Walking the IP walk and talking the IP talk …. A brief introduction

Have you created any IP lately? Do you know what IP stands for?

‘IP stands for Intellectual Property that concerns all human mind knowledge and intellectual outputs such ideas, information, creative works, discoveries or inventions. This property is treated as an asset and can be subject to legal protection known as IP rights.’

Are you a Kent student?
If yes, you have created IP through your scholarly works such as personal notes, presentations, reports, theses. These works are subject to copyright protection, which concerns artistic and literary outputs and is automatic (you may, however, add a copyright notice such us © A Brown 2014).

Are you studying for an Arts or Humanities degree?
If yes, you have created additional IP through your creative works (e.g. drawings, scripts, music, dance) or questionnaires, translations, assays (also subject to copyright).

Are you participating in a research project as part of your Sciences degree?
If yes, you may have created IP through your contribution in designing and conducting experiments that might have led to new discoveries and inventions. For instance, your team might have synthesised a new compound, worked on a new application or invented a novel antenna. Scientific outputs which are novel, inventive and have an industrial application are subject to legal protection covered by a patent.

Who owns the IP?
That depends on the IP and who has supported or contributed in it. Questions to be asked are:

Who else has worked or added intellectual input on this IP, who has financed it, whose resources or facilities have you used, what information does it entail?

- Your scholarly work (e.g. reports, presentations, artistic outputs) most likely does not involve any collaborator or sponsor, but do make sure you are the sole owner of this IP (e.g. did you use 3rd party resources, others’ input?).
- You might work on a project resulting in a novel discovery, technology or invention. Almost always, these projects concern many people (supervisors, other academics), use University resources (facilities, materials) and may be funded by external organisations (e.g. private company). In this case, IP belongs to the University that centrally manages it and fairly attributes acknowledgements and equal benefits to all its creators (including students).
- You own the copyright of your thesis and articles, nonetheless they may contain patentable IP that belongs to the University and hence, not exclusively to you. (read also ‘Can you exploit your IP’).
Why the University owns and manages IP?
IP supported by many people and parties is owned and, where applicable, protected by the University so it can be better exploited and thus, bear benefits to its contributors as well as the wider academic society. Protection of IP (e.g. patents) requires legal experts, payment of fees and monitoring, and students most likely do not have the means to successfully engage in such process. The University has the authority, resources and experience to resolve conflicts, assess and protect IP, efficiently exploit it (further research funding, revenues from licensing, creating spin-out companies) and fairly allocate benefits to all IP creators.

Will you get any benefits from your IP?
Absolutely! In any case where the University owns IP to which you have contributed, you will be acknowledged as one of its creators, you will participate in discussions for protecting and exploiting it and you will receive a fair share of revenue and benefits in case it gets commercialised.

Can you exploit your IP?
Of course you can exploit your IP provided that you do not infringe rights owned by others as well. Always consider who else owns the IP and bear in mind that, very often, your contribution is only part of it, in it. This, for sure, gives you rights and benefits but not exclusive ones!

- If you are the sole creator and supporter of IP and you would like to exploit it (e.g. trading your artistic work), you are able to do so. But, please discuss your plans with the University first, so that no dispute arises later on such as infringing others’ IP rights.
- Your thesis or scientific articles belong to you, but you may need to postpone publication if they contain patentable IP that belongs to the University and hence, not exclusively to you. After protecting this IP (patent application), you can publish your work, having also secured benefits from patenting the IP.
- If you work on a project and IP has arisen that you believe it should be protected, then you are encouraged to discuss this with your supervisor and the University. Upon protection and commercialisation of this IP, you will be fairly rewarded for your input. In case the University does not want to protect it, you may enter into talks to pursue protection and exploitation yourself. The University will still have access to this IP for teaching and research only.
- If you would like to harness University’s IP, in which you have also contributed, for your enterprise activity (e.g. a start-up company), you are very welcome to discuss your ideas with the University. If you have a solid business plan that the University is willing to support, then you will be able to use this IP under agreed terms.

Still, not sure about your IP rights?
More information is available in the IP rights policy document for students and the University’s IP Policy. If you have any questions or would like to discuss about your IP and rights, we would be happy to hear from you at commercialisation@kent.ac.uk.