

Summary Guidance for Inventors: Student IP



Student IP

As students do not have employee status they are treated differently from employees with respect to the IP they generate during their activities at College. In the first instance a student owns the IP they generate in the course of their studies at College unless one of the following exceptions applies:-

- (i) they generate IP which is subject to governing terms or an agreement with an external organisation whereby the IP vests with College or a third party; or
- (ii) they generate IP which builds upon existing IP generated by College Employees or Associates; or
- (iii) they generate IP jointly with College Employees or Associates; or
- (iv) they are, or have the status of, College Employee (in which case they are treated by College and the law as employees).

If a student's studies are governed by a sponsored studentship agreement (i.e. (i) above) then they should be party to that agreement. Alternatively, if they participate in a research programme wherein ownership of the arising IP is determined by governing terms and conditions, the student will be asked to counter-sign a Student IP Assignment letter, in which they acknowledge the ownership terms of the IP they will generate in the course of their studies. In circumstances whereby students are required to assign IP to College (i.e. exceptions (i) to (iv) above) the student will be treated on the same basis as College Employees under the [Reward to Inventors Scheme](#).

It is important to note that ownership obligations may not be the only obligations pertaining to a piece of IP. A student may (in the first instance) own the IP they have generated, but there may be further obligations pertaining to that IP. For example, the responsibility of exploiting the IP may vest with the Research Organisation (i.e. College) or the Research Organisation may have to ensure that there is a suitable return to the Research Organisation from any IP exploitation. In both of these circumstances the student will be requested to assign that IP to College in return for being eligible for College's Reward to Inventors scheme.

Student IP Confirmation Letter

There may be certain instances whereby a student requests a letter from College confirming that they own the IP they have generated in the course of their studies. In order to determine if College can issue such a letter, it will need to be determined that none of the exceptions in College's IP policy apply and that there are no third party obligations

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pertaining to that IP. In the first instance an Intellectual Property Due Diligence Form (available from Imperial Innovations) needs to be completed and due diligence undertaken by the Research Office's IP Team.

Please note the circumstances whereby College can issue such a letter are limited. For example, if the student was completely self-funded, and the IP did not build upon College background IP nor was it jointly developed with College researchers, then, subject to confirmation by the due diligence process (i.e. no encumbrances pertaining to that IP were identified), the student may own that IP and a letter to that effect issued.

It is important to note that the purpose of College's Student IP confirmation letter is to provide confirmation that none of the policy exceptions apply to the IP generated by the students during the course of their studies with the College and that College will not claim to ownership of the IP. It does not provide any assurances with regards to freedom to operate issues (i.e. determining whether the actions of piloting or commercializing the IP can be done without infringing valid IP rights of others) or third party rights ownership claims to the IP. It is also recommended that independent legal advice be sought whilst negotiating a contract with Imperial Innovation. College will not be held liable, either directly or vicariously, for any act of negligence, gross misconduct or breach of contract which relates to any dealing by Imperial Innovations in relation to the IP.