

Polisi ynghylch Hawliau o ran Eiddo Deallusol ym maes Addysg Uwch

Pwrpas y Polisi

Yn y ddogfen hon, eglurir safbwynt y Grŵp parthed creu, perchenogi ac ymelwa ar eiddo deallusol.

Datganiad Polisi

Mae ymelwa ar Eiddo Deallusol yn hybu lledaenu gwaith staff a myfyrwyr, a gall gynhyrchu incwm i'r Grŵp a'i gyflogeion. Nid yw ond yn gyfiawn bod staff a myfyrwyr sydd wedi cyfrannu at greu a datblygu Eiddo Deallusol yn cael eu trin yn deg, gan gael rhan o'r budd ariannol sy'n deillio o ymelwa ar Eiddo Deallusol.

Dyma brif egwyddorion y Polisi Eiddo Deallusol hwn:

- Dymuna'r Grŵp greu amgylchedd sy'n annog ac yn hybu creu a lledaenu dyfeisiadau, gwaith ymchwil a damcaniaethau newydd er mwyn
- Diogelu Eiddo Deallusol gwerthfawr a chreu mantais gystadleuol wrth ymelwa ar ganlyniadau
- Hyrwyddo ymelwa llwyddiannus ar Eiddo Deallusol
- Annog trosglwyddo gwybodaeth, gan hybu twf economaidd yn rhanbarthol ac yn genedlaethol
- Hwyluso'r gwaith o ddatblygu Eiddo Deallusol drwy ddarparu cydnabyddiaeth ariannol deg a chyfiawn i Staff, Myfyrwyr, Cyfarwyddiaethau a'r Grŵp.

Yn y Polisi hwn, eglurir safbwynt y Grŵp parthed creu, perchenogi, diogelu ac ymelwa ar Eiddo Deallusol yn y Grŵp. Nod y Polisi hwn yw cael cydbwysedd rhwng buddiannau'r Grŵp a buddiannau'r Crëwr (Crewyr) ar delerau teg a rhesymol.

Dull Gweithredu

Staff

Bydd y Grŵp yn berchen ar yr holl Eiddo Deallusol a gynhyrchir gan Staff:

- Yn ystod eu cyflogaeth a/neu wrth iddynt gyflawni eu dyletswyddau i'r Grŵp; neu
- Sy'n defnyddio adnoddau'r Grŵp; neu
- Wrth iddynt gyflawni dyletswyddau nad ydynt yn arferol iddynt ond sydd wedi'u neilltuo'n arbennig i Staff

Myfyrwyr

Fel rheol, bydd myfyrwyr yn berchen ar Eiddo Deallusol a grëir ganddynt yn ystod eu hastudiaethau.

Ceir amgylchiadau lle bydd y Grŵp yn berchen ar Eiddo Deallusol gwaith myfyriwr, a gall y Grŵp ofyn i fyfyriwr neilltuo'n ffurfiol ei Eiddo Deallusol i'r Grŵp (cyn, yn ystod neu ar ôl ei astudiaethau). Gall y rhain gynnwys:

- Pan fydd myfyrwyr yn gweithio ar brosiectau a ariennir gan drydydd parti a phan fydd y noddwr o bosibl yn dymuno perchnogi'r Eiddo Deallusol a grëwyd. Dan amgylchiadau o'r fath, bydd y Myfyriwr yn cadarnhau ei fod yn cytuno y gall bod angen i'r Grŵp yn y lle cyntaf berchnogi Eiddo Deallusol o'r fath er mwyn cydymffurfio â thelerau unrhyw gytundeb a wnaed â'r noddwr;
- Pan na ellir gwahanu'r Eiddo Deallusol o'r hyn a ddatblygwyd gan staff, a hynny bob amser ar yr amod bod y Myfyriwr yn derbyn cyfran deg o unrhyw gyllid sy'n deillio o Eiddo Deallusol o'r fath.
- Myfyriwr sy'n dymuno gweithio gyda'r Grŵp er mwyn ymelwa ar ei Eiddo Deallusol, a'r Grŵp wedi penderfynu gwneud hynny.
- Myfyriwr sy'n creu Eiddo Deallusol gan ddefnyddio Adnoddau'r Grŵp nad ydynt ar gael fel arfer ar eu cwrs astudio.

Fel rheol, caiff Myfyriwr sydd wedi cytuno i neilltuo ei Eiddo Deallusol i'r Grŵp ei drin, at ddibenion perchnogaeth a chydnyddiaeth, fel aelod o staff y Grŵp.

Er mwyn osgoi unrhyw amheuaeth, caiff myfyrwyr sydd hefyd yn gyflogeion, neu staff sy'n dilyn cwrs astudio, eu trin fel aelodau o'r staff at ddibenion y Polisi hwn, ond dim ond os yw'r gyflogaeth yn berthnasol i weithgareddau academaidd y sefydliad.

Mae myfyrwyr yn rhoi caniatâd parhaol a therfynol i'r Grŵp ddefnyddio'r Eiddo Deallusol a grëir ganddynt yn ystod cwrs astudio at ddibenion anfasnachol, gweinyddol, hyrwyddol, addysgol, rheoli ansawdd, arholi ac addysgu, gan gynnwys digideiddio gwaith myfyrwyr, ond heb fod yn gyfyngedig i hynny.

Anogir myfyriwr sy'n parhau'n ansicr o'i hawliau a'i ymrwymadau o ran diogelu Eiddo Deallusol i ymgynghori â'r Gyfarwyddiaeth Fentergarwch yn y lle cyntaf, ac yna i ofyn am gyngor annibynnol os bydd angen. Dylid cofio hefyd y gall Undeb y Myfyrwyr gynnig cymorth i'r perwyl hwn.

Dosrannu Incwm (Rhannu Refeniw)

Cyn dosrannu, bydd y Grŵp fel arfer yn adennill unrhyw gostau cyfreithiol a chostau diogelu perthnasol. Rhennir y refeniw net sy'n weddill rhwng y Grŵp, y crëwr (neu grewyr) a Maes Rhaglen y crëwr.

Datrys Anghydfod

Yn y lle cyntaf, dylid cyfeirio unrhyw faterion, anghydfod, honiadau neu geisiadau am eglurhad ar yr hyn a ddarperir yn y Polisi hwn at Reolwr AU y Grŵp a fydd yn cysylltu â'r Pennaeth Cynorthwyol perthnasol neu'r sawl a enwebwyd ganddynt wrth ystyried y mater.

Oni ddeuir i benderfyniad rhwng y naill a'r llall o fewn amser penodol, gellir cyfeirio'r anghydfod i sylw Pennaeth y Coleg perthnasol a fydd yn dod i benderfyniad.

Os bydd y partiön yn gofyn am gyngor allanol mewn anghydfod o'r fath, y parti sy'n gofyn am y cyngor fydd yn talu amdano. Bydd y penderfyniad yn derfynol a bydd yr holl bartiön sydd dan sylw'n cael eu rhwymo ganddo.

Monitro a Mesur Effaith

Caiff y Polisi ynghylch Hawliau o ran Eiddo Deallusol ei fonitro a'i wella'n flynyddol gan y Pwyllgor Ansawdd a Safonau ym maes Addysg Uwch.

Cyhoeddi'r Polisi

Bydd y polisi hwn ar gael yn ddwyieithog i'r cyhoedd ar wefan y Grŵp a bydd ar gael i'r holl aelodau staff ar fewnwyd y Grŵp.

Cymeradwywyd y Polisi gan: Tim Polisi

Dyddiad cymeradwyo'r Polisi: Awst 2016

Dyddiad Adolygu'r Polisi: Awst 2017

Diffiniadau

Yn y Polisi hwn, dyma ystyr y geiriau a ganlyn:

Gwrthdaro Buddiannau	fel y diffiniad a geir ym mholsi'r Grŵp o ran Gwrthdaro Buddiannau yn y ddogfen ar reoliadau ariannol.
Crëwr (Crewyr)	unigolyn neu unigolion sy'n creu, llunio neu ddyfeisio eitem sy'n Eiddo Deallusol.
Eiddo Deallusol	yn cynnwys hawlfraint, patentau, hawliau dylunio, nodau masnach, enwau masnach, marciau gwasanaeth, hawliau o ran cronfeydd data, hawliau bridwyr planhigion, modelau defnyddioldeb, gallu, gwybodaeth gyfrinachol a hawliau eraill mewn perthynas ag eiddo deallusol, boed ym mhob achos wedi'u cofrestru neu beidio, a chan gynnwys ceisiadau ar gyfer dyfarnu unrhyw hawliau blaenorol a phob hawl neu ffurfiau ar ddiogelu mewn unrhyw awdurdodaeth.
Staff	pawb a gyflogir gan y Grŵp, boed mewn swydd academiaidd, weinyddol neu dechnegol, neu sy'n gysylltiedig â swydd academiaidd neu swydd arall, boed yn swydd tymor penodol neu'n swydd barhaol.
Myfyrwyr	myfyrwyr sydd wedi cofrestru gyda'r Grŵp
Adnoddau'r Grŵp	Cyfleusterau neu adnoddau'r Grŵp sy'n cynnwys (ond heb eu cyfyngu i): (i) gofod ac offer mewn swyddfeydd, labordai a stiwdios; (ii) caledwedd, meddalwedd a chymorth cyfrifiadurol; (iii) gwasanaethau ysgrifenyddol; (iv) cynorthwywyr addysgu a chynorthwywyr labordai; (v) cyflenwadau a chyfleustodau; (vi) cyllid ar gyfer gweithgareddau ymchwil ac addysgu, ad-dalu costau teithio a chostau eraill, cyfarpar neu amser; (vii) gwasanaethau cymorth canolog
Tiwtor	aelod o'r staff academiaidd sy'n gyfrifol am oruchwylio, cynorthwyo, arwain, monitro neu gefnogi mewn unrhyw fodd arall ddarn penodol o waith academiaidd, gan gynnwys asesiadau, a wnaed gan Fyfyriwr.
Grŵp	Grŵp Llandrillo Menai
Cyfarwyddiaeth	unrhyw adran, ysgol, sefydliad neu uned academiaidd arall (neu gyfatebol) sy'n bennaf gyfrifol am ddarparu rhaglenni sy'n arwain at ddyfarnu cymwysterau academiaidd a/neu unedau sy'n ariannu eu hunain a/neu swyddogaethau eraill o'r fath sy'n cynnwys, ond heb eu cyfyngu i wasanaethau cyffredinol i'r Grŵp.

HE Intellectual Property Rights Policy

Who does this Policy Apply to?

This policy applies to staff who teach HE programmes and learners who are enrolled on HE programmes at GLLM.

Purpose of the Policy

This document sets out the Grŵp's position on the creation, ownership and exploitation of intellectual property.

Policy Statement

The exploitation of Intellectual Property enhances dissemination of staff and student work and can generate income for the Grŵp and its employees. It is only equitable that Staff and Students who have contributed to the creation and exploitation of Intellectual Property are treated fairly in terms of sharing the beneficial income resulting from the exploitation of Intellectual Property.

The main principles of this Intellectual Property Policy are as follows:

- The Grŵp wishes to create an environment that encourages and promotes the creation and dissemination of inventions, new research and theories
- To protect valuable Intellectual Property and to create a competitive advantage in the exploitation of results
- To promote the successful exploitation of Intellectual Property
- To encourage knowledge transfer thereby increasing regional and national economic growth
- To facilitate the development of Intellectual Property by providing fair and equitable financial rewards to Staff, Students, Programme areas and the Grŵp.

This Policy sets out the position of the Grŵp for the creation, ownership, protection and exploitation of Intellectual Property within the Grŵp. This Policy aims to balance the interests of the Grŵp with those of the Creator(s) on fair and reasonable terms.

Implementation

Staff

The Grŵp shall own all Intellectual Property created by Staff:

- In the course of their employment and/or the performance of their duties for the Grŵp; or
- Using Grŵp Resources; or
- In the course of duties falling outside of normal duties but specifically assigned to Staff

Students

Students shall normally own the Intellectual Property they create during the course of their studies.

There are circumstances where the Grŵp will own the Intellectual Property in a student's work and the Grŵp may require a student to formally assign their Intellectual Property to the Grŵp (before, during or after the course of their studies. These can include:-

- Where the Student is working on third party funded projects and the sponsor may want to own the Intellectual Property created. In such circumstances the Student confirms that they agree that the Grŵp may initially be required to own such Intellectual Property in order to comply with the terms of any agreement with the sponsor;
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- Where the Intellectual Property cannot be separated from that developed by staff, subject always to the Student receiving a fair share of any revenue derived from such Intellectual Property.
- A student who wishes to work with the Grŵp to exploit their Intellectual Property and the Grŵp decides to do so.
- A Student creates Intellectual Property using Grŵp Resources not normally made available in the normal course of teaching and learning in their course of study.

A Student who has agreed to assign their Intellectual Property to the Grŵp will normally be treated for ownership and reward purposes, as though they are staff of the Grŵp.

For the avoidance of doubt, students who are also employees, or staff following a course of study shall be treated as staff for the purpose of this Policy only where that employment relates to the academic activities of the institution.

Students grant to the Grŵp a perpetual, irrevocable licence to use the Intellectual Property they create during a course of study for non-commercial administrative, promotional, educational, quality control, examination and teaching purposes including but not limited to digitization of Student work.

A Student who remains uncertain of their rights and obligations in the protection of Intellectual Property is encouraged to consult with the Enterprise Directorate in the first instance and seek independent advice if necessary. The Students Union should also be considered as a source of support for this purpose.

Distribution of Income (Revenue Sharing)

Prior to distribution the Grŵp will normally recover any applicable legal and protection costs, prior to the distribution of revenue. The remaining net revenue will be shared between the Grŵp, the creator(s) and the creators' Programme area.

Dispute Resolution

Any issues, dispute, claims or any clarification required as to any provision of this Policy should in the first instance be referred to the HE Manager at the Grŵp who will liaise with the relevant AP or their nominee in considering the matter.

If a decision is not mutually agreed within a reasonable amount of time then the dispute can be referred to the relevant College Principal who will make a determination.

If the parties seek outside advice in such a dispute, the costs of such advice will be borne by the party seeking it. The decision will be final and binding on all parties involved.

Monitoring and Impact Measurement

The IPR Policy is monitored and enhanced annually by the Higher Education Quality and Academic Standards Group, and reviewed for approval by Tim Polisi.

Publication of Policy

This policy will be made publicly available bilingually on the Grŵp website and will be available to all members of staff via the Grŵp intranet.

Policy approved by: **Tim Polisi**

Policy approval date: August 2016

Policy Review Date: **August 2017**

Definitions

In this Policy, the following expression shall have the following meanings:-

Conflicts of Interest	as defined in the Grŵp's Conflicts of Interest policy within the financial regulations document.
Creator(s)	any person or persons who creates, devises or invents an item of Intellectual Property.
Intellectual Property	shall include copyright, patents, design rights, trademarks, trade names, service marks, database rights, plant breeders' rights, utility models, know-how, confidential information and other intellectual property rights, in each case whether registered or unregistered and including applications for the grant of any foregoing and all rights or forms of protection in any jurisdiction.
Staff	all persons employed by the Grŵp be it in an academic, administrative, technical, academic related or other position whether fixed-term or permanent .
Students	registered students of the Grŵp
Grŵp Resources	Grŵp facilities or resources including (but not limited to):- (i) office, laboratory & studio space & equipment; (ii) computer hardware, software & support; (iii) secretarial services; (iv) teaching & laboratory assistants; (v) supplies & utilities; (vi) funding for research & teaching activities, travel & other funding reimbursements, equipment or time; (vii) central support services
Tutor	a member of academic staff responsible for supervising, assisting, guiding, monitoring or in any other way supporting a specified piece of academic work, including assessments, by a Student
Grŵp	Grŵp Llandrillo Menai
Programme Area	any department, school, institute or other academic unit (or equivalent) as having primary responsibility for the delivery of programmes leading to the award of academic qualifications and/or self-funded units and/or such other functions including but not limited to general services to the Grŵp