

Frequently Asked Questions: Intellectual Property Rights for Students

1. What is IP & how can it be protected & exploited?.....	1
2. As a student, what are my IP rights?	1
3. What is copyright?	2
4. What is a patent?.....	2
5. What is know-how & how can it be protected?	2
6. What are trademarks & industrial designs?	3
7. Regarding computer programmes, what IP rights apply to them?	3
8. I am contributing to an idea, method or technology that could be of commercial interest. What steps should I take?	3
9. I think I may have patentable results. What steps should I take?	4
10. I have contributed to a project, but am I entitled to have benefits arising from IP rights exploitation?	4
11. I would like to know about copyright issues related to theses or dissertations.	4
12. May I exploit my scholarly work?	5
13. If the University is not interested in protecting a particular piece of IP, could the creators of this IP instead own it?	5

1. What is IP & how can it be protected & exploited?

Intellectual Property (IP) is any output that derives from the work of the mind or intellect such as ideas, information, creative works, discoveries and inventions. This property can be subject to legal protection known as IP rights.

The main types of IP rights are trademarks, industrial designs, know-how, copyright and patents. At the University, we mainly deal with know-how, copyright and patents.

IP rights are monopoly rights and hence, restrict people from using and exploiting others' IP (e.g. inventions or creative works). As any other property right, IP rights can be traded by their owners (e.g. they can be transferred or licensed to others).

2. As a student, what are my IP rights?

Upon registration students are requested to assign their IP rights (including copyright) over to the University in order to be efficiently protected and managed. In particular, they are requested to assign over their copyrights in (i) computer programmes developed during their research projects (ii) any design capable of commercial exploitation (iii) articles, academic publications & presentations relating to a patent or invention.

Nonetheless, the University will not claim ownership of student IP that is considered to be scholarly work (e.g. personal notes, presentations, theses, arts portfolios etc). The University, however, will own a copy of scholarly work that needs to be assessed by academics (e.g. essays, theses, examination responses, see also FAQ₁₁). It should be noted though that publication of scholarly work might be delayed should it contain patentable IP which belongs to the University and the latter has decided to file a patent application (see also FAQ₉).

In all cases, students who have inventive contribution to the generation of IP (please also see FAQ₁₀) will have moral rights to it as well as a fair share of benefits (e.g. financial returns) arising from it (see [University's IP Policy](#) (PDF) regarding the revenue sharing scheme).

Detailed information about IP rights at the University of Kent can be found in the [University's IP Policy](#) (PDF).

3. What is copyright?

Copyright is an Intellectual Property (IP) right that protects any kind of original creative work such as writings (e.g. plays, scripts, (e)-books), drawings, photos, paintings, sculptures, choreographies, music, films. It also protects publications, broadcasts, performances, databases and computer programmes.

The University's guidelines and policy on use of copyright material can be found at www.kent.ac.uk/copyright. The guidelines provide an overview of the types of material protected by copyright, the conditions under which these can be used legitimately and where to go for further guidance and support.

Copyright does not require registration since it is automatic as soon as an original literary or artistic work has been recorded in a physical format (analogue or digital). It typically lasts 70 years after the death of the creator of the work it is protected by it.

For further information, you may visit the [UK Intellectual Property Office](#) and the [World Intellectual Property Organisation](#).

4. What is a patent?

A patent is an Intellectual Property (IP) right granted by countries (e.g. the UK or the US) or territories (e.g. Europe) to a person/organisation (inventor/assignee). It protects methods or products with a technical or functional effect which are new, involve an inventive step and have an industrial application. Patents are valid for 20 years upon successful application to patent offices.

Applying for a patent is an expensive and lengthy legal process, but can support the commercialisation of a new method, technology or product. For further information, you may visit the [UK Intellectual Property Office](#), the [European Patent Office](#) and the [World Intellectual Property Organisation](#).

5. What is know-how & how can it be protected?

Know-how entails in-house information of how things are done. Otherwise known as trade secret (e.g. recipes, formulas of compounds, manufacturing practice, market analysis, engineering design of

a machine, lab protocols, business practices or new enterprise ideas). It is based on secrecy and lasts for as long as owners of know-how want to keep it secret.

For disclosing know-how information between parties (e.g. two potential collaborators), confidentiality can be ensured via signing a Confidentiality Agreement. Confidentiality Agreements are also known as Non-Disclosure Agreements.

6. What are trademarks & industrial designs?

Trademarks are signs which distinguish goods and services (e.g. University of Kent logo). Registered trademarks may last for ever, provided that a renewal fee is paid every 10 years. For more information, you may visit the [UK Intellectual Property Office](#).

Industrial designs protect the appearance of items (e.g. bottle shapes, package design). Registered designs last for 25 year. For more information, you may visit the [UK Intellectual Property office](#).

7. Regarding computer programmes, what IP rights apply to them?

Computer programmes are considered literary work and hence, they are entitled to copyright protection (copyright of software's source code). In the US, software are also subject to patent protection, nonetheless that is not the case in Europe. In Europe and the UK, they may be protected by a patent but they need to have a technical effect (e.g. controlling hardware). In this case a patent attorney's opinion (legal expert) is necessary and thus, Knowledge Exchange and Innovation (KEI) should be contacted (commercialisation@kent.ac.uk).

8. I am contributing to an idea, method or technology that could be of commercial interest. What steps should I take?

During their studies at the University, students may develop or contribute to ideas, inventions, new technologies that could have an industrial application and commercial interest. Often that happens with the support and guidance of their supervisors and hence, students should immediately communicate commercially valuable results to them. These ideas or inventions also need to be disclosed to KEI so that they can be properly assessed for their commercial potential and overall benefit.

If you have an idea, technology, method or invention of commercial potential, you are advised to refrain from any kind of public disclosure of it (e.g. give a presentation, publish results or talk to 3rd parties about it). If ideas or technologies of commercial importance become known to the public then their IP protection might not be realised (e.g. see FAQ9) and others might utilise them for their commercial needs and interests. However, if you would like to share in confidence information of commercial importance to 3rd parties (e.g. collaborators), you may do so under a signed Confidentiality Agreement (see also FAQ5).

Furthermore, you should contact KEI (commercialisation@kent.ac.uk) so that you disclose your idea or technology via filling in an [Invention Disclosure Form](#) (docx). The disclosure of your idea, invention or technology will be examined, in absolute confidence, by a panel of experts which includes Dr Gary Robinson, who is the University's Senior Commercialisation Manager.

KEI will provide feedback, guidance and support with respect to the commercial potential and possible further development of your idea or technology as well as the protection of IP.

9. I think I may have patentable results. What steps should I take?

If you think your work may be subject to patent protection, you need to communicate this to your supervisor and refrain from any kind of public disclosure of it (e.g. give a presentation, publish results or talk to 3rd parties about it). If your invention is known to the public before you apply for a patent than means that your invention will not be new at the time of application to patent offices (hence, it won't be eligible for a patent). However, if you need to disclose patentable data to 3rd parties (e.g. collaborators) before a patent application is filed, you can do so under a signed Confidentiality Agreement (see also FAQ5).

Regarding patentability, there are three basic criteria that need to be satisfied for patent protection. Work must be new, innovative and must have industrial application. You can check whether your method, technology or invention is indeed novel, by searching the literature (e.g. [PubMed](#), [Google Scholar](#), [Scopus](#)) as well as patent databases such as the [European patent database](#) (has a worldwide coverage) and the [International patent database](#).

You also need to disclose your patentable results to KEI (commercialisation@kent.ac.uk) via filling in an [Invention Disclosure Form](#) (docx). The disclosure of your idea, invention or technology will be examined, in absolute confidence, by a panel of experts which includes Dr Gary Robinson, who is the University's Senior Commercialisation Manager.

KEI will provide feedback, guidance and support with respect to the potential protection of your work as well as its commercial value and possible further development.

10. I have contributed to a project, but am I entitled to have benefits arising from IP rights exploitation?

Working in a project does not automatically mean that you have made an inventive contribution to it. For example, you may not be able to claim inventive contribution if you have simply followed common practice or a manual or a protocol or the guidance and input of your colleagues. Inventive contribution means that you have provided original input, a new way of doing things, a new idea to be tested, a new theory to be examined. Inventive contribution is necessary for receiving benefits arising from IP rights.

11. I would like to know about copyright issues related to theses or dissertations.

Theses and dissertations are considered to be scholarly work and hence, the copyright remains with the student, although, the University retains a copy of the thesis or dissertation. The University requires all successful research degree theses to be deposited electronically by candidates upon successful examination for the Universities official records, and so that a public record can be made available of bibliographic details relating to theses.

Although students own the copyright of their thesis or dissertation (for instance, they can assign it over to a publisher for publication), some of their thesis' content might be related to patentable information or know-how of commercial value. In such a case, they may need to postpone their thesis' publication for until after a patent application is filed or know-how has been exploited. Once IP is protected or exploited, then students can freely publish their results and they may also be subject to benefits (e.g. royalty income) arising from the commercial exploitation of IP (please, see also FAQ2 and FAQ10).

12. May I exploit my scholarly work?

The University does not claim IP ownership of students' scholarly work (e.g. personal notes, presentations, theses, arts portfolios etc) and hence, students may commercially exploit it. Nonetheless, they are advised to contact KEI (commercialisation@kent.ac.uk) so that any conflicting issues are resolved (e.g. patentable results in theses, supervisors' or colleagues' significant contributions, funders' IP provisions etc) and commercial exploitation can be realised.

13. If the University is not interested in protecting a particular piece of IP, could the creators of this IP instead own it?

The University might not be interested in protecting and exploiting a particular piece of IP. The creators of this IP could then enter into discussions with the University (commercialisation@kent.ac.uk) should they wish to pursue protection and exploitation themselves. IP ownership will be negotiated provided that other peoples' IP rights (e.g. co-inventors) are not infringed and that the University will be freely available to use this IP for teaching and research.