Preamble
It is not uncommon for research undertaken within Universities to produce results with the potential to generate significant future commercial returns. Decisions on the ownership of this so-called Intellectual Property (IP) and the sharing of benefits that flow from its exploitation are not simple but the Adelaide University has adopted a mechanism which it believes is equitable to all parties concerned. These parties include the University, staff, students, employers of students and outside agencies providing scholarship or research maintenance funding; some or all of whom may lay claim to a proportion of the benefit.

Staff
Intellectual Property generated by University staff is owned by the University. There is an agreed mechanism for sharing any benefits between individuals or research teams and the University.

Students
In the absence of an employment relationship between the University and its students, students own IP generated by their research. However, these results are frequently the product of a complex interaction between supervisor(s), student and other student(s) as part of a research team. For the protection of the rights of all participants the University requires that higher degree students engaged in research likely to yield a commercial benefit, assign to the University their intellectual property rights arising from that research by signing the Student Project Participation Agreement (SPPA). This ensures that students share in any benefit in the same way as do University staff. It is believed that the University, with its available resources, expertise and appropriate mechanisms in place for the commercialisation of IP (through Luminis Pty Ltd), will be in a better position to protect and service the students’ interests. A copy of the Agreement may be downloaded from the web: (http://www.adelaide.edu.au/Graduate_Studies/courses/index.html)

Students who are employees of, or sponsored by, outside organisations
A further degree of complexity may be added where outside bodies as well as the University lay claim to IP generated during a student’s candidature; that is, when the student is employed by an outside organisation. In addition, it is sometimes necessary to acknowledge and allow for IP brought to the research project or flowing from it outside candidature. To avoid misunderstanding or possible conflict over these matters it is essential that an agreement is reached between all parties before the research proceeds.

To aid this process a standard agreement has been drawn up by Luminis Pty Ltd which must be signed by the University, the student and the student’s employer or sponsor before the student’s research proposal is approved and work commence. Any potential difficulties between the parties must be resolved at this stage. A copy of this Joint Ownership Agreement can be downloaded from the same web site.

Students who are undertaking a research project within a Cooperative Research Centre (CRC) program and who have signed a participation agreement assigning the IP to the CRC are exempt from the above PROVIDED the University, as one of the joint venture partners, has signed a Centre agreement which deals with the ownership and apportionment of benefits flowing from the commercialisation of the resulting IP.

Responsibility of Supervisors and Heads of Departments
In any discussion of potential research projects it is most likely that the supervisor(s) will be best placed to identify those with commercial potential. It is incumbent upon them to discuss the ramifications with the student who will have been informed of University’s IP policy as part of the Induction process. If a decision is made to undertake such a project the SPPA and, if necessary, the contract between the University and outside agency, must be completed as a part of the department’s certification that the student has completed the Structured Program. Failure to do so, unless special exemption is obtained, will preclude the student’s enrolment in the second year of candidature. Assistance in completing the certification can be obtained from Graduate Studies.

It is stressed that no commitment to outside agencies, either verbal or written should be made by supervisors or departments except through Luminis Pty Ltd. Adequate time should be allowed for negotiations that may form part of this process.

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