Student Intellectual Property

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Types of IP

- **Copyright**: Protects expression of an idea, no formal registration required, duration is author lifetime + 70 years.
- **Patent**: Protects the idea itself, registration required, lasts 20 years.
- **Design**: Protects designs, registration required, lasts up to 10 years.
- **Trademarks**: Protects signs (words, symbols, shape, colours) used to indicate goods or services, registration is dependant on continued use of the sign.
- **Confidential Information / Trade Secrets**: Protects trade specific information (e.g. recipes – Coca Cola, Colorbond, etc), protected by agreements.
- **New Plant Varieties**: Registration for 20 or 25 years.
- **Circuit Layout Rights**: Automatically protect original layout designs for integrated circuits and computer chips, registration for up to 10 years from the first commercial exploitation.
Monash Legislation – Intellectual Property

Statute & Regulations
Covers:
- Ownership of IP
- Non-disclosure obligations
- Assignment obligations
- Enable revenue sharing policy

IP created by a student:
- Definition of IP includes all types of IP covered on previous slide
- By law, student owns the IP they create
- In certain circumstances Monash statute obliges a student to assign IP to Monash

Revenue sharing:
- Patentable inventions – 30% of revenue shared between the inventors
- See Monash University Statement of Patent Revenue Distribution
- Revenue sharing for other IP is subject to agreement

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**Student IP – General Process**

**At Admission:**
- Students acknowledge that they must comply with admission conditions (University Statute, Regulations, Policies & Procedures)
- Includes obligation to comply with regulations regarding IP

**At Enrolment:**
- Student/Supervisor discussion about: research proposal, expected IP, intersection with University IP, current/potential obligations to assign IP, confidentiality.
- Student/Supervisor complete IP & Confidentiality Declaration
- If applicable, sign Student Deed of Assignment

**After Enrolment:**
Need to revisit IP & Confidentiality Declaration whenever:
- Change of supervisor
- Change of topic/direction of research proposal
- Other parties/collaborators become involved in research
- At least once a year
Assignment of Student IP – New Regulations

• IP created by students after the commencement of the Regulations (28 May 2014) will be governed under the new system.

• Under Part 5 of the new Monash University (Vice-Chancellor) Regulations, students must assign IP generated from a ‘collaborative research activity’.

• Collaborative research activity has its ordinary meaning.

‘Collaboration’ = working together of individuals to achieve a common goal
4 activities deemed collaborative research activities

1. Research project undertaken by more than one person (from within Monash University or involving personnel from another research institute)

2. Research project is subject to a third party agreement with IP obligations

3. Concept or proposal for research project was developed by a Monash staff member, affiliate or third party other than the student

4. Research project uses Monash resources above the level that is commonly provided to students (eg: purchase of particular equipment)
Supervisors responsibilities and obligations

Prior to involving a student in a research collaboration:

– Explain the research collaboration and proposed role of the student

– Explain additional obligations affecting primary materials, research data and research outputs:
  o Access and use
  o Publications – order, authorship, delay (embargo)
  o Storage and retention
  o Confidentiality
Supervisors responsibilities and obligations

• Explain the University’s regulations regarding IP and whether assignment of IP is required. If IP is assigned:
  – No change to a student’s moral rights, inventorship status or ownership of copyright in thesis
  – Monash is responsible for negotiation of commercialisation terms and any financial costs of commercialisation if applicable

• If student refuses to assign IP, the student must not participate in the research project and have 60 days to develop a new research project that is not a collaborative research activity
Supervisors responsibilities and obligations

- Revisit and redo IP & Confidentiality Form at least once a year
- Arrange signing of Deed of Assignment if applicable
- Ensure authorship assertions are correct and Authorship Policy is adhered to

- Refer student to MPA when presenting the Deed of Assignment if they have concerns regarding the assignment or if they request independent advice
Need advice or assistance?

For clarification on anything surrounding Student IP:

- **Monash Graduate Education**
  


- **Office of the General Counsel**
  

- If student needs advice – refer to **Monash Postgraduate Association**