

# Guidance on Commercialising Intellectual Property

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# Guidance on Commercialising IP

## 1. Overview

1.1. Research commercialisation is the process by which new or improved technologies, products, processes and services are brought to market. The benefits of research commercialisation include:

- a) Building strong engagement and partnerships with business
- b) Generating impact
- c) Diversifying income
- d) Personal and career development.

1.2. Oxford Brookes University supports commercialisation as a route to impact as it believes its research and related activities should be disseminated for the benefit of wider society, contributing positively to the economy, public policy, culture and quality of life. Furthermore, many funders of research expect, where appropriate, that the University will facilitate commercialisation activities and provide specific funding such as follow-on-funds or proof-of-concept. Indeed, in July 2025 communications to the university from UKRI, specific reference is made to the utilisation of HEIF for this purpose: *“HEIF funded activity should support the government priority of kickstarting economic growth. Activities should support increased business engagement and commercialisation, boost local economic growth and encourage entrepreneurship.”*<sup>1</sup>

1.3. There are different routes to commercialisation, including:

- a) Creating spin-out companies, start-ups and social enterprises
- b) Licensing
- c) Consultancy and CPD
- d) Knowledge Transfer Partnerships
- e) Products and services.

1.4. The Directorate of Research, Innovation and Enterprise (RIE) will facilitate discussions and decisions regarding which method of commercialisation is most appropriate depending on the nature of the idea, requirements of client/collaborator and the maturity of intellectual property, if any.

1.5. This guidance refers to the commercialisation of IP, separate policy and guidance documents exist for Consultancy, CPD and Knowledge Transfer Partnerships.

## 2. Responsibility

2.1. The Director of Research, Innovation and Enterprise (RIE) or other delegated senior staff are responsible for implementation and operational delivery of the IP Policy to ensure effective protection and commercialisation of University IP.

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<https://www.ukri.org/wp-content/uploads/2025/07/RE-170725-SpecificGuidanceDSITOperati onResearchEngland.pdf>

- 2.2. Staff that have created, and/or are developing IP with potential are recommended to inform their line manager and the Technology Transfer Office about the potential intellectual property.
- 2.3. The Technology Transfer Office (TTO) within the Innovation & Enterprise Team of the Directorate of RIE is responsible for the evaluation of potential intellectual property and assessment of Invention Disclosure Forms from potential inventor(s).
- 2.4. The staff member who has created, and/or is developing the IP is responsible for the completion of the Invention Disclosure Form and supporting documentation.

### 3. Support

- 3.1. Commercialisation of research requires specialist knowledge, skills, and funding. The Technology Transfer Office (TTO), which is part of the Directorate of Research, Innovation and Enterprise (RIE) can support you on your journey.

### 4. Reward to Inventors

- 4.1. Income generated from commercialising university owned IP belongs to the University. In the interest of encouraging research innovation and enterprise for economic and social impact with reputational benefits, the University shares income from IP with the IP Creator(s). The revenue share is described in more detail in Appendix B of the IP policy.

## APPENDIX A – Creation of a spin-out company

### 1. Introduction

1. This Appendix A provides an overview of the process to be followed when applying to the University for approval to form a spin-out company and the arrangements for managing the University's licences and equity holdings in its spinout companies. This review and update of the process has considered and incorporated the recommendations of the Independent Review of Spin-Outs (2023)<sup>2</sup>, which OBU has already agreed to adopt, and the Government's Response<sup>3</sup> to that same review. Both ask that, "universities review their procedures for creating spin-outs to identify areas where it can be expedited and ensure founders' and investors' expectations are managed at an early stage."
2. The University's governance arrangements reserve certain matters, including the investment of the University's intellectual property in spinout companies, for the consideration and approval of the Senior Leadership Team (SLT).

### 2. Approval to form a spinout company

1. The Creators will consult with their Head of School and Dean of Research and Innovation, and with RIE on deciding the most appropriate route for commercialisation of the University IP, prior to agreeing formally on the joint intention to form a spinout company
2. The process for approval is as follows:
  1. RIE will prepare a briefing note on the spinout project together with its recommendation that a spinout be formed and submit this to the Senior Leadership Team (SLT) for consideration.
  2. Where the SLT approves the start of the spinout project the SLT will appoint a Task & Finish Group (T&FG), and delegate authority to the Chair of said T&FG, to oversee the development and completion including the overseeing of financial and legal work related to the spin out incorporation and the SLT shall delegate its authority to conduct the spinout project to the Chair of T&FG; of the spinout project
  3. For full T&FG meetings, will comprise: the following membership from respective University departments
    - the PVC Research & Innovation
    - the Associate Director of Innovation and Enterprise
    - the Senior Technology Transfer Manager
    - the Technology Transfer Manager
    - the Dean of Research & Innovation

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<sup>2</sup>

[https://assets.publishing.service.gov.uk/media/6549fcb23ff5770013a88131/independent\\_review\\_of\\_university\\_spin-out\\_companies.pdf](https://assets.publishing.service.gov.uk/media/6549fcb23ff5770013a88131/independent_review_of_university_spin-out_companies.pdf)

<sup>3</sup>

[https://ke.org.uk/wp-content/uploads/2024/12/Independent\\_review\\_of\\_university\\_spin-out\\_companies\\_government\\_response.pdf](https://ke.org.uk/wp-content/uploads/2024/12/Independent_review_of_university_spin-out_companies_government_response.pdf)

- the Director of Finance and Deputy Chief Financial Officer; (who will act as Chairman of the T&FG)
- an appropriate representative of Legal Services, or suitable alternates, as agreed with the Chair of the T&FG.

The Creators of the University IP or their representatives may be asked to attend the T&FG, together with, and any other additional stakeholders, by invitation of the Chair of the T&FG.

All appointed members of the T&FG will be notified in advance of each meeting with a copy of the agenda and where relevant the agreed minutes of the previous meeting to review.

4. It is anticipated that members will attend the first and final meeting. For other meetings of the T&FG the required attendance will be determined by the Chair of T&FG as required.
5. The T&FG will be chaired by the Director of Finance and Deputy Chief Financial Officer, who may appoint a nominated member of the T&FG to act as temporary Chair of T&FG in the absence of the Chair.
6. The T&FG will authorise and scrutinise the proposed Business Plan and for the spinout project, a due diligence report (as prepared by the TTO) assessing the commercial value of the University IP and assessment as to whether the University IP contains third party IP and compile a risk assessment for the University.
7. The TTO will liaise with other key members of the T&FG between meetings to progress all legal, financial and operational matters required to be completed for the completion of the spin-out project, including the preparation of key company documents required for the spin-out and any IP license from the University to the new incorporated spin- out company. These documents will be presented to a full T&FG meeting for its approval
8. When the Chair of T&FG and all membership of the T&FG are satisfied with all legal documents and commercial and operational arrangements related to the spin-out project, the Chair of T&FG will then authorise the TTO to submit a proposal to the SLT requesting approval to proceed to signature signing an IP licence and spin-out. At this stage, a joint recommendation of the PVC Research & Innovation and the Director of Finance & Legal Services on the attribution of net proceeds to Faculties may be submitted to the SLT for approval.
9. If the SLT is satisfied with the proposed arrangements, it will approve creation of the spin-out and authorise the T&FG (via the Chair and TTO) to proceed with the spin-out.
10. The PVC Research and Innovation will report this decision to the Board of Governors at the next opportunity for the Board to note.

### **3. University IP Licence management and management of University equity holdings in the spinout company**

1. The management of any licence and (any the royalties generated for the University) the management of the University's own equity holdings in the spin out company will

post incorporation of the spin out company and execution of all agreements be undertaken by RIE.

2. Where the University is required to exercise its rights as a shareholder in the spinout company, e.g. to vote at an annual general meeting, or as an advisory board member, then the Senior Technology Transfer Manager responsible in RIE will brief the SLT on the matter to be decided. The SLT will appoint a shareholder representative to represent the University's views and to vote in accordance with instruction as directed by the SLT, or to serve as an observer

#### **4. Amendments to the approval process**

1. This approval process may be amended by the VC, on the recommendation of the SLT, at the request of the PVC for Research and Innovation