

# Graduate Researchers: Understanding your IP obligations

Before commencing your research project, you should learn how the University manages new intellectual property (IP), become familiar with your rights and obligations and understand the right translation pathway for the IP.

## INTELLECTUAL PROPERTY OWNERSHIP (IP)

The University owns IP created by Graduate Researchers if:

- (a) there is an agreement between the University and another party regarding the IP (a 'contracted agreement'); or
- (b) the IP constitutes Teaching material.

The University's IP Policy requires Graduate Researchers who receive a candidature offer issued after 1 October 2023 to formally assign IP arising from their candidature before undertaking a research project that is:

- (a) subject to a 'contracted agreement'; or
- (b) involves 'collaborative research activity', which is activity that:
  - i. is undertaken by more than one person; or
  - ii. is based on or requires access to or use of University Background IP; or
  - iii. is based on a concept or proposal developed by more than one person.

Supervisory advice and guidance alone does not meet the definition of collaborative research activity.

You will not be required to assign IP to the University where:

- (a) the research explicitly concerns Indigenous Cultural and Intellectual Property sourced from Indigenous community mentors and partners; or
- (b) the research is undertaken at a host organisation, such as a medical research institute, and you assign your IP directly to that host organisation.

If none of these situations apply, then Graduate Researchers will be the owners of the IP they create. In all cases, Graduate Researchers retain copyright in their scholarly works, including publications, theses and creative works. However, some contracted agreements may involve restrictions on publishing your research, which may impact how your thesis is submitted.

## WHAT DO I NEED TO DO?

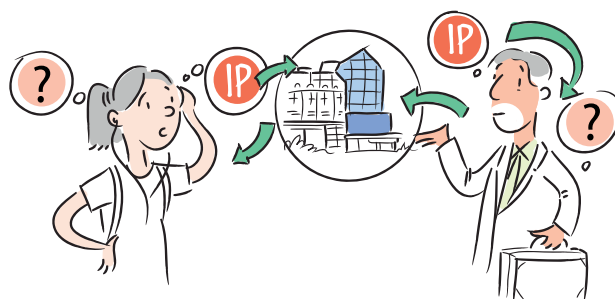
Ask your supervisor about any IP conditions that may apply to your research project, before you enrol. Discuss with your supervisor whether:

- (a) You are required to assign your IP to the University as a condition of participating in your research project.
- (b) Your project is subject to any agreements that may affect IP ownership, involve restrictions on publishing your research, or impact how your thesis is submitted.

If applicable, your supervisor has a duty to:

- (a) Explain to you that participation in a collaborative research activity is conditional on completion of an IP assignment deed.
- (b) Advise you of your right to independent legal advice if you are required to complete an assignment deed.
- (c) Ensure that you complete an assignment deed prior to commencing a collaborative research activity.

Your supervisor can also provide you with on-going advice as to how to fulfil your other obligations under the University Statute and IP Policy (see, 'What Else Should I Know', over leaf).



## Case Study

Karri has commenced her Ph.D. studies and is keen to get started on her research into homelessness. Acting on advice she received at enrolment, she arranges a meeting with Nullah, her supervisor to understand how any IP created as part of her research will be managed, what the University expects of her and what benefits she might be entitled to in the event that a translational or commercial outcome is achieved.

During the meeting, Karri asks questions and learns that her project is part of a larger program funded by the Australian Research Council and the FourTops Foundation. Because of this important discussion, she understands her obligations relating to the agreement in place between the University and the FourTops Foundation, particularly with respect to control and timing of publishing results. Karri also understands that she is required to formally assign IP arising from her candidature to the University before undertaking her research project.

Later, Karri develops some significant intellectual property with potential to be translated into an application for use in the community. Karri talks to Nullah about publishing her findings. Fulfilling her obligation, she discloses the IP to the University's Knowledge & Technology Transfer team who assist her in working with the FourTops Foundation to reach agreement on when the findings can be published.

When her research contributes to an outcome that meets the objectives of the FourTops foundation, the University, Nullah and Karri also benefit.

## NEED MORE INFORMATION?

The [Knowledge & Technology Transfer](#) website contains a variety of intellectual property information resources for graduate researchers.

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## WHAT ELSE SHOULD I KNOW?

By enrolling at the University of Melbourne you are bound by the [University Statute](#) and IP conditions outlined in the [IP Policy](#). You are obliged to:

- Keep adequate records, sufficient to enable the University to identify, assess, protect and commercialise the IP.
- Disclose to the University all IP you create that may have a commercial application or is covered by any agreement with an external organisation.
- Don't make this IP publicly available until an assessment of suitability for patent protection has been completed. 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). In addition to being good research practice, this is critical to substantiating future claims for IP and patent protection.
- Comply with the terms of any agreements which apply to your research. These may include commercial restrictions on research materials that have been obtained from elsewhere under a materials transfer agreement.
- Comply with reasonable requests by the University regarding IP management, including assistance with information to support patent application or identification of potential licensee companies for the technology.

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For independent legal advice, you can contact the [University of Melbourne Student Union](#) (UMSU) Legal Service, a free legal service accredited by Community Legal Centres Australia.