



Intellectual Property (Students) policy

Section 1 - Preamble

(1) This Policy is effective from 2 October 2017.

(2) This Policy is made under:

- a. [Statute 9.1 - Intellectual Property](#)
- b. [Regulation 9.1\(1\) - Intellectual Property](#).

Section 2 - Purpose

(3) This Policy governs the development, ownership and commercialisation of Intellectual Property.

Section 3 - Scope

(4) This Policy applies to all students of the University.

Section 4 - Policy

Ownership

(5) Subject to contractual and any collaborative arrangements that provide otherwise, the University acknowledges that students own the Intellectual Property subsisting in their work.

(6) There are however, circumstances surrounding the creation of Intellectual Property where students may not be the sole owner of Intellectual Property or are contractually obliged to assign their ownership rights in the Intellectual Property. For example:

- a. students may work with other students in the preparation and production of an assessment task. The Intellectual Property created collaboratively will be jointly owned between the relevant students.
- b. students may undertake undergraduate or postgraduate industry placements. The company hosting or sponsoring the placement may require an assignment of any Intellectual Property created by the student during the placement.
- c. postgraduate students may receive external funding to wholly or partially support their studies. It may be a condition that in return for funding, the student wholly or partly assigns their Intellectual Property to the industry sponsor prior to receipt of support.
- d. students may be part of a collaborative team involving Staff Members, where Intellectual Property is jointly created by the parties involved and owned, in part, by the University.

Support provided by the University to students undertaking higher degrees by research

(7) Staff Members who are supervisors of students undertaking a higher degree by research (HDR) must discuss with the student, the Intellectual Property implications of a student's research project at the outset of the project.

(8) Deakin University will assist HDR students and their supervisors in identifying and, where appropriate, commercialising Deakin University's Intellectual Property by providing Intellectual Property management advice, through Deakin Research Commercial.

(9) Through Deakin Research Training, the University will assist HDR students and their supervisors with the implications of any Intellectual Property ownership or use rights, for thesis examination and publication.

Assignment or commercialisation of Intellectual Property

(10) Honours, postgraduate and in some cases undergraduate students, may be requested by the University or other parties to licence or assign the Intellectual Property they may create (or have created) in the course of their studies, to the University or another party. Circumstances where this may be required include when:

- a. the student undertakes a placement with an external agency or party as part of their enrolment at the University (whether a higher degree by research or undergraduate course of study) and is required to agree to terms of the placement (including Intellectual Property) with the University and the placement provider
- b. the student is participating in a collaborative team project (i.e. their work forms part of a planned research program and the Intellectual Property developed forms part of the program outcomes, for example in a Cooperative Research Centre, University Institute, or similar activity)
- c. there is collaboration with another researcher (other than the student's supervisor) or a research team within or outside the University
- d. the student's research requires the use of pre-existing University Intellectual Property (for example, work which is the subject of a provisional or complete patent application) or where the University intends to file a patent application
- e. the student receives partial or full funding for a research project or stipend from industry or other sources not being through a Commonwealth or University allocated competitive scholarship. (Note: ARC Linkage scholarships may require an assignment or licensing of Intellectual Property)
- f. the student is fully or partially funded under research or other contractual agreements which require University ownership of Intellectual Property.

(11) When a student's thesis contains confidential information belonging to the University or a third party, restrictions on publication and access to the library copy of the thesis may be required by the University.

University Support

(12) Where a third party (such as an industry partner) funds a student project, there will be a written agreement entered into by the University, the third party and the student, which documents the terms and conditions on which the project is to be undertaken.

(13) Deakin Research Commercial provides assistance with standard agreements, placement agreements and negotiating tailored arrangements where required.

(14) Administration of undergraduate agreements post-signing will be managed by each faculty.

(15) Administration of higher degree by research agreements post-signing will be managed by Deakin Research.

(16) In both 14 and 15 (above), the agreement may require the student to assign their Intellectual Property in the

project outcomes. Where students agree to assign their Intellectual Property in patentable inventions, they will also be required to sign assignments at various stages of the patent application process.

(17) As students are not employees of the University, the University cannot provide students with legal advice in respect of Intellectual Property creation, ownership or rights of use. The University recommends that students seek independent legal advice before signing such an agreement. Supervisors have discretion to provide up to \$400.00 from project funds to assist students to seek independent legal advice.

Assigning Intellectual Property to the University for commercialisation purposes

(18) Where a student is an Originator of Intellectual Property with a Staff Member or under a project with a third party industry or other sponsor which has potential for commercialisation, the student may be required to assign their rights to the University.

Distribution of revenues from commercialisation of Intellectual Property

(19) Students, who assign to the University, Intellectual Property, that they create during their studies, are entitled to share in any net commercialisation revenue paid to the University and arising from commercialisation of that Intellectual Property as per the [Intellectual Property \(Staff\) policy](#).

Section 5 - Procedure

(20) The [Intellectual Property procedure](#) documents how to comply with this Policy.

Section 6 - Definitions

(21) There are no definitions arising under this Policy. Refer to [Statute 9.1 - Intellectual Property](#).

Status and Details

Status	Current
Effective Date	2nd October 2017
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Expiry Date	To Be Advised
Responsible Executive	Julie Owens Deputy Vice-Chancellor Research +61 3 522 73486
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