

Ethical Conduct in Human Research and Related Activities Regulations

Appendix 4 Intellectual Property in Research

1. What is Intellectual Property?

Intellectual property (IP) means knowledge and creations arising from intellectual activity; it includes literary, artistic and scientific works, performances, sound recordings, broadcasts, inventions, scientific discoveries and industrial designs. IP also includes proprietary knowledge, confidential information, and cultural knowledge.

Intellectual property rights (IPR) means the exclusive rights for a prescribed time and within a prescribed region to control how the IP may be used and what others may do with it.

Copyright is a particular type of IP that exists in original works that are recorded, in writing or otherwise, as explained in the University's [Copyright Guidelines for Staff and Students \(http://www.waikato.ac.nz/copyright/uow_copyright_guidelines.shtml\)](http://www.waikato.ac.nz/copyright/uow_copyright_guidelines.shtml). For more information see [University of Waikato Intellectual Property Rights Policy \(http://www.waikato.ac.nz/official-info/IPRpolicy.shtml\)](http://www.waikato.ac.nz/official-info/IPRpolicy.shtml)

2. How can intellectual property be involved in research?

Issues of intellectual property may arise in research in different ways:

- An input to research - IP may take the form of others' ideas, creations, teaching materials, proprietary business practices and indigenous or other cultural knowledge;
- An object of research – IP may take the form of others' ideas, creations, teaching materials, proprietary business practices and indigenous or other cultural knowledge;
- An output of research-this sort of IP is covered by the [University of Waikato Intellectual Property Rights Policy](#) (see above). Types of IP that occur as research outputs are likely to include authorship, compositions, models, copyright, inventions, patents and other pieces of professional work.

3. What ethical steps are required to respect intellectual property in research?

Ethical consideration of IP in research includes the following:

- Appropriate referencing and acknowledging sources of IP inputs.
- To the greatest extent possible, parties to the research should document consent regarding how IP may be used, how it will be safeguarded and who owns it. This applies in particular to IP as research objects including:
 1. Proprietary knowledge, which is knowledge which has potential for commercial advantage.
 2. Confidential knowledge, which is valuable or sensitive information which a reasonable person would regard as confidential.
 3. Cultural knowledge, which is "insider" knowledge that is known only by people within a particular culture or by people who have learned about the culture through some kind of interaction with it.
- Appropriate recognition of contributions to the research output such as publications, artefacts or commercially valuable items. Ownership rights to research outputs should be agreed before the research begins. It is recommended that a written agreement be developed, particularly in cases between students and their supervisor(s).

4. What is the role of the Human Research Ethics Committee in this?

- To advise university researchers on the ethical use of IP in research.
- To ensure university researchers address IP issues through the ethical application process.
- To ensure university researcher' awareness of policies and procedures.
- To ensure university human research ethics policies and procedures on IP are considered and updated when required.