

Deferment of the Public Availability of a Thesis

A candidate may request a deferment of public availability for up to six months if they believe their interests are at risk, e.g., if they have created IP that requires protection. The initial request is made to the Dean of the Faculty concerned. The Dean may also recommend that an extension be approved by the Graduate Studies Committee for a period not exceeding 12 months.

It is general practice for the University not to enter into any contractual or collaborative research with students which would prevent the submission or examination of a thesis within the time frames set by Senate or exclude any material or information required in the body of a thesis.

Participation by a student in a commercial research partnership or contract does not automatically mean that public availability of the thesis will be deferred. Where a candidate's research is funded by a contract or project in collaboration with industry they should be fully informed of any conditions or restrictions which may delay public availability of the thesis. A collaborative partner may request a restriction on the public availability of a thesis if it would effect the commercialisation of the research project. An application for deferment must be resolved at the commencement of candidature. Such applications must be completed by both the student and their supervisor. Forms are available from, and must be lodged with your Faculty Office.

Applications for deferment should set out the reasons and adequate justification. University Regulations State that under no circumstances should the submission and examination of a thesis be delayed beyond the timeframe set by Senate. Please consult <<http://www.usyd.edu.au/publications/calendar>> (click on the University of Sydney (Amendment Act) Rule 1999 (as amended) and read Division 5, Sections 90-92) for more information.

Authorship & acknowledgement

The University of Sydney recommends that agreement be reached between a student and supervisor with regard to authorship of any publications and acknowledgment of contributions made both during and after the candidature.

The University suggests that issues and questions relating to the above be discussed at the start of a project with all parties involved. Acknowledgment should be given to all people who make a significant contribution to a project. More detailed authorship and acknowledgment guidelines can be found in *Code of Conduct for Responsible Research Practice Policy*. Postgraduate students should pay particular attention to their own situation as academic rank or reputation should not of itself determine authorship and acknowledgment of contributions.

Useful Contacts & Resources

Australian Copyright Council
<http://www.copyright.com.au>
(02)9394 7600

Arts Law Centre of Australia
<http://www.artslaw.com.au>
(02)9356 2566

IPAustralia
<http://www.ipaaustralia.gov.au>

National Indigenous Arts Advocacy Associations Inc (NIAAA)
<http://www.niaaa.com.au>
(02) 9241 3533

University of Sydney Intellectual Property Rule
<http://www.usyd.edu.au/publications/calendar>
http://db.usyd.edu.au/policy/policy_index.stm

The University of Sydney Business Liaison Office
<http://www.usyd.edu.au/su/bo>

The Code of Conduct for Responsible Research Practice
http://db.usyd.edu.au/policy/policy_index.stm

Rules Relating to Confidential Material and Public Availability of a Thesis
<http://www.usyd.edu.au/publications/calendar>
(click on the University of Sydney (Amendment Act) Rule 1999 (as amended) and read Division 5, Sections 90-92)

If you have any questions about this material, please make an appointment to see a SUPRA Student Adviser. Appointments can be made by calling SUPRA Reception.

These pamphlets are a guide only. If you have any further questions, please contact a SUPRA student adviser for in-depth advice on your specific questions.

INTELLECTUAL PROPERTY

& postgrads

SYDNEY UNIVERSITY POSTGRADUATE REPRESENTATIVE ASSOCIATION

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SYDNEY UNIVERSITY POSTGRADUATE REPRESENTATIVE ASSOCIATION

What is *Intellectual Property?*

Intellectual Property (IP) refers to a wide range of legal and moral rights that result from the creation of original literary artistic and scientific works, scientific and industrial discoveries and inventions, performances, designs and trademarks. It also includes trade secrets and know-how.

IP Rule at the University of Sydney

It is important to note that ownership of intellectual property differs depending on whether you are a staff member or a student. SUPRA strongly recommends that all students clarify their ownership of IP early in their candidature. There are a number of avenues through which you can do this:

- Read the University's Intellectual Property Policy at: <<http://www.usyd.edu.au/publications/calendar>> and <http://db.usyd.edu.au/policy/policy_index.stm>
- Discuss with your supervisor/associate supervisor.

Depending on your circumstances you may also wish to:

- Contact SUPRA on 9351 3715 or visit <<http://www.usyd.edu.au/supra/ip>>
- Contact the Business Liaison Office at: <<http://www.usyd.edu.au/su/blo>>
- Seek independent legal advice.

The University's IP Policy

The University's policy on IP covers ownership rights of staff members and students, the reporting and commercialisation of IP, dispute resolution, and distribution of royalties resulting from commercialisation. The IP Rule incorporates legislation relating to Moral Rights (for a guide to Moral Rights see the Australian Copyright Council Fact Sheet at <<http://www.copyright.org.au>>) and the National Principles of IP Management for Publicly Funded Research. The rule is read in conjunction with the University's Code of Conduct for Responsible Research Practice. The *Code of Conduct for Responsible Research Practice* sets out definitions of misconduct that includes infringements upon intellectual property and moral rights during the course of research. See <http://db.usyd.edu.au/policy/policy_index.stm> for a copy of the policy.

Student *Rights*

- Students own any IP they create pursuant to their studies, unless they sign an agreement relinquishing ownership. A standard University agreement is available for this purpose. Any signing away of a student's IP rights must be given freely and in full knowledge of what they are doing.
- Assignment of a student's IP rights must not be a condition of enrolment in the University under any circumstances.
- There may be circumstances where student involvement in a particular research program is subject to assignment of IP rights (e.g., where research is funded by a third party such as an industrial partner or the Australian Research Council). In these cases, it is the responsibility of the head of the research project to advise the student as follows BEFORE the student is allowed to participate in the project that:
 - (a) the student is required to assign their IP rights; and that
 - (b) the student should seek independent legal advice about their rights.
- If students who create IP wish to seek its commercialisation, they are encouraged to approach the University to do so, in which case the same conditions will apply to them as to staff. Initial advice is confidential and free although any action taken by the University to develop the IP may require a student to enter into an agreement with the University. This usually requires the assigning of ownership of the IP created in return for a share of income. For a more detailed explanation of the University's IP Rule or assistance in referrals for legal advice, contact SUPRA.

What if a *Dispute Arises?*

You should seek assistance if you think your IP rights have been infringed. You may find it helpful to discuss your concerns with your supervisor, Head of Department, Postgraduate Coordinator or SUPRA.

The University's IP policy indicates that if a dispute arises about how to interpret or apply the IP policy the following procedures apply:

- Contact the Director of the Business Liaison Office;
 - The Director or nominee can ask all involved to meet with a view to resolution;
 - If there is none, or the meeting is not held within 14 days, the matter may then be referred to the Pro-Vice-Chancellor (Research), who must attempt to resolve the dispute within 14 days;
 - The matter may be referred to the Vice-Chancellor, who must decide within 31 days. Note: the VC's decision is final.
- SUPRA suggests that in some cases of infringement within the University, it may be in your best interest to seek independent legal advice. For external infringements (for example by an academic at another University or a researcher in a business), external legal consultation may be required.

Please note that the dispute resolution procedure is geared towards the interpretation and application of the Rule.

Confidential Material

When examination of a thesis is completed, the University regulations require that the thesis be lodged with the University Library. The effect of lodgment is to render the thesis 'publicly available.'

The University of Sydney by-laws allow confidential material, which the candidate cannot disclose within a thesis, to be contained in an appendix. Your Faculty may recommend to the Graduate Studies Committee of the Academic Board that confidential material be placed in an appendix for no longer than a period of five years.

Confidential material may include intellectual property developed by a student, e.g., an invention, and would require an appendix or delay in the publication of the thesis. This is because successful registration of a patent for the invention is dependent upon it being kept secret prior to registration only. It may also include sensitive or restricted data and case studies.