# STUDENT ASSIGNMENT OF INTELLECTUAL PROPERTY (IP) POLICY

<table>
<thead>
<tr>
<th>Date first approved:</th>
<th>Date of effect:</th>
<th>Date last amended:</th>
<th>Date of Next Review:</th>
</tr>
</thead>
<tbody>
<tr>
<td>23 June 2006</td>
<td>23 June 2006</td>
<td>(refer to Version Control Table) 22 August 2017</td>
<td>Currently under review</td>
</tr>
</tbody>
</table>

**First Approved by:** University Council

**Custodian title & e-mail address:** Deputy Vice-Chancellor (Research and Innovation) Judy_Raper@uow.edu.au

**Author:** Senior Manager, Innovation and Commercial Research

**Responsible Division & Unit:** Innovation and Commercial Research, Research and Innovation Division (RaID)

**Supporting documents, procedures & forms of this policy:**
- IP Commercialisation Revenue Guidelines
- IP Commercialisation Revenue Policy
- Intellectual Property (IP) Policy
- Student Assignment of Intellectual Property (IP) Guidelines

**Relevant Legislation & External Documents:**
- Copyright Act 1968 (Commonwealth)
- Designs Act, 2003 (Commonwealth)
- National Principles of Intellectual Property Management
- Patents Act 1990 (Commonwealth)
- University of Wollongong Act 1989

**Audience:** Public

Submit your feedback on this policy document using the [Policy Feedback Facility](#).
## Contents

1. **Purpose of Policy**  
   
2. **Definitions**  
   
3. **Application & Scope**  
   
4. **Ownership of IP Developed by Students**  
   
5. **Student Decision to Assign IP to UOW**  
   
6. **Independent Legal Advice Prior to Assignment of IP**  
   
7. **Provision of Student Package**  
   
8. **Communication**  
   
9. **Roles & Responsibilities**  
   
10. **Version Control and Change History**
1 Purpose of Policy

1. This policy applies to all Students (undergraduate and postgraduate) of the University of Wollongong (UOW). It may also apply to other persons by agreement.

2. This policy sets out the approach taken by UOW in relation Student assignment of Intellectual Property (IP).

3. A set of explanatory Guidelines accompanies this policy.

4. This policy, along with the Intellectual Property (IP) Policy, Commercialisation Revenue Policy, and Fellow, Volunteer and Visiting Student Assignment of Intellectual Property (IP) Policy forms UOW’s IP policy framework.

2 Definitions

1. References to the singular include the plural and references to the plural include the singular.

<table>
<thead>
<tr>
<th>Word/Term</th>
<th>Definition (with examples if required)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commercialise or</td>
<td>The process or activity of introducing novel products, process, or services into the market. An</td>
</tr>
<tr>
<td>Commercialisation</td>
<td>economic or societal gain is expected from the commercialisation of UOW generated IP. The activity</td>
</tr>
<tr>
<td></td>
<td>will require a substantial investment of time and resources.</td>
</tr>
<tr>
<td>Commercialisation</td>
<td>Where UOW has an expectation that it will manage Commercialisation of the IP.</td>
</tr>
<tr>
<td>Expectation</td>
<td></td>
</tr>
<tr>
<td>Creators</td>
<td>Persons who produce, invent, design, enhance, generate, discover, make, originate or otherwise</td>
</tr>
<tr>
<td></td>
<td>bring into existence IP.</td>
</tr>
<tr>
<td>Intellectual Property</td>
<td>Any original product of the creator’s mind or intellect, commonly developed through research or</td>
</tr>
<tr>
<td>(IP)</td>
<td>creative efforts (e.g. inventions; literary and artistic works; designs; and symbols, names and</td>
</tr>
<tr>
<td></td>
<td>images used in commerce) as defined by Article 2 of the Convention Establishing the World Intellectual</td>
</tr>
<tr>
<td>Student</td>
<td>A person registered for a course at the University of Wollongong.</td>
</tr>
<tr>
<td>Visiting Student</td>
<td>A student who undertakes part of their research or training at UOW but who is not registered at</td>
</tr>
<tr>
<td></td>
<td>UOW.</td>
</tr>
<tr>
<td>UOW</td>
<td>The University of Wollongong.</td>
</tr>
</tbody>
</table>
3 **Application & Scope**

1. UOW recognises that the purpose of the scholastic activities of Students is to gain the award of a degree. It is an important core function of UOW to provide research opportunities to Students for that purpose. Therefore, UOW encourages Students to participate in and to contribute to UOW’s research projects. As a result of this participation, Students may be involved in the development of IP.

4 **Ownership of IP Developed by Students**

1. UOW recognises that Students, not being employees of UOW, personally own IP that they generate. UOW also recognises that Students may sometimes participate in projects:
   1.1 that are funded by third party sponsors, where UOW will accordingly have contractual obligations to third parties;
   1.2 have Commercialisation Expectations; or
   1.3 that are significantly reliant upon pre-existing IP owned or licensed by UOW.

2. Accordingly, where a research project is subject to contractual obligations to third parties or has Commercialisation Expectations, UOW will ask Students participating in that project to assign any IP they generate in the course of the project to UOW.

3. In cases where the research project involves pre-existing IP owned or licensed to UOW, UOW may also ask the Student to assign any IP they generate in the course of the project to UOW. Alternatively, UOW may ask the Student to sign a Data Access Agreement or Licence Agreement- Provision of Data before being provided access to the data.

4. Any IP assignment will not extend to copyright in the Student’s thesis. The Student will remain the owner of the copyright subsisting in the thesis.

5. The purpose of the assignment is to enable UOW to:
   5.1 meet its contractual obligations to third parties;
   5.2 be equipped to Commercialise the IP; or
   5.3 protect its own pre-existing IP and any improvements made to it.

5 **Student Decision to Assign IP to UOW**

1. A Student may choose not to assign IP to UOW. If a Student makes this choice and the project has not yet commenced with the involvement of the Student, then:
   1.1 the Student, in conjunction with the Student’s supervisor, will attempt to develop an alternative research program where UOW does not have a Commercialisation Expectation and is not subject to contractual obligations to third parties and is not reliant upon pre-existing IP owned or licensed by UOW (where UOW requires ownership of improvements to the pre-existing IP); and
   1.2 the Student will be excluded from the research where there is a Commercialisation Expectation or which is subject to contractual obligations or is reliant upon pre-existing IP owned or licensed by UOW.
2. If a Student has already commenced on a project and IP with commercial value is subsequently developed, UOW will ask the Student to assign their IP to UOW where there is a Commercialisation Expectation.

3. If the Student does choose to assign IP to UOW the Student will:
   3.1 receive a share of nett commercialisation revenues, along with other Creators; and
   3.2 will not be prejudiced in submitting a thesis for examination, and being able to complete the requirements for the award of a degree.

6 Independent Legal Advice Prior to Assignment of IP
   1. To be a valid Deed of Assignment;
      1.1 the Student must take the Deed to an independent legal adviser to obtain independent legal advice; and
      1.2 that independent legal adviser must sign a certificate of having given independent legal advice.
   2. Students must obtain independent legal advice about the nature and effect of the Deed of Assignment. UOW may contribute up to $250.00 to the cost of that legal advice, or such other amount as the Deputy Vice-Chancellor (Research and Innovation) approves.

7 Provision of Student Package
   1. On each occasion that a Student is considered for participation in a project where the project has a Commercialisation Expectation or is subject to contractual obligations to third parties, UOW will provide a Student Package to the Student. This Student Package will comprise:
      1.1 the Deed of Assignment and accompanying Certificate by Independent Legal Adviser;
      1.2 accompanying letter addressed to the Student;
      1.3 a copy of the Commercialisation Revenue Policy;
      1.4 statement by Supplier, for Goods and Services Tax purposes; and
      1.5 Request for Reimbursement Form.

8 Communication
   1. It is the responsibility of the Innovation and Commercial Research (ICR) Division to develop and review the communication strategy for this policy.

9 Roles & Responsibilities
   1. It is the responsibility of the Commercialisation Manager (CM) and the Graduate Research School to ensure that the principles in this policy are abided when asking a Student to assign their IP to UOW.
   2. It is the responsibility of students to ensure they obtain independent legal advice before assigning their IP to UOW.
## 10 Version Control and Change History

<table>
<thead>
<tr>
<th>Version Control</th>
<th>Date Effective</th>
<th>Approved By</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>23 June 2006</td>
<td>University Council</td>
<td>New Policy</td>
</tr>
<tr>
<td>2</td>
<td>August 2007</td>
<td></td>
<td>Minor modification to include Fellow, Visiting Student and Volunteer Assignment of IP Policy in IP Policy Framework.</td>
</tr>
<tr>
<td>3</td>
<td>6 May 2009</td>
<td>Vice-Principal (Administration)</td>
<td>Migrated to UOW Policy Template as per Policy Directory Refresh</td>
</tr>
<tr>
<td>4</td>
<td>9 March 2010</td>
<td>Vice-Principal (Administration)</td>
<td>Future review date identified in accordance with Standard on UOW Policy</td>
</tr>
<tr>
<td>5</td>
<td>18 August 2010</td>
<td>N/A</td>
<td>Policy Custodian position title and email address changed to reflect new role</td>
</tr>
<tr>
<td>6</td>
<td>1 March 2011</td>
<td>N/A</td>
<td>Updated links to Related Documents</td>
</tr>
<tr>
<td>7</td>
<td>21 June 2011</td>
<td>Vice-Principal (Administration)</td>
<td>Updated to reflect name change from Wollongong College Australia to UOW College</td>
</tr>
<tr>
<td>8</td>
<td>16 January 2012</td>
<td>Deputy Vice-Chancellor (Research)</td>
<td>Updated to reflect name change from Commercial Research Unit to Innovation and Commercial Research</td>
</tr>
<tr>
<td>9</td>
<td>6 September 2016</td>
<td>Deputy Vice-Chancellor (Research &amp; Innovation)</td>
<td>Updated policy Custodian and Division responsibility to reflect structural change.</td>
</tr>
<tr>
<td>10</td>
<td>22 August 2017</td>
<td>Deputy Vice-Chancellor (Research &amp; Innovation)</td>
<td>Updated to reflect UOW Policy Template, UOW definitions, Division titles and supporting documents with links.</td>
</tr>
</tbody>
</table>