

Wording for IPO Working Group: IP in Health Emergencies UKRI Terms and Conditions on IP

About UKRI:

Launched in April 2018, UKRI is a non-departmental public body sponsored by the Department for Business, Energy and Industrial Strategy (BEIS).

Our organisation brings together the seven disciplinary research councils, Research England, which is responsible for supporting research and knowledge exchange at higher education institutions in England, and the UK's innovation agency, Innovate UK who mainly support innovative businesses.

Our nine councils work together in innovative ways to deliver an ambitious agenda, drawing on our great depth and breadth of expertise and the enormous diversity of our portfolio.

Whether through research council grants (including to our own Institutes and Centres), quality-related block grants from Research England, or grants and wider support for innovative businesses from Innovate UK, we work with our stakeholders to understand the opportunities and requirements of all the different parts of the research and innovation landscape, maintaining the health, breadth and depth of the system.

We provide funding to:

- researchers
- businesses
- universities, NHS bodies, charities and non-governmental organisations (NGOs)

Funding is provided for every stage of research, from fundamental research to applied research that develops new products and services.

In the last financial year 2019-20 alone, UKRI awarded 3,677 research grants (excluding Research England capability grants and Innovate UK grants to businesses) via its 7 discipline focus Research Councils, including 401 by the MRC¹.

Tackling the impact of COVID-19

UKRI plays a key role in convening and catalysing efforts to respond to the coronavirus pandemic, supporting hundreds of projects addressing the challenges. This is a collective endeavour, built on the strength of the UK's world-class research base and the long-term support from our councils.

1

<https://public.tableau.com/profile/uk.research.and.innovation.ukri#!/vizhome/CompetitiveFundingDecisions2015-16to2019-20/UKRICompetitiveFunding>

These include major breakthroughs such as finding a vaccine, accelerating the UK's vaccine manufacturing capacity, and identifying the world's first treatments for COVID-19 patients.

How is UKRI managing IP under its grant Terms and Conditions

Since the creation of UKRI, the Terms and Conditions (T&Cs) of research grants to Research Organisations (universities, institutes, and centres) have been harmonised across all 7 Research Councils (with some specific T&Cs remaining in innovative grants to businesses managed separately by Innovate UK and outside the scope of this paper).

Due to the large volume of research grants awarded in a given year (>3,600 in FY19-20), UKRI T&Cs are issued as standard as part of a Grant Offer Letter (GoL) to a Research Organisation (RO). This GoL, upon acceptance by the RO, form the basis of the 'contract' to deliver the research. Furthermore, because of the long term nature of research endeavours and the often complexity in realising impact from this research, UKRI grant T&Cs (clause RG12.²) specify that foreground IP generated as a results of the research exercise should first rest with the organisation(s) that generate them, unless otherwise agreed. Furthermore, due to the often collaborative nature of research, collaboration agreements between partners should be put in place that are proportionate and reflect the nature of the collaboration including ownership of IP. ROs should also endeavour to make use of these intellectual assets (including any IPR) for the benefits of society and the economy.

UKRI T&Cs of grants have developed over time but they are in keeping with historical reports and studies³⁴ that have identified and agreed that due to the often early stage of the research being carried out, its diverse nature and the complexity of taking it forward, 'one size does not fit all' when it comes to the management of IP. Hence why the protection of the IP and its exploitation is best vested with the ROs that generate it.

In the case of knowledge assets generated by UKRI employees and our own centres and facilities, UKRI's legal function includes capacity for supporting the protection and management of the IP it generates, as well as the negotiation of commercial contracts (e.g. licenses). Intellectual property generated by MRC institutes is protected and managed by LifeArc on behalf of UKRI.

However, UKRI might in certain circumstances retains ownership of these intellectual assets (including any IPR) to arrange for it to be exploited in the national interest (or assign it to third party under an exploitation agreement) under RG12.3 of its T&Cs.

It should also be noted that incentives for ROs, researchers and innovators to take forward research outputs for wider benefits are also articulated outside of UKRI grants T&Cs. Further incentives and expectations are detailed in various UKRI policies and guidance as part of UKRI 'Good Research Resource Hub'⁵ including 'Open Research', 'Responsible Innovation', 'Research Integrity' and 'Equitable Partnership'.

In addition, in response to the Covid19 pandemic and the increase research and innovation funding dedicated to fighting it, UKRI has strengthen specific T&Cs of grant in its Covid19

² <https://www.ukri.org/wp-content/uploads/2021/03/UKRI-150321-FullEconomicCostingGrantTermsConditions-Mar2021.pdf>

³ <https://publications.parliament.uk/pa/cm200102/cmselect/cmpubacc/689/68903.htm>

⁴ <https://www.nao.org.uk/wp-content/uploads/2002/02/0102580.pdf>

⁵ <https://www.ukri.org/about-us/policies-standards-and-data/good-research-resource-hub/>

funding call. These additional T&Cs are pertinent to the sharing of research results and data⁶ due to the early stage of the research. In addition, UKRI has referenced ethical resources and practices in relation to Covid19 research on its research hub⁷.

In summary, we believe that our current approach of grants T&Cs and additional policies offer the flexibility and incentives required to enable the most effective and efficient exploitation of research outputs to fight the pandemic including via more specific commercialisation routes when appropriate. This is best exemplified by the number of projects supported via UKRI interventions that have made a real difference in recent months⁸.

<https://www.ukri.org/our-work/tackling-the-impact-of-covid-19/vaccines-and-treatments/a-testing-time-finding-better-treatments-for-covid-19/>

<https://www.ukri.org/our-work/tackling-the-impact-of-covid-19/vaccines-and-treatments/ageing-immune-response-and-the-oxford-vaccine/>

<https://www.ukri.org/our-work/tackling-the-impact-of-covid-19/vaccines-and-treatments/how-the-uk-is-transforming-vaccine-manufacturing/>

<https://www.ukri.org/our-work/tackling-the-impact-of-covid-19/vaccines-and-treatments/creating-new-vaccines/>

⁶ [UKRI-241120-Additonal-TCs-for-grant-award-letters-v6-Covid-19-rapid-response-calls.pdf](#)

⁷ <https://www.ukri.org/about-us/policies-standards-and-data/good-research-resource-hub/covid-19-ethics-guidance/>

⁸ <https://www.ukri.org/our-work/tackling-the-impact-of-covid-19/vaccines-and-treatments/>