

What is Intellectual Property?

Familiarity with the fundamentals of intellectual property (IP) will help you meet your responsibilities and obligations under the University's IP policy.

INTELLECTUAL PROPERTY (IP)

Intellectual property (IP) is the intangible product of the mind that may be legally owned and protected. IP is not the same as knowledge and discoveries:

- A discovery reveals and describes the natural world – for example, the sequence of a gene, or an observation of how a child acquires knowledge.
- Intellectual property describes new creations that make use of a discovery – for example, a test for a genetic disorder, or a tool to assess how well a child is learning.

TYPES OF INTELLECTUAL PROPERTY

Intellectual property has many different forms including:

Patents: formal registration process to acknowledge your creative intellectual property. A patent is a right that is granted by a government “for any device, substance, method, or process that is new, inventive, and useful”.

Know How: practical knowledge, specific technical skills, and experience that one party has developed and has treated confidentially, and often is not even written down.

Trade Secrets: confidential and valuable technical information such as experimental techniques, results, recipes, formulas and processes, or operational information such as research strategies, customer databases, or competitor analysis. Trade secrets can be shared under the protection of a Confidential Disclosure Agreement, or converted to another type of intellectual property, such as a patent or copyright.

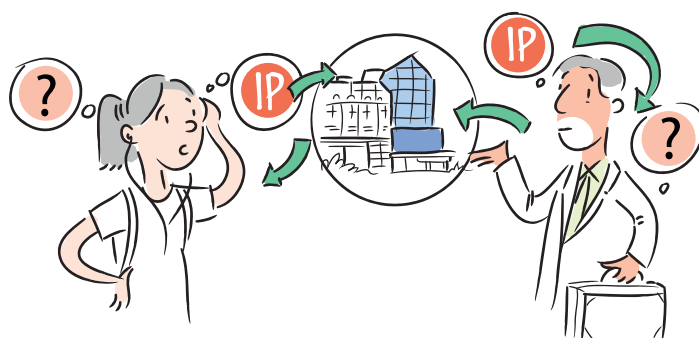
Copyright: protection for the way ideas are expressed, created when a work is fixed into its final form, such as software, a book, a play, or a piece of music. It does not protect the underlying idea being expressed. Copyright protection is automatic in Australia. The University's [Copyright Office](#) can provide further guidance, resources, and practical examples.

Registered Design: protects the way a product looks. A design may consist of 3-D features, such as the shape of an article, or 2-D features such as patterns, lines or colour.

Plant Breeders Rights: exclusive commercial rights protecting new varieties of plants (for example, tastier strawberries).

Trademarks: a badge of origin, a unique way of identifying potentially unique products and services offered. Included is protection for a letter, number, word, phrase, sound, smell, shape, logo, picture or a movement.

Note, when conducting and conceiving of research with respect to Indigenous Cultural and Intellectual Property and Indigenous Knowledge Holders, researchers should refer to the [Charter for Research with Indigenous Knowledge Holders](#).



CASE STUDY

Robin is undertaking their PhD research with Professor Wing. With funding from the NHMRC, they are developing a wearable device that will play appropriate music according to the physiological and psychological status of the wearer that is detected by the device. They have ensured that their work has not been made publicly available to maximise chances for a patent. Publicly available information includes, but isn't limited to, presentations, abstracts, publications, non-confidential discussions with potential partners, or interactions with AI platforms (such as ChatGPT or QuillBot). Robin and Wing plan to start a company to commercialise the device so they complete an IP Disclosure form for assessment of IP potential and IP advice.

The University applies for a patent to protect the way that the new device sensor mechanism works and also files a design application for the visual aesthetic appeal of the device. Robin owns the copyright in their thesis, so they submit for examination using the embargo option to allow time for the patent to be filed. Along with Professor Wing, they submit their manuscript to the Journal of Digital Medical Device Research once the patent has been filed.

Once they have incorporated their new company they separately apply for the trademark “RAW Inspiration”. The company gains a licence from the University for permission to use the patented device and design registration.

NEED MORE INFORMATION?

Further intellectual property information resources for researchers are available on the [Innovation and Enterprise](#) website.