

Intellectual Property Policy for Students 2018/2019

This policy describes the rights of students, the University and others, in intellectual property that is created by students during their time at the University.

Students are bound by this policy which is part of the Student Agreement.

Students should make sure they check and understand the position on ownership of intellectual property at the outset of any project, placement or other arrangement

Introduction

Intellectual property is a term used to describe legal rights that can exist in ideas generated and works created by individuals. These rights can have value and may be exploited for commercial and other purposes. It is likely that during the course of their studies or research programmes students will create work in which intellectual property rights arise and this policy will apply.

The most common intellectual property rights that might arise include copyright, design rights, patents and trademarks.

Students covered by the policy

This policy applies to all students registered with the University, whether as undergraduates, post-graduates or in some other research capacity. It also applies if a registered student is employed by the University or another organisation.

The basic principle

Students will own the intellectual property they create through course work or research while registered as students at the University. This means they are free to exploit this intellectual property as they choose, subject to any wider legal constraints that apply.

There are, however, some important exceptions to this basic principle which are set out below.

Exceptions

Students participating in a research project supported by the University or another third party

An organisation funding (or otherwise contributing to or supporting) the research (the “funder”) might make it a condition of funding that any intellectual property rights generated during the project will belong to the funder or are available for open access and/or exploitation. In some such cases the University may require the student to assign (which means to transfer) to the University the rights in the intellectual property that is created. The form of the assignment may be found at <http://www.bristol.ac.uk/study/undergraduate/after-you-apply/policies/>

In other cases, the funder might require the student to assign the intellectual property rights created by the student to the funder before the research starts or at its conclusion. Where this occurs the student will be bound by the terms imposed by the funder.

The University or other funder may also require the student to enter into a confidentiality agreement if the research involves the student having access to confidential information.

Collaboration with academics

There are courses and research projects where students will be working with and/or are supervised by academic members of staff. The academic member of staff might contribute the ideas or concept behind the work that the student then develops or students may join existing research teams during the course of their studies.

Any intellectual property created or developed by the student through interactions of this nature must be assigned by the student to the University. The University will then treat the student as it does an eligible member of staff, which will entitle the student to a share of any fees that arise through the exploitation of the intellectual property. The share of the fees (also known as 'royalties') is determined by the level of the contribution made by the student. This is known as 'revenue sharing'. The University has adopted a formal 'Revenue Sharing Scheme' and further details of this are available at <http://www.bristol.ac.uk/study/undergraduate/after-you-apply/policies/>

Note: Prior to joining a research group or starting a project, students will be required to sign the form of assignment, found at <http://www.bristol.ac.uk/study/undergraduate/after-you-apply/policies/>

Students on placement

The organisation offering the placement might make it a condition of the offer that any intellectual property rights created by the student during the placement will belong to the organisation and not to the student. The student may be required to assign the rights to the organisation offering the placement or to the University

Students employed by the University of another organisation

If a student is employed or sponsored by the University or any other organisation(s) at any time during their course or research programme, the employer(s) or sponsor(s) might own or claim ownership in the intellectual property created by the student during this time. As a matter of general law, employers own the intellectual property rights created by their employees. It is also possible that a sponsor will have a separate agreement with the student or with the University under which the sponsor claims ownership in any intellectual property created by the student.

The University may require the student to assign the intellectual property rights to the University. The University may exercise this right to protect the interests of the employer or sponsor.

The University may also require the student to enter into a confidentiality agreement if the course or research involves the student having access to confidential information.

University use of student-owned intellectual property

Please see section 6 of the Student Agreement regarding the use the University can make of student-owned intellectual property. This permission helps further the University's objects <http://www.bristol.ac.uk/university/governance/constitutionaldocs/charitablestatus/> and reflects many funders' requirements for open access and exploitation.

The law gives rights (known as 'moral rights') entitling authors of works in certain situations to be identified as such. The University will respect these rights and will acknowledge students as being the author where the University publishes the student-owned work. In other cases where the law does not require this, the student will be acknowledged, where reasonably practicable, in any publication of the University containing the student's work.

Respecting the intellectual rights of others

Students must respect the intellectual property rights of others. This means students must not knowingly claim rights in work created by others, whether academics, students or third parties, or copy such work without the owner's permission. These obligations are described in more detail in

the Rules and Regulations for Students <http://www.bristol.ac.uk/study/undergraduate/after-you-apply/policies/>

Other relevant University policies

The University has adopted other policies where there might be some overlap with this policy on intellectual property. These include:

- The Policy for Recording of Educational Activities
<http://www.bristol.ac.uk/study/undergraduate/after-you-apply/policies/>
- InfoSec <http://www.bristol.ac.uk/infosec/>

Disputes and appeals

If a student wishes to complain about any aspect of their treatment under this policy this must be done through the Students Complaints Procedure, details of which are at <http://www.bristol.ac.uk/study/undergraduate/after-you-apply/policies/>

Approved by the Board of Trustees

July 2016