

Intellectual Property Procedure - Students

Section 1 - Purpose

(1) This procedure outlines the rights and responsibilities of Charles Sturt University (the University) students and staff with respect to the ownership and use of intellectual property (IP) generated by students during the course of their academic work and research activities.

(2) This procedure supports compliance with the [Copyright Act 1968](#), [Patents Act 1990](#), [Trade Marks Act 1995](#), [Designs Act 2003](#), [Plant Breeders Rights Act 1994](#), [Circuit Layouts Act 1989](#) and related regulations.

Scope

(3) This procedure has the same scope as the [Intellectual Property Policy](#).

Section 2 - Policy

(4) This procedure supports the [Intellectual Property Policy](#).

Section 3 - Procedures

Ownership of student-created IP

(5) The University does not normally assert ownership of IP created by students who may retain ownership of any IP they create, including their thesis and assessments, unless an exception applies under the [Intellectual Property Policy](#).

Exceptions where the University may assert ownership

(6) In accordance with the [Intellectual Property Policy](#), students undertaking research activities may be required to assign IP to the University when their research involves:

- a. third parties who have contractual rights to the IP outcomes
- b. use of pre-existing University IP that is subject to commercialisation
- c. joint creation of IP with University staff where separation is not feasible, and/or
- d. significant financial or material contribution by the University or supervisors.

(7) Where a student is required to assign IP to the University, this will be through a written agreement with the University, signed by the appropriate delegated officer. Students will be advised that they may seek independent legal advice (at their own cost) and must be allowed a minimum of 30 calendar days to do so.

Student research data

(8) Students undertaking research activities with the University are required to manage and share research data in

accordance with the open research and ethical standards under the [Research Data Management Procedure](#) and [Research Data Management Guidelines](#).

Background IP

(9) Students must declare any background or other IP or confidential material they intend to use in their research. They must secure any necessary permissions to use such IP, and only use it in the way they are permitted.

- a. Where the student owns the background IP or confidential material they intend to use in their research, there must be a written license or assignment agreement in place with the University before use.
- b. If a third party owns the IP, this must be approved as per the [Delegation Schedule A - Governance and Legal](#) (authorities for approving assignment or licencing of IP from a third party).

IP responsibilities of supervisors

(10) As per the [Higher Degree by Research Procedure](#), research supervisors must identify IP-related issues in research activities. Supervisors must advise the Office of Research Services and ensure the issues are resolved before a student commences the activity. Supervisors must brief students on:

- a. potential IP conditions, and
- b. their options to accept, decline, or alter their research direction based on IP obligations.

Theses and assessments

(11) Nothing in this procedure will restrict:

- a. a student's right to submit a thesis or other assessment item for examination or assessment. Any IP constraints arising from research partnerships must not impede timely submission or academic requirements
- b. the University's obligations to examine a thesis or other assessment.

University employment and IP

(12) Where a student is also a University employee, the University will own any IP created as part of their employment. Where the employment and student research activities overlap, the IP treatment must be clarified in writing before commencing employment/research activity. Disputes regarding ownership are resolved under the [Intellectual Property Policy](#).

Third-party restrictions

(13) The University will not enter into agreements with external parties that:

- a. impose control over thesis content or assessment materials, or
- b. delay examination or submission processes for IP protection purposes.

(14) Notwithstanding clause 13, where confidential or third-party IP is included in a submission of a thesis for examination, the University may require:

- a. the IP be included as a confidential annex to theses, and/or
- b. a full or partial embargo or other restricted access be placed on the thesis after the degree is awarded (as per the [Higher Degree by Research Procedure](#)).

Indigenous cultural and intellectual property

(15) The University recognises that First Nations peoples are the owners of Indigenous cultural and intellectual property, including Indigenous knowledge, ideas, cultural expressions and cultural materials, and that this is living heritage. The University respects these rights and expects staff, students and visitors to respect ICIP rights in relation to University activities, projects and courses.

(16) Students conducting research involving First Nations communities or materials must make sure that they respect Indigenous cultural and intellectual property rights. This includes:

- a. working in line with the 'Respecting Indigenous cultural and intellectual property' heading of the [Intellectual Property Policy](#),
- b. seeking explicit, written permission for any use of Indigenous cultural and intellectual property, and
- c. where additional guidance is needed, consulting with the Office of Pro Vice-Chancellor First Nations Strategy for guidance and support.

Section 4 - Guidelines

(17) Nil.

Section 5 - Glossary

(18) This document uses terms defined in the [Intellectual Property Policy](#).

Section 6 - Document context

Compliance drivers	N/A
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Document class	Governance

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Unit Head	Michael Friend Pro Vice-Chancellor Research (Performance and Governance)
Author	Anna Grocholsky Director, Commercialisation Pathways
Enquiries Contact	Office of Graduate Research