

The Tavistock & Portman NHS Trust

POLICY ON THE MANAGEMENT OF INTELLECTUAL PROPERTY

September 2000

Introduction

A review of our management of intellectual property was conducted in April 1999, following the 1998 publication by the NHSE of

- Handling Inventions and other Intellectual Property: A guide to NHS Researchers
- The Management of Intellectual Property and Related Matters: An introductory handbook for R&D managers and advisers in NHS Trusts and Independent Providers of NHS Services.

The Director of R&D circulated the following information to interested parties, together with photocopies of the most relevant passages from the NHSE documents:

Intellectual property is tangible output of any intellectual activity that can be bought, sold or licensed. It can include inventions, industrial processes, software, data, written work, designs and images.

The NHSE document on the Management of Intellectual property states on

this Handbook concentrates on them' (as opposed to copyright and know-how). It emphasises how much work is involved in technology exploitation. 'The overriding criterion is whether the idea has commercial potential' (p11). This conveys the purpose of the exercise, and its limited applicability to the Trust's work.

Ownership would normally be vested in the Trust, who retain income earned (p19), but usually share profits with the 'inventor' (pp 23-24).

A formal summary of our review of the issues arising (Management of Intellectual Property in the Tavistock & Portman NHS Trust, dated April 1999) is available from the Director of R&D. In brief, the matter was discussed at length in the Research Committee, and there was consultation with all the principal research Units (directed by Prof. Hobson, Prof Richardson, Prof Stein and Dr Trowell) and others who have special roles in monitoring and/or leading research: Prof Cooper, Dr Evans, Dr Patrick, Mrs Rustin, and Dr Hale. Formal written responses were received from these individuals, and are on record.

The conclusions from this process were as follows:

The Preface to the NHSE document on the Management of Intellectual Property states: 'The intention is to identify and to pursue opportunities to generate additional income for the NHS but to do this with minimum NHS investment'.

We have concluded that the scope for generating such income in the field of psychotherapy and associated activities in the Trust is very limited. As yet, we have not been able to identify 'items of commercial promise' (p39). On the other hand, we are committed to maintain vigilance in this regard.

Outline of Trust Policy

It is Trust policy to keep a review of our management of intellectual property. We have created a file in the R&D Office dedicated to this matter. This contains copies of the NHSE documents referred to above, together with records of the Research Committee discussions.

The Trust undertakes to keep research workers informed of the need to review their work for possible financial exploitation, and to alert them to the existence of the guidelines for the management of intellectual property held in the R&D Office. The Trust is also committed to have open discussion and to resolve any uncertainties that arise in relation to these matters. Any issues of special importance will be discussed at Trust Board level.

At present, the only area in which there is scope for generating income is in the publication of books. The Trust's policy is that in cases where an author has written a book within working hours in the Tavistock & Portman NHS Trust and/or has received support and/or study leave to facilitate the book-writing, then the Trust will negotiate to receive a part of the royalties. There is already such an arrangement for contributions to the Tavistock Book Series. At the same time, the Trust recognises the point stated in para 1.82 of the document entitled Management of Intellectual Property and Related Matters, that in academic institutions it is accepted that in cases where books are written in extra house outside the working week, then copyright will be waived in favour of the author.

The Trust intends to have periodic review of the indications for technology auditing for any particular research project. At present, however, we do not envisage that there is scope for applying for and exploiting patents.