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BSI Standards Publication

# Specification for the provision of services relating to the commercialization of intellectual property rights

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### Summary of pages

This document comprises a front cover, an inside front cover, pages i to ii, pages 1 to 18, an inside back cover and a back cover.

## Foreword

### Publishing information

This British Standard is published by BSI and came into effect on 28 February 2011. It was prepared by Subcommittee IMS/1/1, *Services to inventors*. A list of organizations represented on this committee can be obtained on request to its secretary.

### Presentational conventions

The provisions of this standard (the normative elements) are presented in roman (i.e. upright) type. Its requirements are expressed in sentences in which the principal auxiliary verb is "shall". Compliance with the provisions is necessary for compliance with the standard.

*Commentary, explanation and general informative material is presented in smaller italic type, and does not constitute a normative element.*

### Contractual and legal considerations

This publication does not purport to include all the necessary provisions of a contract. Users are responsible for its correct application.

**Compliance with a British Standard cannot confer immunity from legal obligations.**

In particular, attention is drawn to the following legislation.

The Fraud Act 2006 [1]

The Patents Act 1977, as amended by the Patents Act 2004 [2]

The Legal Services Act 2007 [3]

The Data Protection Act 1998 [4]

The Trade Descriptions Act 1968 [5]

The Trade Marks Act 1994 [6]

The Copyright, Designs and Patents Act 1988 [7]

The Registered Designs Act 1949, as amended by the Regulatory Reform (Registered Designs) Order 2006 [8]

## 0 Introduction

In recent years there has been a substantial increase in the number of organizations offering services to the originators and developers of ideas, often referred to as inventors. These include the UK Intellectual Property Office (UK-IPO), Business Link, commercial service providers, universities that specialize in invention and product design, and inventors' clubs.

The UK-IPO has long promoted the need for individuals and organizations to take stock of their own novel creations and to secure the legal rights to them by way of patents, registered designs, trade marks, etc. Success in securing the legal rights can positively influence the business success for the idea. However, the law concerning intellectual property (IP) can be complex and the UK-IPO recommends that the creator of a new idea should always consider seeking advice from a firm of chartered patent attorneys or trade mark attorneys (who are legally qualified and independently regulated), or other advisers with the skills needed to assess whether the idea is appropriate for patent protection, trade mark registration or design registration, and who can prepare an application for the creator seeking potential legal rights.

As well as these practitioners there are other advisers, consultants, invention brokers and inventor-support organizations who offer help and advice covering the commercialization of these novel creations.

It follows that if every UK individual and organization secured the intellectual property (IP) to which they are entitled and then used it to commercial advantage, the UK would gain in the long term.

## 1 Scope

This British Standard specifies requirements for the provision of services to the originators of intellectual property with a view to their commercialization.

It specifies principles for the ethical behaviour of the service provider relating to:

- a) integrity and competence;
- b) transparency regarding fees, costs and finances;
- c) confidentiality and the disclosure of information;
- d) the declaration of interests and conflicts; and
- e) complaints handling.

It also specifies a process for service provision, covering:

- 1) initial engagement with the originator;
- 2) Non-Disclosure Agreements (NDAs);
- 3) evaluation of the originator's idea; and
- 4) commercial agreements for the provision of advice and/or services.

## 2 Terms and definitions

For the purposes of this British Standard the following terms and definitions apply.

### 2.1 idea

result of mental activity that is a process, product, device or artistic work