

Intellectual Property for Placement

What is Intellectual Property (IP)?

IP refers to creations of the mind which can be legally owned and therefore protected from unauthorised use by others.

Some forms of IP require formal application and examination before an ownership right capable of protection can be claimed. These include: inventions protected by patents or plant breeder's rights; trademarks; and industrial designs. Other forms of IP are protected at the point of creation. These include: scholarly and creative works protected by copyright; and proprietary information such as know-how or trade secrets protected by the common law.

Ownership of IP

IP created by an enrolled student in the course of their University studies is owned by the student, unless there is a specific agreement to the contrary such as during a WIL placement.

Assignment of IP

Under the University's **Intellectual Property Policy** the University may require an enrolled student to assign to the University ownership of any IP, except for student thesis or assessment work, in circumstances where there is a placement agreement between the University and a third party placement provider/organisation.

Most placement organisations reasonably require as a pre-condition for accepting a student to participate in a Work Integrated Learning (WIL) placement with them that IP in materials created by students while participating in that placement remain with the placement organisation.

For this reason, the University enters into an Agreement with placement organisations which deals with Student IP on placement. Under the Agreement, the University agrees to obtain an assignment of the student's IP and then transfer it to the Placement Organisation subject to the student receiving in return a broad licence to use that IP.

For paid placements, Created IP will be directly transferred to the Placement Organisation, in return they will grant you a broad licence to use that IP.

The assignment of your IP to Flinders (and then in turn transfer by Flinders to the Placement Organisation) is relevant only to IP created by you while on WIL placements. The purpose of WIL activities is to replicate employment in a workplace. The transfer of IP to the 'employer' placement organisation aligns with standard contractual conditions of employment.

Your IP Licence Rights

Although the placement organisation has your IP transferred to it, the placement organisation is required by the University to grant to you a non-exclusive, non-transferable, royalty free, perpetual license to use your created IP for submission or reporting to, or examination or assessment by Flinders University, or in any other teaching, educational, academic, or research materials prepared by you.

What does this mean to you?

While the Placement Organisation owns the IP you create while on placement with it, you retain a broad license to use this IP in any assessment, teaching, educational, academic or research materials which you prepare.

- Example: You have produced a poster as part of your assessment. The host organisation owns the intellectual property in the content of the poster, but you are able to use that content in the poster and for any other assessments.
- In addition, the host organisation cannot take any of your assessment pieces and disseminate them as company information without your consent.
- If IP is involved in your assessment pieces then you should talk to your host placement supervisor before submitting and check that the company is satisfied with the level of disclosure particularly in circumstances where confidentiality obligations between you and the placement organisation apply.

Legal Advice

Please note that the University is unable to provide you (as a student) with personal legal advice about IP matters as this constitutes a conflict of interest for the University.

It is important for you to read, understand and accept the Student Consent for Placement. Your acceptance of this Consent among other things will put in place the IP arrangements which have been described earlier in this counselling video.

You are entitled to obtain independent legal advice if you so require prior to accepting the IP arrangements described in the Consent.

Flinders University has a free legal clinic (Flinders Legal Advice Clinic) which all students have access to. The Clinic can be contacted on: legaladviceclinic@flinders.edu.au.

You may also seek independent advice at your own cost.