

Introduction

1. This document sets out the RCM's (The College) Intellectual Property (IP) policy. This governs the ownership and management of College IP, along with the College's discretionary reward sharing schemes and the management of third-party IP.
2. Intellectual Property (IP) is the term given to the productions arising from original intellectual or creative activity. Intellectual Property Rights (IPR) are the legal rights that exist in those productions. IPR include, but are not limited to copyright, patents, trademarks and designs.
3. This policy applies to:
 - All staff employed at the RCM on an employment contract ('Employees')
 - All individuals who are affiliated to the College but who are neither Employees nor Students, including, but not limited to: those with Honorary positions, Visiting Lecturers, Visiting Professors, Visiting Researchers, Directors and Producers, any other individuals engaged on behalf of (but not employed by) the College ('Associates').

IP Ownership and Usage

4. The Patents Act 1977 and the Copyright, Designs and Patents Act 1988, together with any related IP legislation, provide that all forms of IP generated by an Employee, made in the course of the Employee's normal duties, belong to their employer.
5. The College recognises the benefits that come from Employees' work outside the College, notably in the creative industries, and from the free flow of knowledge creation between these domains. It also recognises that for part-time Employees in particular it is not always possible to differentiate precisely between IP generated by employees in the course of their employment, and knowledge generated outside of the course of their employment.
6. The College also recognises a long-standing and widely accepted academic practice in the Higher Education sector whereby the employer waives assertion of copyright ownership of research outputs in favour of the author(s).
7. Accordingly, employees retain ownership of the intellectual property in their creative output (such as musical performances, recordings, compositions, lyrics, teaching methods) and academic and research output. This is subject to the employee granting to the College a perpetual, worldwide, non-exclusive right to use such content for the College's non-commercial purposes relating to promotion, publicity, fundraising, education and archive retention where it has been funded by the College or College resources have made the output possible.
8. In turn, the College provides significant resources and facilities to its employees and associates to create IP which we strongly encourage. When these resources and facilities have been used to a significant extent to create IP, the College asks to be credited when they are used and for a share of income when that IP is exploited. Significant use of College resources and facilities means:

- Use of its practice/performance/rehearsal rooms, recording studios and technical facilities. Use of such facilities is quantified according to the facility's day rate.
 - Grant funding for a project direct from the College itself
 - Technical support from staff. Such use is quantified according to the staff rates.
9. When the total use of College facilities and resources exceeds £5000, the College's Reward-Sharing Scheme (described below) will apply.
 10. In certain circumstances, the College will put in place a separate agreement to agree the terms of any IP generated. These circumstances may include but are not limited to:
 - a) where the Employee is in receipt of third-party funding, which stipulates conditions on any IP generated;
 - b) where the Employee is in receipt of significant internal resources to support the commercial exploitation of IP generated;
 - c) where the Employee seeks the support of the College to pursue commercial exploitation of IP generated
 - d) where the Employee has been commissioned to complete work involving the creation of IP outside of their normal duties.
 11. Unless prevented from doing so by an existing, valid agreement with another party, or otherwise agreed with the College, Associates will be required to assign the rights to any IP they create in the course of their College activities to the College. Associates are treated as if they were College Employees for the purposes of revenue sharing.
 12. The College recognises that, in a limited number of cases (such as Visiting Professors who remain employees of another organisation whilst at College, Opera Directors etc), special arrangements will need to be negotiated regarding the ownership and use of IP which they may generate. Such arrangements will be negotiated on a case-by-case basis, generally with the individual or their employer.
 13. All copyright teaching materials newly created to fulfil contracted teaching obligations to the College including project briefs and curricula and including those developed for or delivered by a third party for the College, belong to the College exclusively.
 14. In relation to recorded classes, some performer's rights cannot be assigned and these will be retained by staff, who should refer to the RCM Class Recording Policy (2024) for further information.
 15. All those who may generate IP as part of their work (whether created in the course of their normal duties or when carrying out a project commissioned by the College outside their normal duties, or otherwise) should make and keep clear and accurate records in a retrievable format, and provide a full copy of these records to the College on request. This is necessary not only in order to comply with proper research practice but also to support a claim to any IP that arises. All those engaged in research are required to comply with all applicable codes of practice and regulation.
 16. All individuals are expected to take all reasonable steps to keep confidential any IP owned by the College that has potential for patent protection, or software with the potential for significant commercial exploitation. When working with third parties, it is expected that a non-disclosure agreement is in place before making any disclosure of IP that carries this potential.
 17. The College is solely entitled to use its names, arms, trademarks, domain names and logos. Employees and Associates are permitted to use these when representing the College through the course of their employment, engagement or study, when they have approval to do so. They should refer to Marketing and Communications, communications@rcm.ac.uk, for all guidance on usage.
 18. The College operates an incentive scheme to reward Employees and Associates who have created IP that is successfully commercialised. Upon the successful commercialisation of IP and the generation of a significant revenue stream, the College's discretionary reward-sharing scheme provides for the individual(s) (the Originator)

involved in creating the commercialised IP to be eligible for a share of the net revenue. Where incomes are not in cash, then rewards will not be paid until such time as the College receives cash income.

19. Where the College has contributed to the protection and commercialisation process, it will first recover its direct costs of commercialisation and protection, and make any payments due to third parties. The balance is then shared out as shown in the table below. The College will pay rewards to creators/originators once a year.
20. Where the College has significantly contributed to the creation of Employee or Associate owned IP (as defined in paragraph 8), the College will be entitled to a share of cumulative net income in the Reward Share Formulae table below.

Reward Share Formulae

Cumulative net income received (after any direct costs and payments to third parties)	Inventor/Originator(s)	RCM
First £25k	100%	0%
£25k-£100k	40%	60%
£100k-£250k	30%	70%
Above £250k	20%	80%

21. Where multiple originators/inventors created the IP that has been commercialised, the College will decide on the relative share of each contributor.
22. Each individual, who may be entitled to payments under the College's revenue sharing arrangements as an Originator and who is no longer an Employee, must ensure that the College is notified in writing at all times of his or her current address to where any revenue payments due to him or her may be sent. If the College is not given such current address details then they will be deemed to be a missing Originator and all unclaimed revenue payments for such a missing Originator may be invested in a deposit account until such revenue payments are claimed. The College will not be a trustee of any such unclaimed revenue payments. The College will notwithstanding the above make reasonable attempts to contact the missing Originator. Any revenue payments remaining unclaimed for 3 years from the date the revenue is received by the College will, after that date, be forfeited and will revert to the College, which will distribute such revenue payments plus any net interest actually earned between any others entitled to share in such revenue stream, excluding the missing Originator(s) who shall thereupon cease to be entitled to any such payments.
23. Employees and Associates must not copy, distribute, adapt, communicate to the public or perform in public any work in relation to which the IP rights are owned by a third party unless they have an appropriate licence to do so. The College is a member of relevant collective licensing agencies: please contact the College if you are not sure whether you would have the necessary licence.
24. Any queries regarding research-related IP should be directed to the Head of Research. This includes reporting IP created through significant use of College resources and facilities, and reporting IP that falls under circumstances (a)-(d) as described in paragraph 10. The Research Office will keep a log of queries requiring College involvement.

25. In the event of any disagreement between an individual and the College concerning any of the matters contained in this policy which cannot be resolved by discussion, the dispute may be referred by either the said individual or the College to the Deputy Director, via your line manager.
26. If you receive a request from a third party to use College-owned IP or become aware of a third-party using College-owned IP without a licence, or if a third party alleges you or the College have infringed their IP, please contact the Deputy Director as soon as possible.
27. This policy may be subject to change from time to time.

Deputy Director

Kevin Porter

February 2025