CONFIDENTIALITY

What is a confidentiality agreement?
Research and research students are often required to sign a confidentiality agreement or, as it is sometimes called, a non-disclosure agreement. The agreement will contain a definition of the confidential information which one party (the Discloser) wants to protect. The definition might range from a description of specific data which the Discloser intends to provide, to a more general definition designed to cover any confidential information which the Receiver comes across while working at the Discloser’s premises.

Should the Receiver fail to maintain confidentiality, the Discloser would be able to take action for breach of agreement/confidence and, if successful, to recover damages.

Examination and confidential material
In some circumstances where your research has been funded by others and may be commercially sensitive, the examiners of your thesis may be required to sign a confidentiality agreement prior to the thesis being sent to them for examination.

Your supervisor will need to contact MIGR if such an arrangement is necessary.

Publication and confidential material
Similarly, a sponsor of your research may request that publication of findings be withheld, for example if a patent is pending. However, the Graduate Research Committee has agreed that publication of findings arising from your thesis may not normally be delayed beyond 12 months.

It is important that if you are planning to become involved in a collaborative project, that you are fully informed of restrictions like this before you commence.

The party funding a project will usually want to control publication of articles about the research in order to protect its ability to patent the research outcomes. An invention will only be patentable if it is novel and inventive. The requirement of novelty is assessed against the ‘prior art’ base which involves an investigation of the literature to see whether or not the invention could have been anticipated at the time the application for a patent was filed (the priority date). If the results of research are published before a priority date is established, the publication becomes part of the prior art base and the opportunity to patent is lost.

A publications clause will often contain a process for approving publications, for example, it will require that the student submit publications to someone employed by the funding party (identified by position title) and state a time period in which the company must either approve or reject a publication. If possible, there should also be an arrangement which permits the student to negotiate changes to the publication if approval has been withheld.
Confidentiality and thesis copy placed in library

At the conclusion of your examination one copy of your successful thesis is placed in the library. Again there may be reasons why the thesis should not be immediately available to the general public. You may therefore request that the thesis be placed on restricted access for up to three years. During this time, no other person may use your thesis without your written permission.

Other related TIPS leaflets

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