

Intellectual property and commercialisation of your work

On some occasions, the work which BU students produce as part of their studies can create new intellectual property which may be advantageous to protect. It is important to understand what intellectual property is and the steps to follow if you believe your work requires protection.

How is intellectual property (IP) defined?

The UK government states that: “*Intellectual property is something unique that you physically create. An idea alone is not intellectual property. For example, an idea for a book doesn’t count, but the words you’ve written do*”. (<https://www.gov.uk/intellectual-property-an-overview>)

This might include a new product, brand, invention, design or something you have written, made or produced.

How is intellectual property protected?

Typically, IP is protected by one of two types of protection: *automatic* and *protection you have to apply for*. Automatic protection includes copyright and design right. Protection you have to apply for includes trademarks, registered designs and patents.

If you need to discuss your ideas with someone before your IP is protected, you can use a non-disclosure agreement (sometimes called a confidentiality agreement) to keep your IP protectable.

What is BU’s policy on intellectual property?

Like all Universities, BU has an [IP policy](#) which sets out who owns what. This confirms that students will normally own the IP they create during their studies or research. However, there will be some circumstances where this is not the case such as if you are collaborating on a project with an external partner or the project is being funded by a third party. Other examples include if you are working in a University supported commercialisation programme or your ideas have been created in collaboration with a member of staff. In these cases, BU may require you to assign the IP you generate to BU. The University will normally collaborate with you and agree to share any benefits deriving from any exploitation of the IP with you.

To find out more, we recommend that you read the University’s policy on IP in full.

What is commercialisation?

Commercialisation is the process by which a new idea is brought to market. Unless protection of your IP arises automatically, it is generally advisable to protect IP ahead of starting the commercialisation process in order that market competitors are disincentivised to replicate your idea.

What are the risks of sharing my ideas?

If you ‘disclose’ your idea (i.e. tell other people about it) before protecting your IP, it may make it impossible to protect your IP at a later date. Disclosure can include publishing papers, posting ideas on-line (including the Festival of Design and Engineering website and social media) or discussion with other people.

What are the disadvantages of protecting my IP?

It is very rare for BU students themselves to take steps to apply for protection of their IP. Generally, this is because the ideas developed through the course of their studies have either limited commercially exploitable IP to protect or they consider a more effective route to market for an idea is to assign the IP to a third party that has the resources to develop and exploit the idea.

Protecting IP is a costly and time-consuming process which can risk not getting your ideas out to an audience which would benefit from learning about new ideas. According to the information we have, over the past 25 years, less than 10 BU students have protected their IP arising from their studies/research by registering patents or design rights.

Where can I seek further advice?

BU does not offer in-house guidance to students on the protection of their IP. Therefore, it is recommended that independent advice is sought. Initially, this can be done through the SUBU’s advice service or online from the government’s Intellectual Property Office: <https://www.gov.uk/government/organisations/intellectual-property-office>

You can use the Law Society’s “Find a Solicitor” directory to find a solicitor that can provide you with advice on IP issues: <https://solicitors.lawsociety.org.uk/>