



Adelaide University  
Postgraduate Students'  
Association

2003  
Intellectual Property Support  
Survey

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## ***Table of Contents***

<b>Abstract</b> .....	<b>2</b>
<b>1. Introduction</b> .....	<b>3</b>
<b>2. Analysis of survey respondents</b> .....	<b>5</b>
2.1 <i>School and Course Enrolment</i> .....	5
2.2 <i>Faculty and Course Enrolment</i> .....	7
2.3 <i>Faculty and Type of Program</i> .....	8
<b>3. Analysis of survey responses</b> .....	<b>9</b>
3.1 <i>Question 1: I feel that there is a need for a service that provides postgraduate and honours students with advice relating to intellectual property issues.</i> .....	9
3.2 <i>Question 2: About which issues would you require advice?</i> .....	9
3.3 <i>Question 3: What type of service(s) would you like to see provided by the AUPGSA?</i> .....	10
3.4 <i>Question 4: The AUPGSA seeks to establish a service that is free to AUPGSA members. However, if it were not possible to fully fund a consultation service, how much would you be willing to contribute for professional advice from a legal practitioner?</i> .....	13
<b>4. Discussion</b> .....	<b>14</b>
4.1 <i>Summary</i> .....	14
4.2 <i>Suggested action</i> .....	16
<b>Appendix A: Copy of Survey</b> .....	<b>18</b>
<b>Appendix B: Comments of Survey Respondents</b> .....	<b>21</b>

## ***Abstract***

From late October to late November 2003, the AUPGSA conducted a survey of its members that examined the support services that they would like to see provided for intellectual property issues. Ninety individuals completed the survey.

The responses received to the survey suggest that postgraduate students at the University of Adelaide require a range of print, electronic and consultation services to better inform and assist them in dealing with IP issues. The AUPGSA is preparing a number of new services, including a handbook and interactive web site. However, the AUPGSA is not in a position to provide independent professional legal advice, should the need arise. The survey respondents are generally not prepared contribute towards the cost of providing such a service. It is recommended that the University provide funding for a regular service, which the AUPGSA would administer, with an IP lawyer, for which postgraduate and honours students can book a timeslot to have their queries addressed. It is also recommended that the Student Project Participation Agreement be redrafted by a legal expert with no contract with the University, so that the contract can become more student-orientated and cover more possible issues than the current version does currently.

## ***1. Introduction***

This report summarises the responses received from postgraduate and honours students at the University of Adelaide to the Adelaide University Postgraduate Students' Association's (AUPGSA) intellectual property (IP) support survey that was placed on the AUPGSA's web site from 27 October to 21 November 2003. The survey was advertised in the AUPGSA's email bulletins that were sent to all enrolled postgraduate and honours students during the survey dates. A copy of the survey is appended as Appendix A to this report.

The survey was designed in response to the increasing numbers of requests that the AUPGSA has received in 2003 for information about intellectual property issues. In addition, the survey that the AUPGSA conducted in the first half of 2003 about intellectual property issues revealed that over one quarter of survey respondents had encountered issues that had affected their study,<sup>1</sup> and that the vast majority of respondents had poor knowledge of intellectual property issues concerning their study.<sup>2</sup> In seeking to better assist postgraduate students, it is necessary for the AUPGSA to better understand the type of assistance that is required.

The survey was aimed at all levels of AUPGSA membership, although it was expected that the majority of survey respondents would be enrolled in research programs, especially PhDs. To encourage the rate of response, all individuals who provided contact details were placed in a draw to win a \$50 UniBooks voucher. The contact details were separated from the survey responses upon receiving them. Ninety people responded to the survey.

The survey consisted of four questions, plus a section for providing additional questions, as well as questions about non-identifying details about the respondents' enrolment details. The four questions used checkboxes and menus to select answers, so that responses could be standardised and compiled quickly. The comment section provided respondents with an opportunity to provide any comments or information that they felt was relevant to the survey.

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<sup>1</sup> AUPGSA, *2003 Intellectual Property Survey* (Adelaide: AUPGSA, 2003). 9.

<sup>2</sup> *Ibid*, 23.

This report provides only a quantitative summary and analysis of the data; qualitative data is annexed as Appendix B, with any comments that could identify individual respondents removed and replaced with ‘\*\*\*’. This report is divided into three sections. The first describes the sample of students who responded to the survey, and who are part of approximately 4300 postgraduate and honours students enrolled at the University of Adelaide. The second section is a presentation of the survey’s quantitative results. The first two sections’ responses have been compiled according to the Faculty of enrolment of the respondents. The third section provides a discussion of the survey’s results, and incorporates comments provided in Appendix B.

## 2. Analysis of survey respondents

### 2.1 School and Course Enrolment

Table 1: Level of enrolment, sorted by School of enrolment

School	Honours	Grad Cert	Grad Dip	Masters (Coursewk)	Masters (Research)	PhD	Grand Total	Total Number in School	%age response
Agriculture & Wine					3	8	11	305	3.6%
Adelaide Grad. School of Business		1		4			5	1193	0.4%
Applied Mathematics						1	1	47	2.1%
Chemical Engineering						4	4	34	11.8%
Chemistry & Physics						3	3	102	2.9%
Civil & Environmental Engineering						3	3	37	8.1%
Computer Science	1			2			3	123	2.4%
Earth & Environmental Science						9	9	261	3.4%
ECIC				2			2	5	40.0%
Economics	1			1			2	112	1.8%
Education			1	1			2	268	0.7%
Electrical and Electronic Engineering						3	3	80	3.8%
History & Politics	1			1	1	2	5	269	1.9%
Humanities			1		1	2	4	217	1.8%
Law	1						1	42	2.4%
Mechanical Engineering						1	1	88	1.1%
Medicine	1			5	1	6	13	1052	1.2%
Molecular & Biomedical Sciences	4				1	3	8	192	4.2%
Pure Mathematics						1	1	15	6.7%
School of Petroleum					1		1	16	6.3%
Social Sciences	1		1		1	3	6	240	2.5%
Not identified				1	1		2	N/A	N/A
<b>Grand Total</b>	<b>10</b>	<b>1</b>	<b>3</b>	<b>17</b>	<b>10</b>	<b>49</b>	<b>90</b>	<b>5082<sup>3</sup></b>	<b>1.8%</b>
	<b>555</b>	<b>490</b>	<b>879</b>	<b>1450</b>	<b>259</b>	<b>1383</b>	<b>5082</b>	<b>5082</b>	
	<b>1.8%</b>	<b>0.2%</b>	<b>0.3%</b>	<b>1.2%</b>	<b>3.9%</b>	<b>3.5%</b>	<b>1.8%</b>	<b>100.0%</b>	

Of the 90 students, who completed the survey, 88 identified the School in which they are enrolled. Responses that named a discipline within the new School-based structure of the Faculties have been changed to the School's name.

<sup>3</sup> Total number of honours and postgraduate students at the University of Adelaide in 2003. Source: "2003 Student Enrolment (Full year) pivot table," available at <[http://www.adelaide.edu.au/opd/stats/student/enrolment\\_pivot2003FullYearweb.xls](http://www.adelaide.edu.au/opd/stats/student/enrolment_pivot2003FullYearweb.xls)>. Note: Schools from which no responses were received are not included in the table, although their students contribute to the total number of students enrolled in postgraduate and honours programs.

Table 1 shows that the majority of respondents (59, 65.5%) are enrolled in research programs, and nearly a quarter (21, 23.3%) in coursework degrees. A further 10 (11.1%) are enrolled in honours courses. The highest percentage of responses was from students enrolled in Masters by Research programs (10, 3.9%), followed by PhD program students (49, 3.5%). The average response rate of honours and postgraduate students was 1.8%.

The most responses (13, 14.4%) were from students enrolled in the School of Medicine, with a slightly lower number of responses from students enrolled in the School of Agriculture and Wine (11, 12.2%). The highest percentage of responses was from students enrolled in the Education Centre for Innovation and Commercialisation (2, 40%), Chemical Engineering (4, 11.8%) and Pure Mathematics (1, 6.7%). No responses were received from students enrolled in the School of Architecture, the School of Commerce, the Centre for Australian Indigenous Research and Studies, the Elder School of Music or the Dental School.

The rate of response from each School is lower than was for the August 2003 AUPGSA IP survey; however, the University's number of honours and postgraduate students, as listed in the official statistics for 2003, has increased by nearly 700 individuals since the first survey results were compiled.

## 2.2 Faculty and Course Enrolment

Table 2: Course of enrolment, sorted by Faculty of enrolment

Faculty	Honours	Grad Cert	Grad Dip	Masters (Cswk)	Masters (Res.)	PhD	Grand Total	%age of respondents	Total number in Faculty	%age response
Engineering, Mathematical & Computer Science	1			5	1	13	21	23.3	514	4.1%
Health Sciences	1			5	1	6	13	14.4	1148	1.1%
Humanities & Social Sciences	2		2	1	3	7	15	16.7	802	1.9%
Professions	2	1	1	6			10	11.1	1735	0.6%
Sciences	4				5	23	31	34.4	872	3.6%
<b>Grand Total</b>	<b>10</b>	<b>1</b>	<b>3</b>	<b>17</b>	<b>10</b>	<b>49</b>	<b>90</b>	<b>100</b>	<b>5082<sup>4</sup></b>	<b>1.8%</b>

Table 2 shows that the largest group of survey respondents (31, 34.4%) is enrolled in the Faculty of the Sciences, followed by the Faculty of Engineering, Mathematical and Computer Science (21, 23.3%). The lowest number of respondents was from students enrolled in the Faculty of the Professions (10, 11.1%).

The highest rate of response from an individual Faculty was from Engineering, Computer and Mathematical Sciences (4.1%, 514 honours and postgraduate students in total), and the Faculty of the Sciences (3.6%, 872). The lowest rate of response was received from the Faculty of the Professions (0.6%, 1735). Again, the University's higher official student enrolment figures have contributed to a lower percentage when compared to the AUPGSA August 2003 survey.

<sup>4</sup> Note: Students enrolled in areas outside of the academic faculties (total: 11) are included in the total figure, hence the difference in total between the totals of each faculty and the total figure.

## 2.3 Faculty and Type of Program

*Table 3: Type of program, sorted by Faculty of enrolment*

<b>Faculty</b>	<b>Honours</b>	<b>Coursework</b>	<b>Research</b>	<b>Grand Total</b>
<i>Engineering, Mathematical &amp; Computer Science</i>	1	5	15	<b>21</b>
<i>Health Sciences</i>	1	5	7	<b>13</b>
<i>Humanities &amp; Social Sciences</i>	2	3	10	<b>15</b>
<i>Professions</i>	2	8		<b>10</b>
<i>Sciences</i>	4		27	<b>31</b>
<b>Grand Total</b>	<b>10</b>	<b>21</b>	<b>59</b>	<b>90</b>

The majority of survey respondents (59, 65.5%) are enrolled in higher degree by research (HDR) programs. Nearly one quarter (21, 23.3%) are enrolled in higher degree by coursework (HDC) programs, and the remainder in honours courses (10, 11.1%).

Almost half (27, 45.8%) of survey respondents enrolled in HDR programs are in the Faculty of the Sciences, with a similar percentage of honours students enrolled in the same Faculty (4, 40%). The largest group of HDC students is enrolled in the Faculty of the Professions (8, 38.1%).

### 3. Analysis of survey responses

#### 3.1 Question 1: *I feel that there is a need for a service that provides postgraduate and honours students with advice relating to intellectual property issues.*

Table 4: Responses to question 1, sorted by Faculty of enrolment

Faculty	Strongly Agree	Agree	Neutral/ Unsure	Disagree	Strongly Disagree	Grand Total
Engineering, Computer and Mathematical Sciences	16	5				21
Health Sciences	9	4				13
Humanities & Social Sciences	7	8				15
Professions	6	3	1			10
Sciences	18	11	1	1		31
<b>Grand Total</b>	<b>56</b>	<b>31</b>	<b>2</b>	<b>1</b>		<b>90</b>

The majority of survey respondents (56, 62.2%) stated that they strongly agreed that there is a need for a service that provides intellectual property support. A significant number (31, 34.4%) agreed with the statement. Only two respondents (2.2%) were unsure or had no feelings about the need for such a service, and a single respondent disagreed with the need.

#### 3.2 Question 2: *About which issues would you require advice?*

Table 5: Responses to question 2, sorted by Faculty of enrolment

Faculty	IP Agreements	Group Projects	Commercialisation	Patents	Other	Won't Use	Number of respondents
Engineering, Computer and Mathematical Sciences	13	7	9	9		4	21
Health Sciences	11	4	12	12	1	1	13
Humanities & Social Sciences	5	2	4	4	2	6	15
Professions	6	5	4	4	1	3	10
Sciences	25	12	16	16	1	5	31
<b>Grand Total</b>	<b>60</b>	<b>30</b>	<b>45</b>	<b>45</b>	<b>5</b>	<b>19</b>	<b>90</b>
<b>Percentage of respondents</b>	<b>66.7</b>	<b>33.3</b>	<b>50.0</b>	<b>50.0</b>	<b>5.6</b>	<b>21.1</b>	

Two thirds of survey respondents (60) indicated that they would use an IP service for advice about IP agreements. One third (30) stated that they would require advice about group projects, and half (45) of survey respondents indicated that they would seek advice about commercialisation and patent issues. Five respondents (5.6%) provided other issues about which they would seek advice. These are:

- Copyright;
- Confidential data;
- Non-disclosure agreements;
- IP Licenses;
- Publications and ownership of IP.

IP agreement advice was highest in the Faculties of Health Science (11, 84.6%) and the Sciences (25, 80.6%). Nineteen respondents (21.1%) did not feel that they would need to use a service that provided information about intellectual property. Of these respondents stated that they strongly agreed or agreed with the statement made in the first question.

### 3.3 Question 3: *What type of service(s) would you like to see provided by the AUPGSA?*

Table 6: Responses to question 3, sorted by Faculty of enrolment

Faculty	Handbook	Pamphlets	Web Resources	Email Discussion List	Email Consultation Service	In person Consultation Service	Other Service	Number of respondents
Engineering, Computer and Mathematical Sciences	14	8	17	3	14	13		21
Health Sciences	12	5	10	3	9	8	1	13
Humanities & Social Sciences	10	4	10	2	8	10		15
Professions	7	4	6	3	5	7	1	10
Sciences	21	13	17	3	13	21	2	31
<b>Grand Total</b>	<b>64</b>	<b>34</b>	<b>60</b>	<b>14</b>	<b>49</b>	<b>59</b>	<b>4</b>	<b>90</b>
<b>Percentage of respondents</b>	<b>71.1</b>	<b>37.8</b>	<b>66.7</b>	<b>15.6</b>	<b>54.4</b>	<b>65.6</b>	<b>4.4</b>	

The service most requested by survey respondents is a handbook about intellectual property issues (64, 71.1%). A similar percentage of survey thought that the AUPGSA should provide web-based information resources (60, 66.7%) and an in person consultation service (59, 65.6%). The fourth service that a majority of respondents supported is an email consultation service (49, 54.4%). Pamphlets (34, 37.8%) and an email discussion list (14, 15.6%) are considered to be the least useful to survey respondents. Four respondents (4.4%) suggested other services: three suggested seminars, and the fourth respondent stated that no service should be provided.

*Table 7: Responses to question 3 from individuals who stated that they would use an IP advice service for information about IP agreements*

Faculty	Handbook	Pamphlets	Web	Discussion	Email	In person
<i>Engineering, Computer and Mathematical Sciences</i>	10	6	11	3	9	8
<i>Health Sciences</i>	11	5	8	3	7	7
<i>Humanities &amp; Social Sciences</i>	3	2	3	1	4	3
<i>Professions</i>	5	4	4	2	3	4
<i>Sciences</i>	18	11	14	3	13	20
<b>Grand Total</b>	<b>47</b>	<b>28</b>	<b>40</b>	<b>12</b>	<b>36</b>	<b>42</b>
Number of respondents	60	60	60	60	60	60
<b>Percentage of respondents</b>	<b>78.3</b>	<b>46.7</b>	<b>66.7</b>	<b>20.0</b>	<b>60.0</b>	<b>70.0</b>

Of the respondents expressing interest in advice about IP agreements, over three quarters (47, 78.3%) stated that they would be interested in seeing an IP handbook provided. The majority of respondents interested in advice about IP agreements also indicated that in person consultations (42, 70%), web resources (40, 66.7%) and email-based consultations (36, 60%) would be useful services to provide.

*Table 8: Responses to question 3 from individuals who stated that they would use an IP advice service for information about group projects*

Faculty	Handbook	Pamphlets	Web	Discussion	Email	In person
<i>Engineering, Computer and Mathematical Sciences</i>	4	2	7	1	6	5
<i>Health Sciences</i>	4	2	4	1	2	2
<i>Humanities &amp; Social Sciences</i>			1	1	2	1
<i>Professions</i>	5	4	4	2	2	3
<i>Sciences</i>	10	3	9	1	5	9
<b>Grand Total</b>	<b>23</b>	<b>11</b>	<b>25</b>	<b>6</b>	<b>17</b>	<b>20</b>
Number of respondents	30	30	30	30	30	30
<b>Percentage of respondents</b>	<b>76.7</b>	<b>36.7</b>	<b>83.3</b>	<b>20.0</b>	<b>56.7</b>	<b>66.7</b>

Of the respondents expressing interest in advice about group projects, the most popular form of service in which they would be interested is web-based resources (25, 83.3%). An IP handbook (23, 76.7%), in person consultations (20, 66.7%) and email-based consultations (17, 56.7%) were also of interest to the majority of survey respondents.

*Table 9: Responses to question 3 from individuals who stated that they would use an IP advice service for information about commercialisation of IP*

Faculty	Handbook	Pamphlets	Web	Discussion	Email	In person
Engineering, Computer and Mathematical Sciences	7	2	7	2	7	8
Health Sciences	12	5	9	3	8	7
Humanities & Social Sciences	3	1	3		2	3
Professions	4	3	4	2	2	1
Sciences	11	8	9	2	8	11
<b>Grand Total</b>	<b>37</b>	<b>19</b>	<b>32</b>	<b>9</b>	<b>27</b>	<b>30</b>
Number of respondents	45	45	45	45	45	45
<b>Percentage of respondents</b>	<b>82.2</b>	<b>42.2</b>	<b>71.1</b>	<b>20.0</b>	<b>60.0</b>	<b>66.7</b>

The provision of an IP handbook is favoured most by respondents interested in information about the commercialisation of IP (37, 82.2%). Web resources (32, 71.1%), in person consultations (30, 66.7%) and email-based consultations (27, 60%) were also of interest to the majority of survey respondents interested in advice about commercialising IP.

*Table 10: Responses to question 3 from individuals who stated that they would use an IP advice service for information about patents*

Faculty	Handbook	Pamphlets	Web	Discussion	Email	In person
Engineering, Computer and Mathematical Sciences	5	2	6	2	6	5
Health Sciences	6	2	5		5	4
Humanities & Social Sciences	2	2	2		2	2
Professions	1	1	1	1	2	2
Sciences	8	7	7	3	8	10
<b>Grand Total</b>	<b>22</b>	<b>14</b>	<b>21</b>	<b>6</b>	<b>23</b>	<b>23</b>
Number of respondents	45	45	45	45	45	45
<b>Percentage of respondents</b>	<b>48.9</b>	<b>31.1</b>	<b>46.7</b>	<b>13.3</b>	<b>51.1</b>	<b>51.1</b>

In person consultations and email-based consultations were services, which respondents interested in advice about patents suggested (23, 51.1%). Just under one half of survey respondents interesting in advice about patents were interested in the production of an IP handbook (22, 48.9%) and web-based resources (21, 46.7%).

**3.4 Question 4: *The AUPGSA seeks to establish a service that is free to AUPGSA members. However, if it were not possible to fully fund a consultation service, how much would you be willing to contribute for professional advice from a legal practitioner?***

*Table 11: Responses to question 4, sorted by Faculty of enrolment*

<b>Faculty</b>	<b>Nothing</b>	<b>\$1-\$10</b>	<b>\$11-\$20</b>	<b>\$21-\$30</b>	<b>\$31-\$40</b>	<b>\$41-\$50</b>	<b>&gt;\$51</b>	<b>Grand Total</b>
<i>Engineering, Computer and Mathematical Sciences</i>	10	3	4	2		2		21
<i>Health Sciences</i>	3	4	4	2				13
<i>Humanities &amp; Social Sciences</i>	9	1	4	1				15
<i>Professions</i>	7		2				1	10
<i>Sciences</i>	12	8	8	2			1	31
<b>Grand Total</b>	<b>41</b>	<b>16</b>	<b>22</b>	<b>7</b>		<b>2</b>	<b>2</b>	<b>90</b>
<b>Percentage of respondents</b>	<b>45.5</b>	<b>17.7</b>	<b>24.4</b>	<b>7.7</b>		<b>2.2</b>	<b>2.2</b>	<b>100</b>

Almost half (41, 45.6%) of survey respondents stated that they would not be prepared to contribute any money for professional advice from a legal practitioner. Around one quarter (22, 24.4%) stated that they would be willing to contribute between \$11 and \$20 to help fund the service, with smaller numbers of respondents willing to contribute between \$1 and \$10 (16, 17.8%), and \$21 and \$30 (7, 7.8%). A small number of students were prepared to contribute between \$41 and \$50 (2, 2.2%) and the same number willing to contribute over \$51 to providing professional legal advice.

## ***4. Discussion***

### **4.1 Summary**

90 individuals (approximately 2.1% of the AUPGSA's total membership) completed the survey. As expected, due to the nature of the survey, the highest rate of response and the most responses were from the Faculties of Engineering, Mathematical and Computer Science and the Sciences. Somewhat surprising was the low rate of response from students enrolled in the Faculty of Health Science. It was expected that the majority of survey respondents would be enrolled in HDR programs, which is confirmed by the survey responses. Whilst a higher rate of response would have been desirable, the response rate was nevertheless significant enough to suggest trends and to draw conclusions.

Almost all survey respondents (87, 96.6%) supported the notion that there is a need to provide postgraduate and honours students with a service that provides IP advice. This finding comes as no surprise. The majority of respondents (56, 62.2%) strongly supported the proposal.

The most common area about which respondents stated that they would seek advice involves IP agreements, with the highest rate of response from respondents enrolled in the Faculties of Health Sciences (11, 84.6%) and the Sciences (25, 80.6%). This confirms the finding of the earlier 2003 IP survey conducted by the AUPGSA, namely that students in the Health Sciences and the Sciences are more likely to have signed an IP agreement in the course of their studies.<sup>5</sup> Advice about group projects is of most interest to respondents from the Sciences (12, 38.7%) and Engineering, Computer and Mathematical Science (7, 33.3%). Commercialisation and patent issues were stated by most respondents enrolled in the Health Sciences (12, 92.3%) as being an issue about which they would seek advice, and lower percentages from other Faculties.

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<sup>5</sup> AUPGSA, 2003 *Intellectual Property Survey*. 14.

In terms of the type of service that survey respondents would like to see provided, the most popular suggestion was the provision of an IP handbook. This is particularly apparent in the responses from individuals, who expressed interest in receiving advice about IP agreements and the commercialisation of IP. Web-based resources were most popular with individuals expressing interest in advice about group projects, although the suggestion of an IP handbook also ranked highly. The possibility to discuss IP issues is also favoured by survey respondents, with in person consultations generally a more popular suggestion than email-based consultations.

The percentage of respondents interested in advice about IP agreements, group projects and IP commercialisation expressed far stronger support for the provision of IP support services than those interested in advice about patents. The issue of patents, despite the fact that half of survey respondents expressed interest in advice about them, are of less relevance to postgraduate students during their enrolment than the other issues, not least because of the costs associated with patent applications.

During 2003, the AUPGSA has been contacted by a number of students, who have required independent legal advice about issues related to their study. A primary concern of these students was the costs associated with independent legal advice. One student was advised by his supervisor that he could use some of his research grant to fund legal advice, whereas the other students were forced to either pay the costs themselves or to not seek advice. It is therefore no surprise that nearly half of survey respondents (41, 45.5%) stated that they would not be willing to pay for professional independent legal advice, with a similar proportion (38, 42.2%) willing to pay for to \$20 for a consultation. As most students pay an annual student service fee (SSF), and in the case of postgraduate coursework and international students large fees, it is not surprising that most students are not willing – or are in a position – to pay significant amounts of money for legal advice related to their study.

## 4.2 Suggested action

The surveys about IP that the AUPGSA has conducted during 2003 suggest that there is a need for postgraduate students to be provided with information and advice about intellectual property issues that may affect their study. Support needs to be provided to postgraduate and honours students that is broad in nature, yet detailed enough to be of assistance. To achieve these aims, the following proposals are suggested:

1. *Information resources.* In order to educate better postgraduate students about IP issues, a range of resources needs to be provided. The AUPGSA is working towards the establishment of such a service, with which it hopes to work closely with the University. The current survey suggests that three specific services should be provided:

- **IP handbook.** The AUPGSA is producing a handbook that aims to address all common questions relating to IP. It is planned to have the handbook ready for the Semester 1, 2004, HDR inductions at the end of February;
- **Web resources.** The AUPGSA will be establishing a new section on its web site to complement the IP handbook. Whilst there will be some overlap with the IP handbook, which will also be available for downloading, the web site will also include an interactive section, in which postgraduate students are able to post questions for answering. These questions and answers will then be posted on the web site in their own section. The IP section of the AUPGSA web site will be available during Semester 1, 2004.
- **Consultation services.** The AUPGSA currently provides non-legal advice about IP issues to postgraduate students, who contact the AUPGSA for assistance. This advice is provided by email, telephone or in person.

2. *Professional legal services.* The AUPGSA is neither in a position to provide expert legal advice for postgraduate students about IP issues nor able to fund such a service. The University and ARI are not in a position to provide independent legal advice to students because of the inherent conflict of interest that arises when the issue involves the University/ARI on one side and the student on the other. As the most frequent query that the AUPGSA receives about IP issues concerns the Student Project Participation Agreement (SPPA), this problem is not infrequent. However, due to the

costs associated with independent legal advice, it is most likely not feasible for the University to provide funds for independent legal advice for every student who requests it. However, in most cases, the provision of comprehensive information services should alleviate the need for students to consider seeking legal advice.

The Adelaide University Union offers a free legal service for all students at the University, which provides limited advice on a range of topics, including intellectual property. However, due to the high demands placed on the service, an appointment can be hard to get. In order to provide extra support for postgraduate students, the University should consider providing a regular session for postgraduate students with an IP lawyer, so that they can seek information about their concerns. The service would be administered by the AUPGSA. Students would book a timeslot (20-30 minutes) with the AUPGSA, during which they can have their issues addressed. In the first instance, the AUPGSA would refer students to its information resources; if the resources are not specific enough or do not address the specific issue that the student has raised, a time with the IP lawyer would be booked.

**Recommendation 1: That the University of Adelaide provide funding for a regular session for postgraduate and honours students to ask an IP lawyer with no contract with the University for advice.**

The AUPGSA has had discussions with an Adelaide law firm. In discussions, the suggestion was raised that the SPPA could be redrafted to give it a broader scope and to make it more student-orientated. By broadening the scope of it to include possibilities such as IP that the student has developed before the commencement of study at the University, it would minimise the need to modify the contract as frequently. As the standard SPPA currently is formulated, many students do not feel comfortable in signing it; by commissioning an outside legal expert to redraft it, the aim of providing a document that is more student-orientated may be achieved. The AUPGSA is currently waiting to receive a proposal (including costs) for the project, which it shall forward to the University upon receipt.

**Recommendation 2: That the Student Project Participation Agreement be redrafted by a legal expert with no contract with the University.**

## Appendix A: Copy of Survey



[PGSA Home](#)

### *Intellectual Property Support Survey*

[About the PGSA](#)

The AUPGSA is compiling a submission to the University about the need to provide postgraduate and honours students with independent legal advice and support regarding intellectual property issues. If the possibility of such a service is of interest to you, the AUPGSA would appreciate your taking the time to complete this short survey.

[News](#)

[Postgraduate Rights](#)

Intellectual property is concerned with protecting applications of ideas, information and creative output that are of commercial value. It includes copyright, trade marks, industrial designs, patents, layout designs of integrated circuits, and trade secrets. Copyright is broadly defined as original authorship of written material or software, music or artwork. It is the form of intellectual property of most relevance to postgraduate and honours students. For example, you own the copyright in your thesis. Other activities that may lead to the generation of copyright include the composition of a piece of music, writing computer programs, and designing a questionnaire. As the owner of a copyright work you have the right to bring an action against a person who infringes or breaches your copyright. Other forms of IP are generally the result of inventions or scientific discoveries and are more commonly protected through patents or trademarks.

[Academic Services](#)

[Welfare Services](#)

[PGSA Publications](#)

[PGSA Council](#)

[PGSA Events](#)

[PG Coursework Quality List](#)

As an incentive, the PGSA is offering the chance to enter a draw for a \$50 UniBooks voucher for people who fill in the survey. If you do not wish to enter the draw, there is no need to provide your name. Your identity will be used **ONLY** for the prize draw, and all survey responses will be separated from this section to preserve anonymity.

[Links](#)

[Contact us](#)

Please remember that if you DO experience problems with intellectual property ownership, you should contact the PGSA for assistance and advice. This can take the form of an informal chat through to representation and direct advocacy.

[Site Map](#)

PGSA  
Level 1 George Murray

Your name (optional):

Your email address (optional):

SA 5005  
AUSTRALIA  
[Email](#)

Telephone: +61 8 8303 4114  
or 8303 5898  
Facsimile:  
+61 8 8303 3507

(required for entry to prize draw - all responses will be kept anonymous. If you do not wish to enter, leave the spaces blank)

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(Note: all categories from this point on must be completed to submit the form)

School (Department):

Faculty:

Course (Phd, MA, etc.):

Research or Coursework degree?

1. I feel that there is a need for a service that provides postgraduate and honours students with advice relating to intellectual property issues.

2. About which issues would you require advice (please indicate all types)?

- IP Agreements (Student Project Participation Agreements)
- Group projects
- Commercialisation of IP
- Patents
- Other (please state)
- I don't believe that I would need to use the proposed service

.

3. What type of service(s) would you like to see provided by the AUPGSA (please indicate all services that you consider appropriate)?

- IP Handbook
- Pamphlets about IP issues
- .....

- Discussion list for IP issues
- Email-based consultation service
- In person consultation service
- Other (please state)

4. 4. The AUPGSA seeks to establish a service that is free to AUPGSA members. However, if it were not possible to fully fund a consultation service, how much would you be willing to contribute for professional advice from a legal practitioner?

5. Please add any comments you would like to make in the box below:

Enter your comments here (if you have nothing to add, leave this text here).

(Note: confirmation of the form's submission is presented as a list of values - you will not receive email notification)

We thank you for taking the time to filling out this survey.

## *Appendix B: Comments of Survey Respondents*

As noted previously, all identifying information has been removed from the responses listed below, and obvious grammatical and typographical have been corrected.

- Couldn't pay that type of fees even if we want to.
- I am prepared to pay for in depth legal advice if necessary, however think the initial contact should be free, to help determine if more in depth advice is needed or if it can be solved fairly easily.
- The graduate centre put on a series of seminars this year on IP and commercialisation, having only just begun my PhD I hadn't given the matter much thought, I found the seminar to be really beneficial. From the seminar we got given ideas on who to ask if we want more information, good websites to go to and the sort of information we should be looking for. The graduate centre would still have some of the gear I'm sure if you wanted to have a look. otherwise, thanks for the services you do provide now.
- I think the service should be free because it should be part of doing one's course for which we already pay fees.
- I query the rights of journals to which I submit articles for publication, stating that, if accepted, they then hold the copyright to that article.

It would be helpful to know just how binding is their subsequent 'copyright' i.e. if the author can use certain sections from it for possible publications submitted elsewhere. With the current push by universities for research candidates to be published in various refereed journals, this is an issue that confronts some of us.

- I find that the information provided at the moment re SPPA is insufficient to make a decision about whether to sign one or not.

- I had to sign an agreement, which means that my thesis will be embargoed, but nothing has been done to commercialise the equipment I am using. As there will be no information in my thesis, which isn't already in the public domain, I feel this is rather unfair! Also, I was given no choice about signing the agreement, else I would have had to change my whole project, which I was well into at that stage.
- This is crucial. People don't even know where to go for advice.
- I can't see so early on in my project why I would require such a service but it would be very reassuring to know this service existed if any issues did emerge - my knowledge in IP is rather non-existent!
- I would be willing to pay for consultation, but am really unable to give a prediction of how much I'm willing to pay unless I know what I'm paying for. I do think that the ability to seek independent legal advice on IP issues is extremely important, and encourage the AUPGSA to continue working on this issue.
- IP issues differ from discipline to discipline, so the information and services would need to be tailored towards disciplines.
- Having attended the recent pilot conference on IP Commercialisation, I know that help in the areas mentioned above is limited to science IP - and I don't mean Social Science. Try as they will, presenters fall back on examples and premises that relate only to science produce. This is deemed to be the lucrative scene in academe. All else is neglected - just as Coursework Students were until the recent conference organised by the PGSA of AU.
- I would pay a small amount for a small group seminar that allowed questions.
- This service is probably most needed when students are under industry grants/stipends, such as CRC, who require their own IP agreements.

- Both ECIC and ARI offer services to students re IP, copyright, patents etc. It is worth considering the scope of these existing services (ranging from pamphlets and web info, to seminars and consultations) when contemplating beginning an AUPGSA initiative in a similar area.
- A web site in conjunction with an overview in person (lecture - seminar) would best inform students of their rights & responsibilities regarding IP.
- The University and PGSA already provide some useful general information on IP issues. So, if further services are deemed to be warranted - for example, on the grounds that the advice is independent of the University - they should involve legal and/or technical experts.
- As it is accepted that we become a smart country and that this university is involved in research at postgraduate studies and that some students could make a living out of the commercialisation of their research, whether Medical, biological or engineering for example and that they are on knife edge financially, I think that they should be entitled to all types of professional advice whether it be concerned with protection or commercialisation of their intellectual property.
- Better communication from ARI about IP and related issues is vital. They seem to wear the suit and lawyers hat and do not relate to students, come across as intimidating and bureaucratic. They should approach things in an informal, helpful manner as a service to research students, not a hindrance which is often the case.
- The current university system is oppressive, intimidating and dubious in an ethical sense. Students are threatened by letter that if they have IP that is commercialisable and they do not fill out the SPPA, then their enrolment will be cancelled. Should they challenge this process, the ARI lawyer gets pretty heavy. One colleague in my department just signed away her rights when provoked by the letter. Her supervisor was quite upset, but it was too late. The AUPGSA could offer advice that students should seek advice about the agreement prior to signing. I would be prepared to be available for email advice should it be required. The current process needs to be changed.

- Fee I would be prepared to pay depends on the complexity of the advice required and the time invested by the lawyer
- When I first transferred to Adel Uni from \*\*\* I had already signed an IP agreement with the previous university and I rang everyone that I could think of to try to get legal advice about my IP agreement. However, there appeared to be no one that could help me at Adel Uni and I was advised to go and pay for a lawyer outside of the university. Frankly I can't afford to do this and have found it frustrating that 6 months on I'm still being pushed to sign the IP agreement with this university although no one can tell me whether my old IP agreement is still valid or not. On top of this I know that \*\*\* I'll be in trouble for not completely filling in my Core Component form as I can't until I sort out the issue of IP. I firmly believe that an independent legal service would be invaluable to students so that they fully know their rights. I briefly spoke to the IP lawyers at a seminar run by the university however got the distinct feeling that they just wanted me to sign the IP over, with the underlying notion of 'just sign it, don't worry about it, it'll be fine'. At my previous university we were encouraged to seek legal advice prior to signing the IP agreement, which is how I believe, it should be. If you get this service up and running I would be highly interested in it and believe that it would be a good thing for postgrad students to have. Sorry this is so long.
- I would assume most of the students, especially postgraduate already very much familiar with this issues (international might not be due to differences in cultural behaviours). However, there should be a short, skim-through remainder & students wanting to know more should seek further advise from a legal practitioner. As an underpaid full-time worker & a student with a mortgage, I would like to seek service for free. That is why I love uni, students can get good advise, be pointed into the right direction or at least be advised on where one can find things without costing them (me) an arm & a leg. Very important to a lot of students, that have no or limited cash flow & don't have other means of getting support (ie rich parents, allowances, well-paid jobs)!!!

- I have encountered Honours students dealing with IP issues, and they don't appear to have much access to information like postgrads. They should be included in this as well.
- Before starting my honours, I was unaware that you could not get IP or commercialise if the work (or parts of it) had already been published at conferences etc. I did not know this. I believe it is the supervisor's responsibility to inform the student that if a potential IP could come out of their work, they must be careful in what they publish, does this also apply to results/information presented by the student at seminars too?
- I recently signed a SPPA without knowing that there would be an embargo on my thesis at the end of it. There was no mention of an embargo before I signed the agreement.
- In today's sophisticated employment and legal environment, the AUPGSA and Adelaide, a public University, need to provide adequate student coverage for legal issues, especially the very broad and complicated area of IP.
- It is difficult to consider the question of fee for service etc, as how much would one pay for how much of what type of advice etc? Perhaps initial consultations etc should be free with further consultation / advice having some form of fee. This way students can have an initial discussion to determine the scope of support required and identify some initial costs and benefits prior to committing to anything more substantial.
- I think that people should not worry at all about IP and just do research for the "good of science". People should spend their time real work and not worry about making money.

- The experience I have had in my project is that issues relating to IP are not quite worked out (complicated by the fact that I am also part of a CRC) e.g. When discussing potentially commercially viable outcomes from my work, the people we were discussing this information with didn't have access to my student participation agreement (i.e. things were disorganised), and had no idea about how IP issues related to the CRC, resulting in frustrating lengthy discussions. Furthermore, during discussions they were only concerned about how the IP was divided up between the uni, CRC, researchers etc., without addressing what I was more interested in (ie. gaining advice on disclosure (publishing my work) so I can continue to make progress in my project) and they were effectively representing myself AND the university simultaneously (so independence is an important issue). (As it turns out, my work is probably not commercially viable, which I consider a good thing considering the time and issues involved). Information relating to these issues should perhaps be clearer and provided upfront, and an independent source of advice would be good.
- I'd like to see some coursework developed that delivers skills in identifying, managing and commercialising IP as well as an understanding of the legal implications.
- I think the initiative to provide independent legal advice is an excellent one!