

# University of the Highlands and Islands

## Student Intellectual Property Guidelines

Intellectual Property (IP) is the product of thought, creativity, and intellectual effort. In the course of their studies, students may generate Intellectual Property, which may have some commercial value. There are a variety of legal rights that protect the application of ideas and information, which may be of commercial value. Those most relevant to the University and its Academic Partner's activities include patents, registered designs, copyright and 'know how'.

The law generally states that intellectual property created by staff "in the course of their employment" belongs to their employer. However, students are not normally employees of the University or Academic Partner (AP).

In general, and depending upon the status of the student, **students own the Intellectual Property they generate in the course of their studies at the university.** If the student is the sole generator of the Intellectual Property, the student will be deemed the inventor in the case of any patent filing and the owner in the case of copyright. There are however exceptions to this rule.

### Undergraduate students

Where any undergraduate student generates Intellectual Property (IP) as part of their academic programme, they will have sole ownership of this IP unless:

- The IP was generated as part of an activity where a third party requires ownership (e.g., where on a student placement a host requires ownership or where research is sponsored, and the sponsor requires ownership);
  - The issue of Intellectual Property rights in a placement should be viewed on a case-by-case basis. Therefore, where a department is in discussions with an external organisation for a student placement it should be the department's responsibility to contact the university/AP legal support team early on in the discussions to obtain appropriate legal contractual advice on the student placement;
  - Some programmes of the university or its Academic Partners offer the students the opportunity to work on a project with an external industrial or commercial partner;
    - In such cases, the external industrial or commercial partner may have contracted with the university or AP. When negotiating the terms of a contract, the university/AP may agree to the external industrial or commercial partner owning all the Intellectual Property resulting from that project. Where the university/AP has agreed to this ownership, the university/AP should wherever possible ensure that the contract

will not affect the right of the student and therefore the university/AP to disseminate the results of the project for the public benefit.

- In this case, the University/AP should request that the student assign the student generated Intellectual Property to the external industrial or commercial partner sponsoring the project. Where a student is required by the University/AP to assign their rights in the Intellectual Property either to the University/AP or to the external industrial or commercial partner, the University/AP will inform the student of this requirement in advance of the project work being undertaken by the student. It is within the student's rights not to agree to the assignment of their Intellectual Property, and the University/AP should give the students the choice of another topic within the programme.
- The student generated IP builds upon existing IP generated by university/AP staff;
- The student generated IP is jointly created with university/ AP staff;
  - If the Intellectual Property generated is seen as the result of interaction between the student and the university/AP academic staff, and, therefore, jointly developed. In cases where the work is commercially viable, and the university/AP seeks to obtain Intellectual Property protection (such as a patent or registered design). In such circumstances, the university's/AP's staff Intellectual Property contribution will be owned by the university/AP under the staff's contract of employment, and the student will be deemed as university/AP staff in respect of the Intellectual Property ownership and will be entitled to the same benefits of remuneration as university/AP staff.
- The student is recruited on a specific understanding that due to the commercial or IP sensitive environment their IP position is varied.

## Taught Post-Graduate Students

Taught post-graduate students usually have similar status and exceptions to that outlined for undergraduate's (see above), retain ownership of their IP, and should not be asked to assign Intellectual Property rights (IPR) at offer stage. Should such students subsequently seek assistance from the University in developing and/or commercialising a product, idea or proposal, they may be required to assign their IPR at that point or reach some other agreement acceptable to the University/AP.

## Post-Graduate Research Students

All postgraduate research students (PGRs) of the University/AP are usually deemed employees of the university/AP for the purpose of intellectual property rights and ownership and are asked to assign their IP to the university/AP upon commencing their employment/registration, unless this is governed by a third-party agreement (e.g., funding or sponsorship) or other factors, which confer an interest in the IP (as outlined above for

undergraduate students). PGR students that have assigned their IP to the university/AP have similar rights to university/AP employees (for details see the [UHI Staff IP Policy](#)).

In certain instances, PGRs may be permitted to opt out of IP assignation. This will be assessed on a case-by-case basis and will require the approval of their supervisor, local IP coordinator and the UHI Director of Knowledge Exchange.

## Dispute resolution

If a student wishes to dispute any aspect of their treatment under this framework this must be done through the IP complaints procedure outlined below.

The Director of Knowledge Exchange will be notified and will provide an initial response to any complaint received. The student can appeal this initial response which will then result in the Director of Knowledge Exchange convening an internal panel to assess and rule on the issue. The panel shall normally consist of:

- Director of Knowledge Exchange (chair);
- Dean of Students;
- Academic Registrar;
- 1 x Faculty Dean;
- HISA President or delegate.

To be quorate, the panel will require at least four members to be present.

If the dispute is still not resolved by the internal panel to the satisfaction of the student, the student has the right to then follow the general [students' complaints procedure](#) as detailed in the complaints guide for students.