**Intellectual Property Issues**

The University has an Intellectual Property Policy which describes how its intellectual property is to be protected, how it is to be exploited, and how any benefits arising from this are to be shared (amongst the inventors, the institution and any third party). This Policy is a manifestation of the University's Council's desire to protect the use and development of its intellectual property. A copy of the Policy can be found on the Research Office Website at: [http://www.ro.mq.edu.au/policy/IP/policy.htm](http://www.ro.mq.edu.au/policy/IP/policy.htm)

At Macquarie all higher degree research students are asked to assign any intellectual property they may generate during the course of their candidature/studies to the University. The reason they should do so is explained in the document "student IP assignment – why students should sign", which may be found at: [http://www.ro.mq.edu.au/policy/IP/student.htm](http://www.ro.mq.edu.au/policy/IP/student.htm).

Students rarely develop intellectual property entirely independently. In undertaking a research degree, Students:

- receive research training (mainly through their supervisors, who may therefore have a claim to the intellectual output of the student);
- frequently use University Background Intellectual Property;
- usually use University facilities and/or significant amounts of University resources in undertaking their research;
- may be part of a team whose work, at least in part, is supported by external funding (which is the subject of a contract between the University and the funding party); and
- may be in receipt of a scholarship, whose terms require a contract to be signed by the University with the funding party.

The aim of the University in seeking Students' assignment of their intellectual property is to engage them into a partnership with the University, whereby first, the University can protect any intellectual property developed that has potential commercial value, and secondly can then represent the Student's interests in any negotiations with third parties. In this way any intellectual property developed by the Student can then be jointly exploited to the mutual benefit of both the Student and the University.

In seeking assignment, the University has an obligation to fully inform the Student of the nature and purpose of the University Policy on Student IP Assignment, and alternative courses of action open to the Student should there be an impasse over the Assignment process. Note that the University is very conscious that neither duress nor undue influence is applied to the Student in the process of enrolment and its accompanying procedures - the University has therefore developed a detailed process described in the document "assignment of intellectual property rights – procedures", which may be found at: [http://www.ro.mq.edu.au/policy/IP/studentproc.htm](http://www.ro.mq.edu.au/policy/IP/studentproc.htm).

The student's supervisor has an important role to play in this process. First the supervisor must her/himself be familiar with the University’s Policies surrounding Intellectual property and its protection. Secondly, it is the supervisor's responsibility to be aware of any potential value in the intellectual property developed by the student and bring this to the attention of the University by way of the Deputy Vice-Chancellor (Research) (by established procedures such as via an invention disclosure form). Because the Student will have assigned this intellectual property to the University, the Student’s supervisor is the University’s representative “on the spot” who is in the best position to advise both the Student and the University of appropriate action. For example it is essential that particular intellectual property that might have commercial value and that is registrable is registered by the University before any public disclosure (publication) takes place. Once intellectual property is published it cannot be protected and therefore ceases to be “property” – it has no commercial value (to the University, and therefore to the Student, or any other party involved, including the supervisor).

There are other occasions where research results need to be kept confidential, not least when the research involved is the subject of a contract entered into by the University (and by which the Student is bound). Supervisors need to be aware of such contracts and their terms. The University takes every care to ensure that contracts it signs with sponsors of research projects that involves Students protects the interests of those Students, including their absolute right to have their theses lodged with the University Library upon award of their degree. Where commercialisation is an issue the University has measures to withhold such lodgement (which constitutes publication), in order to allow protection of the intellectual property involved (see Postgraduate Research Degree Regulations).

As with authorship of academic publications, supervisors are expected to fully acknowledge any input by research Students into an invention disclosure made in the supervisors' names. Failure to do so may constitute misconduct. Where such acknowledgements are made it is important for the supervisor and each Student involved in the invention to agree on the respective contributions (both practical and intellectual) of the invention, and report this at the time of the invention disclosure.