

IADT Intellectual Property Policy

Document Reference and Version Number	PolicyIP/V4.0/2025
Purpose	IADT Policy in relation to intellectual property (IP) generated through research, teaching, and other activities
Policy Author	Enterprise and Innovation Manager
Policy Owner	Enterprise and Innovation Office and IADT Research and Development Committee
Intended Audience	Registrar, Executive, Heads of Faculty, Heads of Department, Programme Co-ordinators, all academic staff, students
Approved by Academic Council	16 June 2025
Commencement Date	September 2025
Related Forms	Knowledge Transfer Forms and Templates Pack (available via IADT Staff Intranet)
Related Documents	N/A

Document Version History

Previous Version	Notes	Replaced by
Version 1.0 2008		Version 2.0
Version 2.0 2010		Version 3.0
Version 3.0 2014		Version 4.0
Version 4.0 2025	<ul style="list-style-type: none"> • Updating the format and structure of the document and addition of Document Version History • Considerable abbreviation and simplification of document to focus on IP policy relevant to all staff and enhance relevance based on best practice IP policy globally • General revisions throughout the document and updating terminology • Replacing the inclusion of outdated templates from appendices and providing reference of where to obtain them • Exclusion of scenario based agreement types – these agreement types can be advised by the Enterprise & Innovation Office 	

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1. Purpose

The Institute of Art, Design + Technology, Dun Laoghaire (IADT) is committed to fostering innovation, creativity, entrepreneurship, and adaptability among its students, faculty, and staff. The Institute recognises and encourages the principle that intellectual property developed at IADT should be used for the greatest public benefit. In particular, this document sets out the principles and rules that govern the creation, ownership and commercialisation of intellectual property developed by personnel participating in programmes carried out using IADT facilities, know-how, confidential information and/or IADT IP.

To support this mission, and to ensure the responsible management and commercialisation of valuable intellectual property (IP) generated through research, teaching, and other activities, IADT has revised its Intellectual Property Policy in March 2025. This IADT Intellectual Property Policy is intended to provide support and guidance regarding commercial exploitation, ownership and income from IP and regarding the use of IADT facilities and resources to ensure that the development of IP is mutually beneficial for personnel and IADT. This IP Policy also forms part of the regulations of IADT which govern the conduct of Students and Staff.

This policy reflects IADT's commitment to:

- **Protecting and recognising intellectual property:** IADT is committed to ensuring that valuable intellectual property is recognised, documented, and protected in accordance with applicable laws and regulations.
- **Promoting fairness and transparency:** This policy clearly defines ownership rights for intellectual property, promoting fairness and transparency.
- **Encouraging and facilitating commercialisation:** IADT actively supports and encourages the transfer of institution knowledge to society, driving economic development.
- **Aligning with institution values:** This policy is aligned with IADT's mission of education, research, and community engagement.

2. Scope

This policy applies to all IADT faculty, staff, and students. It covers all forms of intellectual property, including, but not limited to:

- Patent (*can be pursued for scientific works or technical discoveries, novel methods of producing a product, designs, business methods, etc.*)
- Copyright (*can apply to literary, artistic, or creative works, including educational materials, works of art, industrial or artistic designs, audio, music, video, film; can also be used for discoveries, information, writings and software, whether patentable or otherwise susceptible to IP protection, including technology and materials in their tangible form*)
- Trademark (*can be used to protect trademarks, service marks, and commercial names and designations; a trademark or service mark is a distinct word or phrase, name, symbol, device, picture, graphic or some combination of these elements that is used in trade to identify goods or services.*)
- Other IP rights, such as (*design rights; database rights; publication rights; rights in know-how and confidential information; rights of priority; and unregistered rights in trade name, trade dress and get-up*)

3. Policy

This policy provides a framework for identifying, protecting, and managing intellectual property within the IADT community. The policy has been designed to promote an innovation and entrepreneurial culture within IADT and to encourage and motivate IADT staff and students to engage in research and scholarly activities and to transfer their creative works, innovative technologies and knowledge through publications, collaborations, licences to existing companies, and formation of dedicated spin-out/start-up companies.

4. Legal and Regulatory Framework

- [Ireland's National IP Protocol 2019](#)
- <https://www.irishstatutebook.ie/eli/2019/act/19/enacted/en/html>
- [Raising awareness on Intellectual Property for Creative Industries in the digital environment](#)

5. Definitions

IADT defines IP as the tangible or intangible results of research, development, teaching, or other intellectual activity. Such IP may be created by academic, research and other staff including visiting faculty, by students and by other relevant parties such as contractors and consultants.

The following terms have the following meanings for the purpose of this policy:

- **Creator:** The individual or group of individuals who conceive of, develop, or create intellectual property.
- **Student:** IADT registered undergraduate students and IADT postgraduate students.
- **Intellectual Property (IP):** Any intangible or tangible creation or invention that is the result of original thought and can be protected legally, including patents, trademarks, copyrights, registered designs and trade secrets.
- **Institution-Owned IP:** Intellectual property created using institution resources, funds, or facilities, or relevant institutional or relevant third-party funding, where ownership is vested in IADT.
- **Creator-Owned IP:** Intellectual property created by individuals using their own resources and outside of their institution employment.
- **Creative Works and Innovation Disclosure:** The process by which IADT staff report potential intellectual property to the institution via the IADT Enterprise and Innovation Office through the relevant online disclosure form.
- **Resources:** includes but are not limited to IADT physical structures, research facilities, capital equipment, consumables, technical facilities, services, employees and/or IADT owned Intellectual Property. This would also include use of funds derived from IADT, both institutional and provided under contract.
- **Intellectual Property Committee:** A new Committee shall be set up in IADT after the adoption of this IP Policy and shall consist of relevant members.
- **Spin-Out:** A company formed by IADT or its faculty and students, specifically based on the exploitation of a specific intellectual property right from the institution.
- **Spin-In:** An existing incorporated company that intends to licence, develop or otherwise exploit IADT Intellectual Property and/or leverage staff, infrastructure and/or other IADT resources on agreed terms.

6. Procedures

6.1 Intellectual Property Committee

A Committee shall be set up in IADT after the adoption of this IP Policy and shall consist of the following members (the "IP Committee"):

- Vice President of Research and Innovation (or nominee) - Chair
- Enterprise & Innovation Manager
- Research Office Manager
- 1 Academic

The IP Committee members will be required to sign a confidentiality agreement regarding proposals submitted and regarding the IP produced at IADT and presented to the IP Committee. The IP Committee will meet twice yearly at a minimum. This will ensure that new ideas are protected. IADT reserves the right to alter the composition of the IP Committee. The relevant IADT Project Manager/ IADT Academic

Supervisor may be required to put forward a proposal to the IP Committee regarding the IP on a project and may be requested to attend a Committee meeting, where appropriate. Members of the IP Committee will be required to declare their interest in a proposal if such exists and to absent themselves from any discussion pertaining thereto. The Research & Development Committee is in charge of each of the activities set out in this IP Policy including (without limitation) putting the decisions of the IP Committee into effect. The importance of appropriate outside professional assistance is acknowledged. The IP Committee and the Research and Development Committee will avail of these resources where appropriate.

6.2 Identifying Intellectual Property

All members of the IADT community, staff and students, are encouraged to disclose at an early stage any relevant intellectual property that they create through the *Creative Works and Innovation Notification and Disclosure* process. This disclosure process ensures compliance with the National IP Protocol and funder requirements as well as avoidance of any unintentional loss of available IP protection. This initial disclosure also helps ensure appropriate protection and facilitates the potential for commercialisation.

Familiar types of Intellectual Property include patents, copyright and trademarks, but the term Intellectual Property also encompasses other rights relevant to the creative arts, humanities and social sciences such as: design rights; service marks; database rights; plant breeders' rights; publication rights; rights in know-how and confidential information; rights of priority; and unregistered rights in trade name, trade dress and get-up.

In this Policy document the term "Intellectual Property" is used in the widest possible sense. It includes types of Intellectual Property yet to be conceived or formalised, as well as the right to apply to register Intellectual Property, and the right to take (or refrain from taking) action in respect of any infringement or alleged infringement of Intellectual Property in any jurisdiction.

All IADT staff are expected to keep appropriate records relating to the creation of intellectual property to include: the date of creation; the names of the individuals involved in the creation; the country in which the work was created and any source materials from which it was created.

At IADT's reasonable cost, personnel also agree at any later time to execute any documentation or otherwise provide assistance to IADT to secure, protect, perfect or enforce any of IADT's rights, title and interests in and to IADT IP.

Reference is made to intellectual property related to the discharge of duties by an appointee as appropriate in contracts of employment offered by the Institute. In order to provide certainty regarding the application of such clauses and of this Policy and the non-application of such to intellectual property rights predating employment at the Institute, potential employees will be asked, at the point of the offer of a contract of employment, to disclose in writing, in sufficient detail to identify clearly, any and all Intellectual Property invented, authored, made, or conceived by the individual, alone or with others, prior to the employment or association with the institution. Such response will be provided by the employee to the Institute within 120 days of commencement of employment.

6.3 Ownership of Intellectual Property

Institution-Owned IP: The institution owns all intellectual property created using institution resources, funds, or facilities, unless specifically stated otherwise in a written agreement. This includes intellectual property derived from third party research funding, unless otherwise qualified by prior agreement. IADT employees are required to disclose any potential intellectual property to the institution on a regular and timely basis.

This applies to any intellectual property in materials which are developed by Personnel which they cause to come into existence:

- during the working or teaching hours of IADT
- when using IADT's equipment, supplies, facilities or IADT Assets

- using IADT’s confidential information, trade secrets, know how or any IADT IP
- in relation to any work performed for IADT (including pursuant to any third party funded research programmes)

Intellectual Property arising from research or other work sponsored by an external organisation (e.g. Enterprise Ireland) shall be subject to the IP provisions that are stipulated in the related agreement between IADT and the external organisation. Where an External Agreement requires all new IP rights to be assigned to a private company, the entry level (or “background”) IADT intellectual property should be defined so that it is not inadvertently assigned to the private company as part of the new IP (also described as “foreground IP” or “results”) but is retained as IADT IP. All External Agreements should be reviewed by a legal officer of IADT or a legal adviser representing IADT.

For the avoidance of doubt, where intellectual property is generated from research that is 100% funded by monies provided directly by the State, or by any not-for-profit financial instrument which has been established by an organisation or individual and awarded through a public service organisation charged with the granting and dissemination of research funds, this IP will be exclusively and absolutely owned by IADT.

The Intellectual Property Policy also extends to Other Relevant Parties such as non-employees who participate in research projects at the Institute including visiting academics, industrial personnel etc. unless a specific waiver has been approved. Other Relevant Parties at IADT who have a prior existing and conflicting intellectual property agreement or arrangement with another employer or third party must enter into an agreement with IADT (and their employer or relevant third party) to abide by the conditions of this IP Policy in the course of their activities in IADT.

IADT does not claim ownership of any physical pieces of fine art, graphics, sculpture, design and works of craftsmanship produced by staff members in the course of the academic or research work which they undertake in the course of their employment with IADT, nor does IADT own either sale or resale rights in such art works of staff members.

Creator-Owned IP: Faculty, staff, and students retain ownership of intellectual property created using their own resources and outside of their institution employment. However, the institution may retain specific rights to utilise or commercialise the work.

Intellectual Property created by an employee of IADT entirely on their own time without the significant use of any resources of the institution, nor the use of any intellectual property of IADT including know-how, trade secrets or other forms of confidential information, trade secret, know how, or any of the IADT Intellectual Property, shall be the property of the employee once these rights are asserted.

Student-Created IP: Students generally retain ownership of intellectual property created through their independent study or research. The Institute or the staff member does not obtain IP rights in a student-generated work in the normal course of education activity eg where a staff member provides feedback on assessment. However, the institution may request a non-exclusive license for educational purposes or to promote the work.

Student-Created IP Owned by Institution: Notwithstanding the previous paragraph, the Institute claims ownership of Intellectual Property created or developed by students in the following situations:

- Where the Intellectual Property in question is created or developed jointly with a member of Institute staff, or builds on or is an extension of Intellectual Property owned by the Institute.
- Where the Institute has agreed to license or assign to a third party Intellectual Property created or developed by the student while the student is undertaking work sponsored or funded by the third party or the student is on an organised placement with the third party; or where the third party is otherwise making facilities, equipment, and/or Intellectual Property available to the student (and for the avoidance of doubt such arrangements would always be with the student’s prior consent).

- Where the student is being partially or wholly funded by a third party that requires the College to own Intellectual Property created or developed by the student as a condition of such funding.

6.4 Protecting and Commercialising Intellectual Property

The IADT Enterprise and Innovation Office, in consultation with the creator(s), will assess the intellectual property potential and will decide appropriate protection strategies, including whether to file for patent protection; whether to register copyright; whether to seek protection for trademarks or service marks; whether to maintain the IP as trade secret; or otherwise.

The Enterprise and Innovation Office on behalf of IADT facilitates the commercialisation of intellectual property through:

- **Licensing Agreements:** Granting licenses to companies or organisations to use the intellectual property for specific purposes. This can include royalty-free licensing via creative commons.
- **Spin-Out Companies:** Supporting the formation of new companies to develop and commercialise institution-developed technologies or inventions. This can include for-profit, more-than-profit and non-profit organisational entity types, depending on the most relevant impact pathway for the intellectual property that has been identified and validated.
- **Spin-In Agreements:** Working with existing companies to bring institution-generated intellectual property to market.

6.4.1 Scholarly and Artistic Outputs

IADT encourages staff to write and publish scholarly works including research papers, scholarly articles, books, contributions to books, conference papers and the like which are developed to further staff members' professional standing. As a derogation from and exception to the general principles above, IADT does not generally claim ownership of copyright or design rights in such scholarly or artistic outputs produced by academics or researchers including:

- Personal lecture notes, seminar papers, essays or theses.
- Academic publications such as conference posters, articles or books.
- Course materials produced for internal IADT students.
- Examination questions, assignments or papers.
- Artistic works or works of exclusively aesthetic design.
- Musical works, sound recordings, films or broadcasts.

While IADT does not generally claim ownership of copyright or design rights in such scholarly or artistic outputs, this is without prejudice to any claim IADT may have to ownership of the physical materials embodying such scholarly or artistic works, nor to IADT's claim to ownership of other Intellectual Property embodied in such scholarly and artistic outputs (for example ownership of the Intellectual Property in any inventions described in an academic publication).

Where an academic or researcher has been specifically commissioned to produce scholarly or artistic outputs for the IADT (including its individual Departments), or where these are produced in connection with any contract or agreement between IADT and a third party (including in connection with any student placement, research grant or project funded by IADT or any third party funder), which constitute Works for Hire, IADT claims ownership of all Intellectual Property in such scholarly or artistic outputs including copyright and design rights.

Where a member of IADT staff wishes to incorporate pre-existing and/or third-party Intellectual Property in such scholarly or artistic outputs, they must discuss the ownership status of such Intellectual Property with IADT in advance to ensure that appropriate permissions are in place.

6.4.2 Course Material

Unless otherwise provided for in writing, IADT specifically acknowledges that the substance of a lecture,

whether delivered in the classroom or by any other means, belongs to the Creator(s), and the IP created in the form of a textbook, instructional website or other instructional material developed as part of the normal teaching activities of IADT staff is owned by the Creator(s). IADT retains a royalty-free irrevocable perpetual right to use lecture material for scholarly, academic and other non-commercial purposes.

IADT shall have and be entitled to retain ownership of copyright and all other rights in the course name and description, and in the name and description of the various elements and modules of, academic courses devised and/or delivered by a staff member in the course of their employment by IADT.

IADT recognises that staff may have developed teaching or other materials independently of the institution, in which case the staff, and not IADT, will own the IP in the materials but can choose voluntarily to rely on such materials for IADT's behalf.

If a staff member chooses to use, or consents to the use of, their own IP in the course of their employment with IADT, the institution has an irrevocable royalty-free non-exclusive worldwide sub-licensable right in perpetuity to use, reproduce and disseminate such materials for any purpose both during and after the staff member's employment by IADT.

6.4.3 Consultancy

Staff are permitted to engage in consultancy projects for third parties subject to compliance with applicable IADT policies in force from time to time and subject to approval by the President of IADT. Any such approved consultancies must be disclosed to the Intellectual Property Committee. IADT encourages full disclosure of potential areas of conflict and open discussion at an early stage. IADT will endeavour to help alert staff and other relevant party(s) to recognise where conflicts may occur and to manage and resolve these conflicts.

6.4.4 Previous and External Work

IADT does not own IP generated by a staff member before the commencement of their employment by IADT, or IP generated exclusively during external work which a staff member is permitted to undertake during the period of their employment by IADT. IADT does not claim ownership of IP in materials created by staff members exclusively for their own personal use and reference.

6.4.5 Trademarks and Domains

IADT staff members must not apply to register names and symbols associated with IADT activities as trademarks, company names or domain names without approval by IADT in advance of any of these activities.

6.4.6 Collections

IADT now and in the future may hold a number of collections, including important design and film collections. These collections represent valuable reference resources for staff and students. However, inclusion of pieces in IADT collections does not imply that IADT students or staff have any rights or freedoms under the IP relating to those pieces.

6.4.7 Third Party IP

IADT expects its staff and students to respect IADT's IP and third-party IP. This is important to protect the reputation of IADT and the individuals concerned and to minimise financial risks. As an IP owner in its own right, IADT also looks to ensure that use of its own IP is properly regulated.

6.4.8 Confidentiality

Proprietary Information must remain confidential in order for it to retain its value. The release of Proprietary Information must be restricted. Employees, associates and students have a responsibility to document such information and mark it 'confidential; not to be copied', and to restrict access to it. Employees, associates and students are also reminded of their responsibility to ensure that confidentiality non-disclosure agreements are in place prior to any discussions with third parties that are likely to cover confidential information and unprotected inventions.

6.4.9 Revenue Sharing

In order to promote the aims and objectives of this Intellectual Property Policy, and, in particular, to help create and foster an atmosphere conducive to promoting entrepreneurial activity and external engagement, the Institute shall share any Net Income derived from commercialisation of Intellectual Property with the Researchers who developed the Intellectual Property.

For the purposes of this Policy, "Net Income" shall mean the total gross income derived from the commercialisation of Intellectual Property less direct costs associated with such commercialisation, including, but not limited to, the costs of applying for any formal registration for such Intellectual Property, and of taking any action in respect of infringement or alleged infringement of that Intellectual Property in any jurisdiction. Net Income shall be distributed as follows:

First 10,000 euros:

- 100% to the relevant Researcher or Researchers
- 0% to the relevant Department or Departments
- 0% to the Institute

Next 90,000 euros:

- 50% to the relevant Researcher or Researchers
- 25% to the relevant Department or Departments
- 25% to the Institute

All revenue over 100,000 Euros cumulatively:

- 40% to the relevant Researcher or Researchers
- 30% to the relevant Department or Departments
- 30% to the Institute

Where more than one academic or researcher is involved in the creation or generation of Intellectual Property, the distribution of their share of Net Income shall be presumed to be in equal shares; provided, however, that non-equal shares may be distributed if ALL Relevant Researchers agree on the adjusted distribution formula. Departmental shares shall follow in the same proportion as the distributions made to the relevant researcher(s). Any agreement on revenue sharing will be made in advance of any income accruing or received and shall be irrevocable for that intellectual property.

6.5 Appeals Process

In the case of any disagreement or dispute over the interpretation of any part of this policy or the intellectual property rights application of any particular piece or work, a written appeal can be referred to the Intellectual Property Committee for determination. This appeal must be made within 60 days of the event and will be addressed at the next Intellectual Property Committee. Additional information may be requested by the Committee. Following consideration after the Committee meeting a decision will be made and sent to the appellant in writing.

Appendix 1 – Forms and Templates

All templates and forms are available via “Enterprise & Innovation Templates” section of the IADT Staff Intranet Orchard, or from the Enterprise & Innovation Manager.

1. Creative works Innovation notification form
2. Software Innovation notification form
3. Creative works Innovation disclosure form
4. Software Innovation disclosure form
5. Innovation Voucher Research Agreement
6. KTI Model Part Funded Collaborative Research Agreement
7. KTI Model Wholly Funded Collaborative Research Agreement
8. Model Confidential Disclosure Agreement One Way
9. Model IP assignment
10. Model Consultancy Agreement
11. Non-disclosure Agreement