

Intellectual Property Rights - Assignment of Intellectual Property Rights by students

Intellectual Property rights (IPR) are the rights legally recognised to protect ownership *inter alia* of literary, artistic and scientific discoveries. In recent years there has been a growing international appreciation of the direct benefits which the proper protection of academic IPR can bring to the individual “inventor”, the institution and the nation. This has led to the present policy of several governments, including the UK, giving the ownership of IPR generated by public funds to the relevant institution, provided that there are in existence the required policies and procedures to ensure full protection and encourage beneficial exploitation.

If an employee of the University makes a valuable discovery as a result of the terms of their employment, the ownership of that discovery therefore belongs to the University. Students are not employees of the University and so, unless any sponsorship agreement covering them states otherwise, they would own the intellectual property that arises from their work. However, in practice it is often difficult to distinguish between the contributions of individual students and Supervisors. To overcome these problems which can be encountered by students, the University Court has agreed that an Assignment of Intellectual Property Rights by students to the University shall be a standard condition of registration for students from September 1994, with the right to opt out to be offered to those who wish it where there are no joint ownership issues or sponsorship agreements in place. This assignment is limited to IPR arising from the student’s course and studies.

The main areas of IPR which are relevant to research and scholarly work are patents and copyright. To provide full patent protection there must be registration with the Patent Office before the invention becomes public knowledge. It is therefore essential to obtain advice on the patentability of an invention and its protection before publishing a paper, providing drawings, giving a lecture or even discussing one’s work informally at scientific meetings. The patent process can be very expensive and is often beyond the financial resources of individuals. Copyright ownership must also be legally established through the provision of acceptable evidence and again requires the obtaining of relevant advice.

In return, for assigning all his/her IPRs to the University during the period that he/she is a student, the University undertakes to do the following things:

- Assess the protection and exploitation and exploitability of any invention or discovery made or jointly made by a student speedily and at its own cost so as not to delay academic publishing unduly (although publishing may actually be delayed).
- Protect any IPRs at its own cost if those rights are judged, at the absolute discretion of the University, to have acceptable commercial potential.
- Should the University decide not to proceed with the protection and/or exploitation of any student’s intellectual property and/or associated intellectual property rights will revert to the student.
- Reward the student or students concerned on the same terms as a member of staff. At present the net income (after recovery of legal and patent costs) from exploitation of any intellectual property is shared 1/3 to the inventor or inventors, 1/3 to University general funds, 1/3 to the inventor(s) discipline.

In return, the student undertakes to do the following things:

- Notify Research & Innovation (R&I), the University’s technology transfer office, in writing and in the first instance through his/her Supervisor(s), and as fully as may be required, of any

invention or discovery arising from his/her course or studies which in the opinion of the student or the Supervisor has the potential for commercial exploitation.

- assist the University and do all things including maintaining confidentiality and the execution of all documents at the University's cost as may be required by the University in order to secure for the University the full benefit of and beneficial legal ownership of IPRs assigned or deemed to be assigned to the University provided that the University shall be primarily responsible for securing to itself such beneficial and legal ownership.
- Please [complete the appropriate form](#) to notify R&I, in the first instance through his/her Supervisor, of any arrangements entered into by the student with third parties. This could include sponsors, prior to the commencement of the student's course of studies, which might reasonably be expected to affect the University's rights to any IPRs arising in the course of, or in connection with a student's studies at the University. The student shall notify the University in advance of any such arrangements as may be proposed to be entered into following the commencement of the student's course and studies, and the student shall not enter into any such arrangements without the prior consent in writing, of the University.

Further information can be obtained from: University of Aberdeen, Research & Innovation (R&I), King's College, Aberdeen, AB24 3FX. Telephone No: +44 (0) 1224 272123, where a copy of the Policy can be obtained.