

Intellectual Property: Student IP - Procedures

1. Purpose

1.1 These procedures outline the University's process in relation to the management of student Intellectual Property (IP).

1.2 These procedures comply with the University's obligations under the *National Principles of Intellectual Property Management for Publicly Funded Research* and must be read in conjunction with the linked Intellectual Property – Governing Policy.

2. Scope and application

2.1 These procedures provide guidance to Higher Degree by Research (HDR) students and coursework students undertaking or participating in research projects at the University.

3. Definitions

3.1 Refer to the University's Glossary of Terms for definitions of terms as they specifically relate to policy documents.

4. IP created by students

4.1 In accordance with the Intellectual Property – Governing Policy, the University owns IP created by HDR students during their enrolment.

4.2 Upon enrolment in a HDR program, students are provided with documents that outline the assignment of IP to the University. This assignment provides HDR students with the same opportunities, rights, rewards and responsibilities as staff in relation to the commercialisation and protection of any IP they create or to which they contribute.

4.3 HDR students retain the copyright of their scholarly and creative works (including the HDR thesis), unless subject to a third-party agreement. However, HDR students must grant the University a perpetual, irrevocable, royalty-free, sub-licensable, non-exclusive, worldwide licence to use and reproduce their scholarly works and any background IP for non-commercial learning, teaching and research purposes.

4.4 Any delays in the publication of a thesis or part thereof, due to the need to retain confidentiality, is limited to a maximum of 18 months, unless otherwise approved by the Deputy Vice-Chancellor (Research and Innovation).

4.5 The University recognises that students who are not HDR students can also participate in:

- (a) projects that are externally funded, where the University will have contractual obligations to third parties;
- (b) projects that have commercialisation potential or objectives, where the University seeks to commercialise the IP arising from the project; or
- (c) programs of work or research that have been funded internally with substantial resources.

4.6 When students participate these projects or programs, the University requires that IP created by the student be assigned to the University prior to their commencement. The student's supervisor is responsible for initiating these discussions with the student.

4.7 The University does not assert ownership over any pre-existing student IP.

5. IP assignment

5.1 IP assignment does not extend to copyright in the student's thesis. The student retains ownership of the copyright of their thesis.

5.2 The purpose of the assignment is to enable the University to:

APPROVAL AUTHORITY

Deputy Vice-Chancellor (Research and Innovation)

RESPONSIBLE EXECUTIVE MEMBER

Deputy Vice-Chancellor (Research and Innovation)

DESIGNATED OFFICER

Director, Office of Research

FIRST APPROVED

28 September 2018

LAST AMENDED

4 September 2024

REVIEW DATE

28 June 2026

STATUS

Active

- (a) meet its contractual obligations to third parties;
- (b) commercialise the IP; and
- (c) continue its scholarly endeavours and research activities unfettered.

5.3 IP assignment allows for the student to receive a share of commercialisation revenues along with other creators, in accordance with the Intellectual Property – Governing Policy.

5.4 IP assignment must guarantee that the student is not prejudiced in the submission of their thesis for examination (if applicable) and their right to complete the requirements for the award of a degree.

5.5 The student receives a package that includes:

- (a) the assignment agreement and accompanying Certificate by Independent Legal Adviser;
- (b) the accompanying letter addressed to the student;
- (c) an acknowledgement form; and
- (d) other documents as required.

5.6 Students are strongly encouraged to obtain independent legal advice about the nature and effect of the assignment agreement. For the purposes of these procedures, Legal Adviser is defined as a person who is admitted to practice as a solicitor of the Supreme Court of Queensland.

5.7 Students can request an exemption to assign their IP, which are considered by the Deputy Vice-Chancellor (Research and Innovation). Reasons to request an exemption include but are not limited to:

- (a) research being undertaken at a host organisation where the IP will be assigned to that organisation; or
- (b) IP agreements already in place with external partners.

5.8 When students have been granted an exemption to assign their IP they can be ineligible to participate in some available research projects.

6. Authorities and Responsibilities

6.1 The Deputy Vice-Chancellor (Research and Innovation) is authorised to make these procedures and related guidelines for the operation of University policy. These procedures and related guidelines must be compatible with the provisions of the Intellectual Assets – Governing Policy.

6.2 The Director, Office of Research is authorised to make associated documents to support the application of policy documents. These must be compatible with the provisions of the respective policy document.

6.3 These procedures operate from the Last Amended date, will all previous procedures related to student IP are replaced and have no further operation from this date.

6.4 All records relating to student IP must be stored and managed in accordance with the Information Management – Governing Policy.

6.5 These procedures must be maintained in accordance with the Policy Framework – Procedures and reviewed on the shortened two-year policy review cycle.

6.6 Any exception to these procedures to enable a more appropriate result must be approved in accordance with the Policy Framework – Procedures prior to deviation from the policy document.

6.7 Refer to Schedule C of the Delegations Manual in relation to the approved delegations detailed within this policy document.

END

RELATED DOCUMENTS

- Information Management - Operational Policy
- Intellectual Property - Procedures
- Intellectual Property: Commercialisation of Research Outcomes - Procedures
- Intellectual Property: Commercialisation Revenue - Procedures
- Intellectual Property: Transfer of Rights to Creators - Procedures
- Policy Framework - Governing Policy
- Policy Framework - Procedures

LINKED DOCUMENTS

- Intellectual Property - Academic Policy

RELATED LEGISLATION / STANDARDS

- National Principles of IP Management for Publicly Funded Research