




Intellectual Property Office

IP due diligence quick guide

A decorative graphic on the left side of the teal banner, consisting of overlapping geometric shapes in teal, purple, and dark blue, with white outlines.

IP and wider knowledge
asset IP due diligence



Knowledge Asset Management
IP for Universities

IP due diligence quick guide

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This is general guidance. It provides information to support understanding and decision making. It does not constitute legal, financial or other professional advice and should not be relied on to make legal or commercial decisions. You must follow your organisation's governance arrangements and approval processes. You are responsible for deciding when professional advice is appropriate.

What this guidance covers

This section of the knowledge asset management (KAM) guidance explains how to begin developing a broad, non legal due diligence activity. It helps organisations and researchers organise and understand intellectual property (IP) and wider knowledge assets at an early stage. This type of due diligence can then be used to inform research design, partnerships and governance decisions.

Formal IP due diligence refers to an IP due diligence activity that is led or signed off by a qualified patent attorney or IP professional. This focuses on registrable IP rights, such as patents and designs, and issues such as freedom to operate, and is capable of supporting legal or transactional decisions.

For the purpose of this document, IP and wider knowledge asset due diligence refers to informal IP related due diligence activity and is termed **IP due diligence**, unless otherwise stated.

Why undertake IP due diligence?

IP due diligence helps organisations understand what assets exist, who owns them and how they can be used. It supports decision making, helps reduce risk and protects the value of research and innovation.

This guidance is not intended to replace institutional governance, legal advice or professional judgement. The scale and scope of IP due diligence will vary depending on the opportunity and context. This guidance is not exhaustive, and there may be other issues you need to consider. You must follow your organisation's policies and approval processes when carrying out due diligence activities.

IP must remain confidential until it is protected at the right time and in the correct form. Errors such as premature disclosure can be irreversible, as set out in guidance published by the [Intellectual Property Office, 2024](#) and [European Patent Office, 2023](#).

IP due diligence

IP and wider knowledge assets form a central part of the UK innovation system.

Their value is realised when they are:

- clearly identified
- understood by all parties
- properly protected
- managed strategically across a portfolio of activities

IP due diligence provides a structured way to identify, verify and assess IP and related knowledge assets linked to a project. This includes assets owned by third parties.

When applied consistently across research, collaborations and partnerships, due diligence helps organisations:

- identify opportunities for development and exploitation
- manage legal, commercial and reputational risks
- address freedom to operate considerations at an early stage
- ensure alignment between individual projects, research and institutional strategy

Because of this, IP due diligence should be treated as a core part of organisational planning and decision-making.

What IP due diligence covers

IP due diligence considers both formal IP rights and wider knowledge assets that may be relevant to a project.

This can include:

- inventions, software and technical developments
- data, databases and research materials
- documentation, know how and methodologies
- brand, reputation and relationships

These assets may not themselves be protected by IP rights, but it can still be critical to how a project is managed, shared or commercialised.

Purpose of IP due diligence

The purpose of IP due diligence is to create a shared understanding of:

- the assets being contributed to or created
- each parties role, rights and expectations
- any constraints that affect how the project can proceed
- changes needed to the project's objectives and scope

Establishing this clarity and understanding early helps set realistic expectations and identifies actions that may be time critical, such as protecting an invention before disclosure.

Understanding institutional and project context

Effective IP due diligence depends on a clear understanding of both institutional and project level context.

This includes:

- your organisation's IP policy and related governance arrangements
- how the project fits within the wider research portfolio
- the roles, expectations, and contributions of all partners
- any fixed positions, obligations or funding conditions

Bringing these factors together helps ensure that research projects are planned and delivered in a way that is consistent with project aims. It also reflects institutional priorities and risk appetite.

Where appropriate, you should involve relevant professional services teams, such as research support, commercialisation, finance or legal teams.

Timing and ongoing management

IP due diligence usually starts when a project is set up. It should be reviewed if the project changes and may continue after the project ends.

Treating IP due diligence as an ongoing activity helps organisations manage IP and wider knowledge assets throughout the project lifecycle. This approach supports planning and helps identify potential reputational, compliance or protection issues early, when they are easier to address. This aligns with expectations set out by [UK Research and Innovation](#).

IP due diligence involves identifying all relevant IP and wider knowledge assets connected to a project.

This includes assets:

- owned by the organisation
- contributed by project partners
- owned by third parties
- created during or after the project

To do this, organisations need to understand:

- funding arrangements
- ownership
- control structures
- any existing agreements that affect how IP can be used, shared or commercialised

Due diligence should also consider territorial rights and anticipate where new IP may arise. Third party rights should be recognised and managed throughout the project so that they are properly accounted for in planning and delivery.

Data, disclosure, and information sharing

As part of IP due diligence, organisations should identify the data, knowledge, equipment, IP or personal information that will be shared during the project.

Doing this early helps ensure that appropriate permissions, lawful bases and safeguards are in place before sharing takes place. This is expected under UKRI due diligence guidance for research organisations.

Confidentiality requirements should be considered from the outset. Clear disclosure processes should be established to reduce the risk of errors, particularly where disclosure could lead to the irreversible loss of IP protection. This reflects established guidance on disclosure risks published by the [European Patent Office](#).

Protection, management, and responsibilities

IP due diligence considers when, how and where IP and wider knowledge assets created through research may need protection. This includes considering territorial and jurisdictional factors explained [UK intellectual property framework](#).

It also clarifies who holds delegated authority for due diligence activities and who is responsible for managing, filing, or defending IP during and after the project.

IP due diligence sets out approaches to publication, communication, confidentiality and information management. It explains how IP will be enforced and how risks, opportunities and reputational considerations will be monitored over time, including before and after a project concludes.

IP due diligence should also describe how IP will be enforced. It should set out how risks, opportunities and reputational considerations will be monitored over time. This includes before and after a project concludes, in line with IPO guidance on managing intellectual assets.

International and regulatory considerations

International differences in IP systems affect how IP is protected and managed across borders. These differences include the territorial nature of IP rights, and variations in regulatory frameworks. Organisations should take these factors into account when planning international research and collaboration activities.

Certain patent applications made under the Patents Act 1977 may be subject to national security restrictions. Where an invention could be prejudicial to national security, publication and grant, may be withheld by secrecy directions and security classification. The same legislation also restricts the filing of such patent applications abroad without official authorisation.

Other regulatory requirements may also apply, such as export controls and the [National Security and Investment Act 2021](#). These regimes can affect how IP and wider knowledge assets are shared, transferred or accessed, particularly in international contexts. Guidance on these requirements is published by government departments and funders.

IP due diligence should consider where collaborators are based and operate, how they will access IP and wider knowledge assets. It should also consider what steps are needed to ensure that access remains lawful, secure, and compliant throughout the lifetime of the project.

For further information, contact details and to request a different format, please visit the IPO website:

www.gov.uk/ipo

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