

STUDENTS AND INTELLECTUAL PROPERTY



This factsheet is intended to assist University of Newcastle students to understand what intellectual property (IP) is, why it's important, and what the considerations are when undertaking placements or projects that involve host organisations or industry, especially where you'd like to make use of that IP later yourself. This factsheet provides general advice only and students should contact their placement, project, or course coordinator if they have specific questions or concerns.

What is intellectual property?

Intellectual property (IP) refers to 'creations of the mind' that can be legally protected, such as inventions, literary and artistic works, designs, and the symbols, names and images used in commerce ([WIPO](#)). There are many forms of IP protection, including copyright, patents, trademarks, registered designs, and circuit layout rights ([Australian Government | Business](#)).

Why do I need to think about how I use the IP I create?

When you undertake placements or work integrated learning (WIL) / industry projects, you will likely generate some form of IP. Ownership of the IP you generate can be important, especially if you'd like to make further use of it later. If you don't own the IP you generate during these WIL/industry activities, you may not be able to use it the way you need to, when you need to.

Depending on the placement, studio, or project you're taking part in, IP considerations can differ. This may be due to an industry partner or host requiring the transfer of IP ownership for commercialisation reasons, or due to proprietary or sensitive information, the industry partner's background IP, and so on.

In situations where you don't own the IP you create you will likely need to negotiate your ability to make use of these materials (assuming the use is suitable, as noted above). This is known as rights retention. Where you retain ownership of the IP/materials you generate, you will have a greater ability to use your work for your own future purposes.

What is the University's policy around student IP?

Under the University's [Intellectual Property Policy](#), you will generally own the IP you create in your capacity as a student at the University, except as otherwise stated in the Policy (or as agreed via a separate arrangement between you and the host/partner, outside of any existing University agreement).

The University cannot require you to hand over your IP to the University, an industry partner, or a host organisation. You will therefore need to make informed decisions around what will happen with any IP you create when undertaking WIL/industry-related activities, such as placements, studios, and projects.

Where you are a paid employee of the University or another organisation, standard employment policies will apply. In this situation, your employer may automatically own the IP you create so it's important to check what is stated in your employment agreement.

How does IP work when I'm on placement?

For many placements, you will likely not be creating IP of any commercial value. Some host organisations, however, may still require students to assign ownership (or license IP) due to the projects they will be expected to work on. For placements with such IP requirements, you will need to decide whether to agree to the IP assignment or licence, or if you'd like to seek an alternative placement option.

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What about industry-based projects, studios, etc.?

Your coordinator should discuss IP ownership with you around any projects, studios, and coursework/assessments that involve industry partners. The University's standard position is that you will retain ownership of IP in any WIL/industry-related projects or activities, unless you consent otherwise.

Where the industry partner requires a transfer of IP ownership, this will need to be managed directly between yourself and the industry partner. You should be informed of this requirement before commencing any project or activity. If you don't agree to the IP transfer, you can ask your University coordinator/s about alternative options so that you won't be negatively impacted.

Are there any exceptions to students owning IP?

You will generally only own the portion of the work that you create. You will not be able to claim ownership or rights to any background IP or proprietary or confidential materials provided by the industry partner. IP ownership will likely also be restricted where you are an employee of the organisation. In these situations, ownership will usually be determined by a written agreement or transfer deed between you and the industry partner. Keep written documentation as a clear record of your agreed position.

What about if I'm not sure who will own the IP I create?

Don't assume that all industries, situations, and written agreements / documentation will be the same, or that an industry partner or host will have read the [University's IP Policy](#). If you're unclear about anything – ask. If there hasn't been a discussion around IP initiated during your onboarding, start one yourself.

If you are given any documentation to sign, take time to review it carefully **before** you sign it. Check who will own what and if you will retain any rights to (re)use any materials you generate.

What should I ask the industry partner or host organisation about IP?

It's important to have a discussion with the industry partner or host organisation around rights transfer and retention relating to IP. This will help to guide what you can or can't do with any materials/IP you may generate during the placement, studio, or project.

Firstly, confirm ownership of the IP. If you won't own the materials being generated, ask:

- How will I receive attribution/credit for the work I've contributed? (To meet your moral rights)
- How can I use the materials myself going forward? (Broader, open question)
- Can I include the materials in my coursework or assessments, or within a thesis or publication?
- Will it be a problem if I openly post the materials online? Are there any limitations imposed on sharing, e.g., email only, removing/redacting certain content, limiting access via a password (or similar)?
- Can I make use of certain sections of the materials, or do I need to use the work as a whole?
- Can I adapt or change the materials into a new work if needed?
- Should I provide a statement around the industry partner's / host's ownership with any use I make?

By asking these questions early, you can help to avoid potential issues and help to create certainty for yourself and the organisation you're placed with or working for on a project/activity.

Where can I get assistance with this?

If you have questions, check in with your placement, project, or course coordinator first. For legal questions or advice, you can attend the [University of Newcastle Legal Centre's free clinics](#). If this service can't help, the [Redfern Legal Centre](#) provides free legal advice to university students.