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Iechyd Cyhoeddus
Cymru
Public Health
Wales

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INTELLECTUAL PROPERTY (IP) RIGHTS POLICY

Policy Statement

Public Health Wales encourages the generation of original approaches, ideas and innovations that enable the achievement of its mission, vision and strategic priorities.

The organisation is responsible, via general obligations issued by the Welsh Government, to ensure that innovation, including novel treatments, devices, data, software, training materials or a new management system, are disseminated as widely as possible for the benefit of patients and the NHS in general. This process may include publishing the IP in the public domain, or exploiting it through commercial channels in order to potentially obtain financial reward; or the protection of Intellectual Property Rights (IPR).

IP created by Public Health Wales employees during the course of their employment belongs to the organisation and remains so, irrespective of origin or authorship.

In addition, subject to the provisions of the Patents Act 1977, any invention made by any employee in the course of their employment will belong to Public Health Wales. In determining the best way to protect and develop such IP, Public Health Wales will actively work in close co-operation with the creators and any collaborating organisations.

In the case of successful exploitation of IP the inventor/creator may be granted a personal revenue share of any income resulting from the invention and this would be determined on a case by case basis.

Policy Commitment

Innovation occurs naturally within the NHS through the delivery and management of patient care, in the education and training of employees and through research and development activity. It is recognised that most innovations are best implemented by making them freely available through normal knowledge mobilisation processes when they contribute to improving the delivery of health and healthcare services within Public Health Wales. However, some innovations or creations are inventions or publications which are best realised through commercial development and for these the proper management of the associated intellectual property is crucial.

To ensure Public Health Wales delivers its aims, objectives, responsibilities and legal requirements transparently and consistently, we provide clear guidance on the identification, referral and process involved in the exploitation and commercialisation of IP generated by staff employed by Public Health Wales. This includes those on honorary contracts, secondees or contractors working on behalf of Public Health Wales.

Public Health Wales is committed to ensuring that the Intellectual Property Rights Framework is available, understood and adhered to by all staff and those with honorary contracts, secondees and contractors working on behalf of the Trust.

The purpose of the policy and the supporting Intellectual Property Rights Framework is to protect IP generated within Public Health Wales by staff working for the organisation, including those with honorary contracts, secondees or contractors.

Supporting Procedures and Written Control Documents

[All corporate policies and procedures are available on the Public Health Wales website](#)

This Policy and the supporting Intellectual Property Rights Framework describes the legal framework within which intellectual property may be protected and commercially exploited.

Other related policy/control documents are:

- Intellectual Property Rights Framework
- Declarations of Interest, Gifts, Hospitality and Sponsorship Policy and Procedure

This policy and its accompanying guidance is also informed by the [Research Governance Framework for Health and Social Care in Wales](#), which clearly outlines the need to consider the exploitation of IPR. Welsh Government also issued [A Framework and Guidance on the Management of Intellectual Property in the NHS in Wales](#) in 2005. Reference has also been made to the [UK Policy Framework for Health and Social Care Research](#).

The **Health and Medicines Act 1988** Section 7(2), applicable by virtue of the Government of Wales Act 2006, enables NHS Wales Health Boards and Trusts to “develop and exploit ideas and intellectual property”. The **Copyright, Designs and Patents Act 1988** (as amended) and **Patents Act 1977** (as amended) are amongst the key legislation for IPR and directly inform this policy and supporting guidance.

Scope	
This Policy applies to all intellectual property created by or on behalf of Public Health Wales by staff or others in all locations including those with honorary contracts, secondees and contractors working on behalf of the organisation.	
Equality and Health Impact Assessment	An Equality, Welsh Language and Health Impact Assessment has been completed and can be viewed on the policy webpages.
Approved by	Knowledge, Research and Information Committee
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Group with authority to approve supporting procedures	Leadership Team
Accountable Executive Director/Director	Board Secretary and Head of Board Business Unit
Author	Board Secretary and Head of Board Business Unit

Disclaimer

If the review date of this document has passed please ensure that the version you are using is the most up to date either by contacting the document author or [Board Business Unit](#)

Summary of reviews/amendments				
Version number	Date of Review	Date of Approval	Date published	Summary of Amendments
1 (Black 90)	2004	15/09/04	01/10/09	Intellectual Property Policy transferred to Public Health Wales from Velindre NHS Trust. Review not undertaken as it was expected that an All-Wales Policy would be produced.
2	2023	05/03/24	11/04/24	PHW81 – Intellectual Property Rights Policy was developed as a new document and superseded the Velindre

				<p>NHS Trust Black 90 Policy.</p> <p>Supporting procedure developed to include more explicit detail and carer examples.</p> <p>Further amendments made to first draft incorporating best practice drawn from other organisations</p>