

## Intellectual Property Rights - Assignment of Intellectual Property Rights by Students

Intellectual Property Rights (IPR) are the legally recognised rights to protect ownership *inter alia* of literary, artistic and scientific discoveries which includes inventions, software and copyright. 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”, an institution and the nation.

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.

In the case of Postgraduate Research Students, it is often difficult in practice to distinguish between the contributions of individual students and Supervisors. To overcome this problem, the University Court approved in 2024 the University’s Policy on Intellectual Property, Equity and Revenue Sharing under which the University asserts its ownership of IPR created by Postgraduate Research students.

Therefore, an assignment (transfer of ownership) of Intellectual Property Rights by Postgraduate Research Students to the University shall be a standard condition of registration, 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 postgraduate research student’s research and studies.

In most circumstances, IPR created by undergraduate and taught postgraduate students will belong to the creator(s). Exceptions will occur, such as when the student is working on a project proposed by a University staff member and the project results in protectable IPR or where the project is supported by industry or another organisation that has rights on IPR developed during the project.

In such cases, 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, presenting a poster or abstract, providing drawings, giving a lecture or even discussing one’s work informally at academic 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 any student assigning their IPRs to the University, 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 IPR 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 IPR and/or associated IPR will revert to the student.
- Reward the student or students concerned on the same terms as a member of staff. Revenue sharing from commercialisation of research is covered by the University’s Policy on Intellectual Property, Equity and Revenue Sharing.

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 their Supervisor(s), and as fully as may be required, of any invention or discovery arising from their research 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 notify R&I, in the first instance through your Supervisor(s), of any arrangements entered into with third parties. This could include sponsors, prior to the commencement of your research or studies, which might reasonably be expected to affect the University's rights to any IPR arising in the course of, or in connection with your research or 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; email [res-innov@abdn.ac.uk](mailto:res-innov@abdn.ac.uk)