

INTELLECTUAL PROPERTY/STUDENT PROJECT PARTICIPATION AGREEMENT (SPPA) QUESTIONNAIRE TO BE LODGED WITH THE ENROLMENT FORM

The University Intellectual Property (IP) Policy is available on the web at: <https://www.adelaide.edu.au/policies/1263/>. To assist in alleviating concerns of staff and students regarding IP issues we have compiled a scenarios document to illustrate how the policies and procedures outlined in the IP policy will operate in practice. Supervisors are requested to consult this document to ascertain whether the student is required to sign a Student Project Participation Agreement (SPPA). The 'IP and SPPA Scenarios' document is available on the Graduate Centre website at: http://www.adelaide.edu.au/graduatecentre/forms/ip_sppa_scenarios.pdf.

Students are not employees of the University and in the absence of a contract or agreement the student owns IP developed as a result of his/her project. These results are often however the product of complex interaction between third parties, the supervisor(s), the student and other student(s) as part of a research team

In order to protect the rights of any participant who is engaged in research with the University or who sponsors University research, the University requires that higher degree students, engaged in the research and whose research outcomes have potential commercial value, assign to the University their intellectual property rights arising from that research by signing the *Student Project Participation Agreement (SPPA)*. This ensures that students who sign an SPPA share in any benefit in the same way, as a University staff member.

If a student is to participate in a research project that involves a third party partner (e.g. a CRC, DSTO, CSIRO, IMVS, another University, industry party or a hospital etc) in any capacity the student cannot embark on any research project *until and unless* the student has signed an SPPA. This is because the student will own his/her IP resulting from the research project unless the student has assigned such IP to the University. The University, however, may have agreed to contractual obligations with the third party partner relating to intellectual property which it may not be able to comply with if the student has not signed an SPPA. This would put the University in breach of contract and result in potential liability to the third party.

Certain third party partners such as CSIRO/IMVS/MedVet/CRC's have their own student agreements. The University however, takes the view that as the student is enrolled in the University of Adelaide the student in the first instance is to sign an agreement (i.e. an SPPA) with the University. The University will then commence negotiation with the third party partner. In some instances the University, the student and the third party may develop and sign a Joint Ownership Agreement addressing pertinent IP issues. A sample of the Joint Ownership agreement is available at: http://www.adelaide.edu.au/graduatecentre/forms/ip_joa.pdf.

Supervisors should also be aware that a sponsor (funding body) might also have specific requirements with respect to the presenting and the publishing of data/results of funded research. Clause 7 of the SPPA states that students must obtain written clearance from the University to present or publish confidential information or confidential material. Students and supervisors should contact Research Branch regarding the clearance.

The following questionnaire has been designed to assist supervisors in determining whether a student is required to assign intellectual property to the University. Should the answer to any of the following questions be 'YES' the University requires the student to sign the SPPA which is available at: http://www.adelaide.edu.au/graduatecentre/forms/ip_sppa.pdf. Supervisors should also be aware of the provisions relating to Intellectual Property contained in the Research Student Handbook available on the web at: <http://www.adelaide.edu.au/graduatecentre/handbook/index.html>

SPPAs completed in triplicate should be forwarded to the Graduate Centre with the student's enrolment form. The Enrolment will not be actioned without this questionnaire and SPPA (if required).

Supervisors may discuss SPPAs and any intellectual property issues with solicitors at Adelaide Research & Innovation Pty Ltd.

