



## **Intellectual Property and Undergraduate Students: A Guide for Faculty Supervisors**

*(March 2021)*

### **1. What is Intellectual Property (IP)?**

Intellectual property is “any form of knowledge or expression created partly or wholly with one's intellect and which can be legally protected.”<sup>1</sup> Examples of IP include, but is not limited to ideas that can be documented, presentations, publications, inventions, artistic expression and literary creations.

IP is protected legally by patents for inventions, trademarks for brand identity, designs for product appearance, and copyright for material. IP laws vary by country, but in general the intention these legal frameworks are to protect and promote creativity, ensuring that creators retain monetary and intellectual outcomes of their work, while at the same time ensuring that the public can access and benefit from these creations.<sup>2</sup>

In the humanities and social sciences, the most frequent form of IP protection encountered is copyright. Copyright protects original literary or artistic works (including performances and sound recordings), and identifies the right of the author to prevent others from reproducing or copying their work for a certain length of time.<sup>3</sup>

### **2. What IP rights do undergrad students have?**

Undergraduate students have the same IP rights as anyone else under national laws. However, context matters in the interpretation of IP.

The context in which an undergraduate student may produce IP shapes how rights may be held. For example, students may share IP rights with a faculty supervisor, fellow students, community partners, or academic staff, depending on the particular form of the project in question.<sup>4</sup> For this reason, it is important that students do not assume they hold exclusive ownership of research data, or of the intellectual or creative outcomes of a particular project conducted during their time at Huron.

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<sup>1</sup> “A Guide to Intellectual Property for Graduate Students and Postdoctoral Scholars,” Canadian Association of Graduate Studies, n.d., p. 3. [http://www.cags.ca/documents/publications/working/Guide\\_Intellectual\\_Property.pdf](http://www.cags.ca/documents/publications/working/Guide_Intellectual_Property.pdf)

<sup>2</sup> World Intellectual Property Organization, *Intellectual Property Handbook*, WIPO Publication No. 489 (E), 2004, p. 3 [https://www.wipo.int/edocs/pubdocs/en/wipo\\_pub\\_489.pdf](https://www.wipo.int/edocs/pubdocs/en/wipo_pub_489.pdf)

<sup>3</sup> Canadian Intellectual Property Office, “A guide to copyright” (last modified 2019-08-27) [http://www.ic.gc.ca/eic/site/cipointernet-internetopic.nsf/eng/h\\_wr02281.html](http://www.ic.gc.ca/eic/site/cipointernet-internetopic.nsf/eng/h_wr02281.html)

<sup>4</sup> A Guide to Intellectual Property for Graduate Students and Postdoctoral Scholars,” p. 4.

It is the responsibility of the faculty supervisor to discuss IP with students (whether Research Assistants, volunteers, or in-course students) at the beginning of a research project in order to offer guidance on navigating IP, and to come to a mutual agreement about how IP rights will operate within the project. Faculty can reference Western and Huron IP policies for further support (see links in “Further Resources” below).

Discussions around shared IP should cover:

- ownership and (re)use of research data,
- right to be identified as author, co-author, or contributor in any publications or other means of sharing project outcomes, and
- possibilities for sharing work in a way that protects IP, including creative commons licensing, and,
- in the case that the project can be commercialized, agreement on sharing monetary outcomes. The final agreement should be made in writing.

### **3. What are some key IP issues for students that faculty should be aware of?**

For students employed as Research Assistants:

- In most cases, IP rights for the project components will be held by the project supervisor.
- Expectations for research collaboration vary between different academic disciplines. In some cases, faculty members may assume—or be willing to consider—sharing IP rights with students who make a significant intellectual contribution to the project. Both parties should be clear and comfortable with this at the outset of the project.
- In the case of plans for co-publishing, all named authors must meet the criteria for authorship set out in the Huron Academic Integrity in Research policy (linked below).
- If the project is supervised by a staff member rather than a faculty member, the IP will be owned by the university (see Western IP Policy, linked below).

For students conducting a CURL Fellowship, a thesis, or major research project for a course:

- In most cases, the student will hold IP rights to the project and its various components.
- If the project is a collaborative project with a peer or community partner there should be discussion of, and mutual agreement on, IP at the outset of the project.
- If the project is a component of a larger research project being conducted by a faculty supervisor/mentor the IP may be held by the faculty member, or shared. There should be discussion of, and mutual agreement on, IP at the outset of the project.

For students considering publishing or sharing research results:

- In all cases, students should be aware of the copyright restrictions that the scholarly publisher places on authors and how this will affect their ability to share or reuse the content in whole or part later on. This is true of both traditional and Open Access publishing.
- If the project was created in collaboration with others (faculty member, peers, staff, community partners), all parties should be in agreement, and the publication plan should abide by the mutual agreement around IP on the project. Ensure that all named authors

meet the criteria for authorship set out in the Huron Academic Integrity in Research policy (linked below).

- The Huron CURL OWL page contains a set of publishing resources students can consult.

For students completing a project with an online presence:

- Students should ensure that they are not using materials that will put them in violation of copyright.
- Students should consider what they would like to share, and learn about protected sharing possibilities including Creative Commons licensing.
- If the project is a collaborative project, including with a peer or community partner, there should be discussion of, and mutual agreement on, IP at the outset of the project.
- Students should consider requesting a take-down date (e.g., for Huron-hosted pages).

For students completing a project as part of an internship, or involving a business:

- In most cases, including projects conducted by students as volunteers, interns, RAs, or in-course (e.g., community-engaged learning or consulting project), IP will be held by the business partner, not by the student.

For students considering applying to grad school:

- Students should be aware that IP rights are an important consideration in graduate work and building an academic career.

## **Resources:**

A Guide to Intellectual Property for Graduate Students and Postdoctoral Scholars,” Canadian Association of Graduate Studies, n.d.

[http://www.cags.ca/documents/publications/working/Guide\\_Intellectual\\_Property.pdf](http://www.cags.ca/documents/publications/working/Guide_Intellectual_Property.pdf)

Huron University College Intellectual Property Rights Policy (in HUCFA Collective Agreement 2019-23, Appendix A)

<https://huronatwestern.ca/sites/default/files/Working%20at%20Huron/2019-23%20HUCFA%20Agreement%20-%20v11%20FINAL%20and%20SIGNED%20-%20July%202017%202019.pdf>

Western Policy 7.16, Intellectual Property

[https://www.uwo.ca/univsec/pdf/policies\\_procedures/section7/mapp716.pdf](https://www.uwo.ca/univsec/pdf/policies_procedures/section7/mapp716.pdf)

Huron University College Academic Integrity in Research Policy

<https://huronatwestern.ca/sites/default/files/Research/Policy%20IntegrityinResearch.pdf>

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Huron CURL OWL page, “Sharing Your Research” <https://owl.uwo.ca/x/OGqrUW>

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