These FAQs are a brief introduction to intellectual property rights for Postgraduate Research (PGR) students. It is intended to give you a short introduction to the basics and point you to additional resources. It is not a substitute for legal advice.

What is Intellectual Property?
Intellectual property (IP) refers to creative work (e.g. the results of a program of research) which can be treated as an asset or physical property. Be careful to note the distinction between IP and intellectual property rights (IPRs). IPRs are legal forms of protection for IP and fall into four main areas: patent, copyright, trademark and design rights.

Why is this important to me?
If you generate IP that you wish to protect, e.g. to keep others from using or benefitting from your work, and which you think might be able to be exploited for some benefit, you may want to consider what would need to be done to legally protect your rights and what rights you already have. Further, you need to realise that others have rights as well, e.g. anyone with whom you have collaborated or in whose work you have been involved may have an interest in any IP generated as a result of this work and anyone whose work you use needs to be referenced appropriately.

What is a patent?
A patent protects new inventions and covers how things work, what they do, how they do it, what they are made of and how they are made¹. If a patent is granted, it may dissuade others from trying to use or exploit an invention and would give the owner the ability to take legal action to try to stop others from reproducing, using or deriving benefits from the invention without permission. An owner of a patent may sell or license their rights to the invention, thus transferring ownership or allowing others to use it under the terms of the license agreement.

What is copyright?
Copyright protects written, theatrical, musical and artistic works as well as film, book layouts, sound recordings, and broadcasts. Copyright is an automatic right, which means you don't have to apply for it¹. The rights conferred allow the author / creator to prevent others from copying the work without permission. Copyright does not protect the ideas behind the work but rather how they are tangibly expressed, e.g. in writing. While there are no formal steps for registering your copyright, there are steps you can take to show when the work was created such as marking your work with the © symbol, your name and the year in which the work was created, lodging a copy with a solicitor or sending yourself a copy of the work via special delivery post to confirm the date and leaving it unopened.

What is the University’s policy?
The University’s policy is that PGR students who are not employed by the University own their IP unless this is governed by a third party agreement (e.g. funding or sponsorship) or other factors which confer an interest in the IP. Students may also choose to assign their IPRs to the University. Any student who assigns any IPRs created during their research degree to the University would then be granted the same rights as any employee inventor under the University’s IP and Commercialisation Policy.

What if I work for the University?
If you are an employee of the University as well as a student then any IP created in the course of that employment will be governed by the terms of that employment. For example, if you work a few hours a week as an intern or occasionally as an exam invigilator, you are unlikely to have generated IP in the course of this employment.

Why is this important to the University?
Beyond the potential to generate income: The creation and dissemination of knowledge is at the heart of every university activity. The challenge is realising how this knowledge can best be utilised as an asset that can provide the maximum value to the economy, society and the university itself. The University has a responsibility to staff, students, partners, funders and collaborators to protect their rights as well as its own rights in the best way that it can and to ensure that society can benefit from the funding that is given to the University.

Why would I want to assign my rights to the University - it is my work, isn't it?
First, it is worth considering whether it is possible that you may not have actually created the IP in question entirely by yourself. You are likely to work closely with your supervisor and possibly lab groups or in other collaborative settings. If the IPRs are assigned to the University, the University can act in the best interests of all parties. Second, you may not personally have the expertise and/or resources to protect the IP and/or foster any commercialisation opportunities. By assigning your rights to the University, you would allow the University to use its considerable experience and resources to protect or exploit the IP in question and would benefit from support and advice as well as any financial benefits on the same basis as any staff member in the same position. The University would seek to maximise the potential of your IP which you would possibly struggle to do on your own. If you have assigned your IP to the University, or are asked to, you shouldn’t perceive this as the University taking something away from you. It is intended to offer you protection and support.

Would this affect my ability to present or publish any of my work?
If you think that you have IP that you might want to protect, then you should think carefully about how or if you want to disclose any part of your IP before doing so. Making your IP public can affect your ability to legally protect it in cases where you have to take action (e.g. file for a patent) to do so. The University, even if you were to assign your IP to them, would not own the rights to your 'scholarly works’ so you would not be prevented from undertaking the ‘normal’ activities of a researcher, such as publishing or presenting your work. However, if you do publish any of your work, you enter into an agreement with the publisher that may affect how you may re-use your work.

Who owns the data / results of my research?
Please keep in mind that regardless of ownership of the IPRs, the University requires access to all data generated using University resources and will retain the original data when a student leaves. This is because the University has obligations placed on it by funders and the government to make publicly funded research data accessible for reuse and increasing its potential impact is a key objective for the majority of UK research councils and funding bodies.

What if I am asked to sign a confidentiality agreement?
You may be asked to sign a confidentiality agreement if you are in contact with IP that has been or may be protected or that is commercially sensitive (meaning that it is perceived as being able to generate profit or may lead to other business advantage). This is quite common if you are to spend time working in or with an external organisation as part of your programme. You should take the time to read the agreement carefully and bring any queries or concerns about the agreement to your supervisor in the first instance.

What should I do if I think I do have an idea or invention worth protecting?
Have a look at the Research Strategy and Innovation Office website about where to start: http://www.gla.ac.uk/services/rsio/forstaffcampusonly/intellectualpropertymanagement/wheredoistartandwhatsnext/

Where can I get more information?
The University’s IP and Commercialisation Policy: http://www.gla.ac.uk/research/aims/ourpolicies/
Research Strategy and Innovation Office, Intellectual Property Basics:
http://www.gla.ac.uk/services/rsio/forstaffcampusonly/intellectualpropertymanagement/intellectualpropertybasics/
Data Management for Researchers IPR FAQs:
http://www.gla.ac.uk/services/datamanagement/creatingyourdata/intellectualpropertyrights/
Copyright Hub: http://www.copyrighthub.co.uk/