

Guidance for CETLs on IPR, dissemination and cost recovery (June 2007)

1. This guidance is aimed at Centres for Excellence in Teaching and Learning (CETLs) to clarify the situation with regards to IPR, dissemination and cost recovery of the intellectual property they generate.

2. In its terms and conditions of grant, we placed no specific conditions on the ownership or use of intellectual property rights (IPR). In this respect, we do not claim ownership of IPR created as a result of CETL funding. Our draft policy for HEIs in this situation is that the institution in receipt of the CETL grant owns the IPR it created. (Where a CETL involves other partners, the ownership of the IPR will normally be jointly owned, except where the partners agree otherwise.)

3. As part of the CETL concept, institutions are explicitly encouraged to disseminate the results of their work within the HE sector. Such dissemination will inevitably include providing information and material which includes the HEI's own IPR. HEIs should endeavour to fully recover their costs as described in the extract from the Financial Memorandum (HEFCE 2006/24):

*"Institutions should seek to recover the full economic costs of all their activities, whether pricing is determined by reference to those full economic costs or by reference to prevailing market conditions. While there may be cases for individual projects or activities to be priced at below their full economic costs, this should be done as a conscious decision, within the context of strategic objectives. Institutions are expected, taking one year with another, to recover, **in aggregate**, the full economic costs of all their activities across the full range of their activities."*

4. In this context, CETLs are encouraged to:

- identify the IPR they have created from their CETL funding
- consider the benefit to their own institution in the creation and use of that IPR
- identify the costs of creating that IPR by an appropriate method, which will normally require advice from the institution's finance team and which should take into account any internal benefits
- where the cost is low, to distribute material or information arising from their CETL as freely as reasonably possible, particularly through the use of their web-site, where it is appropriate to do so. This includes IPR of minimal or nominal value, or other non-IPR material. Recovery of incidental costs (such as cost of CDs, postage) is considered reasonable

- where the cost is more significant, to recover reasonable and identifiable costs of creating the IPR, however funded, when charging English HEIs, further education colleges (FECs) and other HEFCE-funded organisations for materials and information. In calculating the cost, institutions may use full economic costing principles. However, as a matter of principle, HEFCE requests that HEIs do not seek a 'surplus' in charging English HEIs, FECs and other HEFCE-funded organisations for their IPR and related material, i.e. CETLs are funded as a national resource and we consider it inappropriate that a 'profit' should be made when making HEFCE-funded material and information available to English HEIs, FECs and other HEFCE-funded organisations
 - freely charge the appropriate market rate at their own discretion for organisations outside the English HE/FE sector
 - capture information connected to the generation of income from their CETL work and report on this to us. This is so that we can use this information in support of our CETL work, particularly to encourage the sharing of information across the sector.
5. Once CETL funding has ceased, HEIs are encouraged to continue to follow this guidance, particularly in the short-term while the benefits of HEFCE-funding are still relevant, but are under no obligation to do so.
6. For further information contact Alan Palmer at a.palmer@hefce.ac.uk