



Intellectual Property Fact Sheet for HDR Students and Supervisors

Background: This fact sheet has been prepared as a quick overview of the issues you may encounter in undertaking/supervising a higher degree by research in relation to Intellectual Property. This fact sheet is not designed to resolve all your questions, but to highlight the issues that you need to be aware of and point you in the direction of support services and resources Deakin University provides in regard to intellectual property created by Deakin students and staff.

What is intellectual property?

Intellectual property (IP) represents the property of your mind or intellect: your knowledge, creations and discoveries; and can take many forms such as reports, publications, patents, confidential information or trade secrets, know-how and trademarks (see <http://www.ipaustralia.gov.au/>).

Intellectual property rights are protected worldwide through legislation and common law, however these laws vary from country to country. In addition, Deakin University has policies and procedures which govern how the University will manage intellectual property. The University has an intellectual property policy for staff and students, and procedures, which provide plain English guidance on identification, disclosure, management and commercialisation of intellectual property (see Intellectual Property policies for staff and students: <https://policy.deakin.edu.au/home.php>).

Students own all intellectual property in the works they create except in cases where there is a collaborative arrangement, or an agreement that provides to the contrary.

Questions for supervisors and students to ask at the outset (and throughout the course of the research if circumstances change) of higher degree research?

- Is the scholarship or research budget being funded by a third party, e.g. a private company?
- Is the research likely to result in a patentable invention, e.g. a new drug, an algorithm, a new material?
- Do we need access to and permission to use third party intellectual property?
- Did the research question originate from the supervisor?
- Have others contributed to the research idea?
- Are you a student who is employed by an organisation which has an interest in the research?
- Do you have any personal commercial interest in the outcomes of the research?
- Are you concerned about existing research (prior art) and whether you have freedom to operate in the intellectual space?
- Will your thesis contain confidential information of another party?

What resources and support services are available to Supervisors and Students?

Deakin Research is charged by the Deputy Vice-Chancellor (Research) to develop and support research at Deakin. Deakin Research Innovations (DRI) is responsible for the management and commercialisation of intellectual property generated by Deakin. DRI has Commercialisation Managers who are familiar with the research and the kinds of intellectual property issues arising in each of Deakin's faculties and institutes.

DRI can also organise specialist advisors as required such as liaison with the University Solicitor's Office or advice from external patent attorneys.

Assignment of IP

In some circumstances students are asked to enter into an agreement to assign their IP to Deakin or a third party. This could be due to requirements imposed by a third party with an interest in the IP, such as a scholarship provider, or to allow the IP to be commercialised.

Students are encouraged to seek legal advice prior to entering into any agreement. DUSA can assist students seeking legal advice.

Refer to the Intellectual Property (Students) policy for further information about Intellectual Property.

Deakin Research Innovations is here to help. Please phone or email the contacts below if you require further advice

Faculty/Institute	DRI Contact Name	Contact Details
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