title and be dated.

5.3 formal review

To get the stakeholders confirm, you can schedule pre-planned review meetings to get a formal agreement, seek feedback, identify gaps, consider options and concerns, and redraft the Policy as appropriate.

Checklist 19 – Consistency with Best Practice, Strategic Directions and Regulatory Requirements

* Does the draft Policy comply with any legislative and regulatory requirements?[[28]](#footnote-28) Expert advice may be appropriate.
* Is the draft Policy aligned with the Institution’s existing policies (e.g. related to conflict of interest, confidentiality, copyright, students, etc.) and strategic plans?[[29]](#footnote-29)
* Consider cross-referencing to relevant policies and procedures of your Institution.
* Finalize the draft Policy, including the format.

5.4 final approval

Checklist 20 – Arrangements for Formally Approving a Policy (“Sign off” and Launch)

* Who/which entity endorses the Policy?
* What is the role of the governing body (e.g., Board of Directors or Trustees) in the Policy development and approval process?
* What is the approval procedure within the Institute?[[30]](#footnote-30)

6. managing communication and implementation

This chapter highlights the difference between policy creation and policy diffusion. An IP Policy is not, by itself, of any importance for economic practice. The effects will not take place until the Policy becomes widespread. Three steps are vital: communicating the Policy; raising awareness; and ensuring compliance.

Checklist 21 – Communication Strategy

* How will you give notice of the new Policy, and ensure that staff and students know and understand its content (news, emails, meetings, intranet)?
* Will the IP Policy be made publicly available on the Institution’s website? In staff handbooks?
* Did you consider requesting WIPO to upload the IP Policy in the [WIPO Database for IP Policies](http://www.wipo.int/about-ip/en/universities_research/ip_policies/)?
* How will you organize discussions with departmental chairs and faculty to explain the institutional change and the Institution’s commitment to involvement in economic development?

Checklist 22 – Smart Practices for Raising Awareness About IP

An Institution must also raise awareness and educate its management and staff on the strategic importance of IP. Following are some good practices:

* Promote IP and related activities through newsletters, websites, and explanatory brochures. Reference may be made to the WIPO IP Policy Template and Guidelines for Customization, as well as the [frequently asked questions](http://www.wipo.int/about-ip/en/universities_research/ip_policies/faqs/index.html) elaborated in WIPO’s website on IP Policies for Universities.
* Illustrate the practical relevance of IP, based on actual experiences, through departmental seminars, guest lectures, interviews of IP managers and staff, etc.
* Introduce basic IP courses in your study curriculum; encourage guest lectures on IP in courses.
* Provide internal education sessions on IP for researchers and students.
* Collect good examples, pitfalls and successes, and other IP-related anecdotes within the Institution to build a series of case studies.
* Collect additional information from third parties involved with your Institution (for example, licensees, start-up founders, entrepreneurs, investors, etc.). Entrepreneurs-in-residence[[31]](#footnote-31) may be very useful to bring real-world experience and entrepreneurial practice to students and academia.
* Persuade through personal networking and connections. In this context, effective interaction and communication between the IPMO and the researchers is vital. There must be a chemistry that leads to trust.
* Support management and staff training and development.
* Provide assistance to researchers at early stage of development of potentially valuable IP.

Checklist 23 – Enforcement of the IP Policy

There's no sense in having an IP Policy if you're unwilling to deal with dissenters. Determine in advance how you will handle circumstances where people demonstrate a lack of respect for your standards:

* Who will be responsible for overseeing enforcement of the IP Policy? Will it be the same officer as the one appointed for the creation process?
* How often will an audit on the effectiveness and compliance with the IP Policy be conducted?
* What method will be applied to verify and make sure that the provisions of the IP Policy are being followed (e.g., record of disclosed inventions, review of the terms of research contracts involving the Institution or its employees, etc.)?
* How will you handle conflicts of interest?
* Will the IP Policy, process and procedures be included in the quality management system, ISO 9001 and other related quality standards of the Institution?

**monitoring, evaluating and improving the policy**

7. monitoring, evaluating and improving the policy

An IP Policy should be a living document. Adjusting over time is needed to accommodate newly emerging issues; changes in the needs of its users, changes in the political, legal or economic environment; or changes in institutional mission. In this context, the Policy should be revised and updated on an appropriate timescale.

Checklist 24 – Continual Improvement and Review

* Will there be an archive of gathered reviews and feedbacks from Policy users?
* What is the standard procedure for revision? Who will be involved? How often will the Policy be reviewed?
* What will be the criteria for revision:
  + strategic directions of the institution;
  + and changes to legislative and regulatory requirement;
  + feedback received from the users of the Policy?
* Have you consulted WIPO’s website for updates and additional chapters to the [IP Toolkit for Academic and Research Institutions](http://www.wipo.int/about-ip/en/universities_research/ip_policies/faqs/index.html)?
* Does the Policy have a clear date? If the policy supersedes an earlier version that must be identified so there is no confusion

Annex I – IP Policy Writers’ checklist



1. The Toolkit provides a one-stop-shop for academic and research institutions that seek guidance in the course of shaping and implementing their institutional IP policies. A copy can be found on the [WIPO website](http://www.wipo.int/policy/en/university_ip_policies). [↑](#footnote-ref-1)
2. The Toolkit provides a one-stop-shop for academic and research institutions that seek guidance in the course of shaping and implementing their institutional IP policies. A copy can be found on the [WIPO website](http://www.wipo.int/policy/en/university_ip_policies). [↑](#footnote-ref-2)
3. Some countries also have national “guidelines”, “principles” or “best practices” of IP management for publicly funded research, that require institutions to have an IP policy. See, for example, the [Australian National Principles](http://www.arc.gov.au/national-principles-intellectual-property-management-publicly-funded-research). [↑](#footnote-ref-3)
4. Visitor means any person other than a staff member or student of the Institution who engages in work at the Institution. Examples include visiting professors, adjunct and conjoint professors, teachers, researchers, scholars and volunteers. [↑](#footnote-ref-4)
5. Conflicts of interest may also be handled in a separate policy. [↑](#footnote-ref-5)
6. Support from the top is crucial. Senior management must not only lead the way, but also sustain the effort to change the culture of innovation and commercialization. [↑](#footnote-ref-6)
7. The researchers’ involvement in the IP commercialization process is undisputed. [↑](#footnote-ref-7)
8. Clearly stated mandates and rules will allow technology transfer professionals to make the best decisions and withstand pressure from competing interests. [↑](#footnote-ref-8)
9. It’s not enough to change the IP Policy itself. Regional players must be included and become part of the new commercialization vision of the Institution. [↑](#footnote-ref-9)
10. For more information about IP laws in different countries, visit the [WIPO Lex](http://www.wipo.int/wipolex/en/) database at [www.wipo.int/wipolex](http://www.wipo.int/wipolex). A useful resource is the Toolbox provided by the HEIP-Link project coordinated by the University of Alicante:

    [www.heip-link.net/content/toolbox](http://www.heip-link.net/content/toolbox). [↑](#footnote-ref-10)
11. “IP Management Office” (often called “Technology Transfer Office” or “Knowledge Transfer Office” and various other names) means the entity responsible for the day-to-day management of all IP-related activities of the Institution. [↑](#footnote-ref-11)
12. The IP Policy must be coherent and compliant with the other acts or policies put in place, especially those related closely to the scope of the IP Policy. [↑](#footnote-ref-12)
13. See footnote 11. [↑](#footnote-ref-13)
14. The recipient firm’s ability to assimilate and apply the external knowledge transferred is depended on the degree of their absorptive capacity. [↑](#footnote-ref-14)
15. The “Responsible” or “Policy Owner” usually has the primary responsibility for ensuring the Policy is implemented and is a working document. This includes dissemination of the Policy, development of procedures where appropriate, communications and training related to the Policy, and timely revisions. [↑](#footnote-ref-15)
16. See for example, Georgia Institute of Technology: the Policy Steering Committee

    ([https://Policylibrary.gatech.edu/Policy\_steering\_committee](https://policylibrary.gatech.edu/policy_steering_committee)) and Policy Development and Communication Tracking Sheet (<https://Policylibrary.gatech.edu/Policy_Development_-_Policy_Template>). [↑](#footnote-ref-16)
17. See: Managing University IP in the Public Interest, National Research Council of the National Academies, 2011, page 4-5. [↑](#footnote-ref-17)
18. Institutions that are part of a cluster or thematic network have an additional factor to consider with their IP Policies: the larger authority that governs them. [↑](#footnote-ref-18)
19. The level of resources associated with the Office will affect its commercialization ability. Institutions that are able to offer salaries to attract personnel with high levels of education and business experience tend to have better results. [↑](#footnote-ref-19)
20. In the course of their day-to-day activities, Institutions likely use software and computers that were created by others; art, publications, photographs, manuscripts, music, film, or video that they themselves did not create; materials and techniques developed by others. In truth, Institutions are dependent upon third party IP in order to operate. Use of third party IP can legally take place in one of two ways: via licensing from a rights holder or by claiming an existing exemption in IP law. [↑](#footnote-ref-20)
21. For a definition, see footnote 1. [↑](#footnote-ref-21)
22. For more on university-industry interactions, see: “[Study on University-Business Cooperation in the US](https://publications.europa.eu/en/publication-detail/-/publication/146ad41c-43e0-4356-89bf-b09f06753749)”, European Commission Report (2013). [↑](#footnote-ref-22)
23. Because successful knowledge transfer requires the active involvement of academic inventors, having a clear incentives strategy is absolutely crucial. [↑](#footnote-ref-23)
24. See also above, under 3.2. [↑](#footnote-ref-24)
25. Institutions may choose to create policies by different areas of law (e.g., a copyright policy, a patent policy, etc.); different users (e.g., students, sponsors, etc.); or different activities (e.g., website policy, publication policy, etc.). The IP Policy may also interact with procedures (e.g., the IP Policy may state that it will properly protect confidential information, and there may be a procedure that spells out exactly how staff will do this). The choice of one encompassing IP Policy or many separate policies is the subject of some debate. However, a broad-based, "umbrella" IP Policy is crucial to ensure that the institutional values about IP management are clearly stated and understood by its employees, students and collaboration partners. [↑](#footnote-ref-25)
26. [www.wipo.int/about-ip/en/universities\_research/ip\_policies](http://www.wipo.int/about-ip/en/universities_research/ip_policies) [↑](#footnote-ref-26)
27. Also available at the WIPO webpage on IP Policies for Universities. [↑](#footnote-ref-27)
28. See also Checklist 5. For example, in some countries, university or public-sector researchers are not allowed to work for industry on a part-time, consultancy or other basis. [↑](#footnote-ref-28)
29. See also Checklist 6. [↑](#footnote-ref-29)
30. See also Checklist 9. [↑](#footnote-ref-30)
31. Entrepreneurs-in-residence are successful businesspeople – and sometimes prominent members of the nonprofit world – who dedicate a specific amount of time doing research or pursuing other academic pursuits, primarily on campus or at locales associated with an academic institution. They may take on the role of in-class lecturers, mentors, or even coaches. [↑](#footnote-ref-31)