The University recommends that you transfer the ownership of some of your work to the University, as the
Benefits of assigning
Itself the results of your learning and research. It’s what you create as a result of your effort. It could include a write-up, design, method, know how or invention that you created in order to solve a problem or any written account of your research. It has a very broad practical definition which can
covers know-how, expertise, techniques, research results, inventions, new methods, computer software and programs, algorithms, laboratory notebooks, books, articles, designs, distance learning material and established databases.

Intellectual property is defined and protected through intellectual property rights. However not all work created is eligible for intellectual property rights protection. Different categories of rights have different requirements depending on the type of rights for example a patent needs to be new, inventive and industrially applicable. Intellectual property rights include: the right to reproduce and copy printed/recorded work (copyright), the right to control the use of a product or method (patents), the right to reproduce a product design (registered designs), and the right to use a certain badge of identity (trademarks).

Confidential information is information which should be kept confidential because of its nature or which is identified as confidential. Disclosure of confidential information will damage the interest of the owner. It specifically includes information relating to University-owned intellectual property that could be protected, but isn’t protected yet, and which, if you told people about it, couldn’t be protected (such as an invention for which a patent application is yet to be filed), and any know-how (such as a clever but non-patentable method, such as a trade secret).

By signing the Student Agreement you are agreeing to transfer the ownership of your relevant intellectual property to the University, and to keep secret any confidential information.

Benefits of assigning
The University recommends that you transfer the ownership of some of your work to the University, as the University technology transfer team and their patenting budget can be of great help to you in seeking protection and commercial exploitation of your work.

The University’s Research & Enterprise Services department (RES) is a group of full-time professionals whose roles include seeking the protection and commercial exploitation of, and the generation of income from intellectual property generated within the University. Typically, protecting intellectual property through a patent application will cost around £10,000 to £15,000, finding an organization willing to pay for the intellectual property will take a degree of specialist market knowledge, and arranging the sale will require specialist legal knowledge to draft the appropriate contracts. RES can fund the protection of intellectual property and has the specialist knowledge required to seek commercial exploitation and generate income.

The University is not asking for ‘something for nothing’, though, as you will get a share of any income generated from it as if you were a member of staff. Members of staff, and therefore students who assign the intellectual property in their work are entitled to share half of the income generated from their work, with the other half being split between the School in which they did the work, and the University’s patenting budget.

If you leave the University to work or study elsewhere, all intellectual property transferred to the University will remain with the University. Further, any confidential information must be kept confidential even after you’ve left. When you leave, the University may carry out an Intellectual Property Audit. This is to take stock of what you’ve done whilst at the University, so it is known what we own and what you own.

Lastly, any income generated from the work you did whilst at the University will still be distributed as if you were still with the University. By leaving, you’re not foregoing any reward due from any of your inventions.

Right to refuse
You have the right to refuse to transfer the ownership of your intellectual property to the University in most cases except where it is a condition of your funding or the project on which you will be working. It may also be a condition of your funding that you transfer the ownership of your intellectual property to your funder or sponsor, especially in the case of funding provided by an industrial sponsor. Your supervisor or RES can advise you if you are unsure.

Exceptions
The University doesn’t seek to own all the intellectual property created by its community. Published articles in specialist journals and papers and books remain the property of the writer if it is suitable for publication after taking into consideration any duty of confidentiality and any potential intellectual property rights for protection. Moreover, any thing that you create outside of and separated from your role as a student is not covered. For example, if you were to write a fictional novel (as long as it is not your research or study), then that would not be covered.

Confidential Information and Publication
As previously mentioned, confidential information should be identified as such when it is given to you. You cannot tell anyone, disclose or publish confidential information without first obtaining permission from RES. The best way is always check with your supervisor or RES.

It is possible to share confidential information if the need arises, but in order to respect the interests of everybody involved you must make sure this confidentiality is preserved. Basically, if you want to disclose any confidential information you must have a confidentiality agreement signed before the disclosure take place.

In particular, when publishing information, for example in a poster display in your School or within a thesis or journal article, you must be careful not to jeopardize any of the interests of the University by including information that is confidential or given to you for some particular purpose other than inclusion in the poster, thesis or journal article. Again if you are in doubt always consult your supervisor or get in touch with RES.

Miscellaneous points
In the interests of clarity we ask that anyone undertaking research within the University should record results in a hardbound laboratory notebook. This helps establish inventive contribution, and may help ensure that if you help invent something you are appropriately rewarded.

If the University no longer wishes to continue protecting the intellectual property it holds that has been created by you, the University may offer you as the inventor, the right of first refusal to own the rights which attach to it, or to continue that protection process. If the University has already spent money on the invention then we may ask you to reimburse some or all of the costs that have been incurred.

Further information
For further information please consult the website www.res.hw.ac.uk, or contact RES directly. RES can be found on the third floor of the Scott Russell building, and can be contacted via email at res@hw.ac.uk or by telephone on 0131 451 3192.