BACKGROUND INTELLECTUAL PROPERTY

This refers to intellectual property (IP) already in existence which is owned by the university/the supervisor/ a third party and which is provided to the student for the purposes of undertaking research.

Most student research projects are based on ideas provided by the supervisor. These ideas are usually the outcome of the supervisor’s own research which will have been undertaken over a period of years with support from a variety of funding bodies. These ‘ideas’ are a form of background IP to which the University may claim ownership in the event that a patentable invention is created. Other examples of existing or background IP might be a data base or computer code/algorithms.

Background IP is valuable and must be protected. If it belongs to the university or the supervisor, it will have been created with prior funding grants. If the IP is owned by an industry partner, it will have commercial value. There will also be circumstances where background IP might be owned by the Crown, for example, a government department.

Background IP is sometimes provided by the student’s employer. In this situation, the student would be well advised not to commence the project until he/she has entered into a satisfactory written arrangement with the employer regarding ownership of the outcomes of the research.

The Code of Practice for the Supervision of Doctoral and Research Masters Candidates, also states that a postgraduate’s research cannot be unduly influenced by commercial factors. If you consider the limits placed on your research are too onerous, for example, in relation to publication of your work, you may wish to consider an alternative project (see TIPS Confidentiality).

Other related TIPS leaflets

Assignment and Licensing
Authorship
Confidentiality
Copyright
Intellectual Property
Patents
Plagiarism and using quotes
Publication
The University’s Intellectual Property Statute and Regulations