

Great idea – now what?

Use the guidance below to check whether you're free to market your idea yourself, or in other words: whether you own the intellectual property rights (IPR) to the idea.

During your studies, you may have to establish the ownership of IPR. To head off any disputes, you'll need to conclude agreements before starting an internship, study activity or research project. This way, you'll know what your rights are if an invention, design or idea turn out to be the answer to an economic or social need.

Students regularly come up with inventions, concepts, software or theses (hereinafter jointly referred to as 'ideas') that are of interest to existing companies or may form the basis for a start-up. Such ideas are valuable: the application of knowledge (including academic knowledge) can boost the economy and help address social issues. Your university or university medical centre (UMC) will be happy to encourage them. To this end, the previously issued IPR guideline for university start-ups has been updated to clarify the rules for students in the form of an Addendum to the IPR guideline for students.

Take action: conclude IPR agreements in good time

If you as a student come up with an idea outside the framework of an internship or research project, the rights to it belong to you. If you come up with the idea together with someone else, it's likely that you share the rights. However, if you come up with the idea while doing an internship or research project, other arrangements may apply.

Who decides what happens to your internship or project outcome in such cases? Who shares in the profits, if any? In other words: who owns the IPR? You? Your university or UMC? Or the organisation where you did your internship? Make sure to clarify this in good time, so that you know what your rights are. Your knowledge institution will help by providing you with information as well as practical support.

1. Before you start your internship or research project, check your IPR position: what is laid down in your internship or project contract?
2. Read [the Addendum](#). Also visit tudelft.nl/en/student/legal-position/intellectual-property for specific and practical IPR information.
3. Always conclude clear agreements with your knowledge institution (and/or the relevant third party) and record them in writing.

To discuss IPR agreements, contact the contact person or website of your faculty, which you can find on tudelft.nl/en/student/legal-position/intellectual-property.

Please note: the Addendum stipulates that you must cooperate with the conclusion of agreements on this matter.

Who owns the IPR?

By law, the creator of an invention, design, software, thesis or other idea generally owns the IPR to it him- or herself. However, there are some exceptions, which apply to both employees and interns at an institution.

Intern/trainee: usually no IPR

If you're an intern, the IPR usually don't belong to you. In principle, these belong to the knowledge institution or external organisation where you do your internship. Read [the Addendum](#) to find out why.

The internship organisation may deviate from this rule, so check and discuss the IPR agreements in your internship contract.

Research or graduation project: record the IPR

If you as a student join a research project that isn't an internship, you should conclude agreements and record them in writing before you start. Will you transfer the IPR to a knowledge institution or external organisation, or will you retain them yourself? If in doubt, consult the contact person of your faculty, which you can find on tudelft.nl/en/student/legal-position/intellectual-property. It's possible to share the IPR, but this has drawbacks. Your university or UMC will seek your agreement in order to prevent this.

No compulsion

Your university or UMC may ask you to give up your IPR, but it can't compel you to do so. If you don't want to give up your IPR and the assignment forms part of the curriculum, your university or UMC must offer you an alternative assignment that doesn't require you to transfer your IPR. In short: you may choose to retain the IPR or to transfer them. However, you must make a choice (read the Addendum to find out why).

If you transfer your IPR, you'll still receive recognition and share in the profits!

If you transferred your IPR to your university or UMC and a start-up or existing company made your recorded idea or invention a success, the university or UMC will designate you as co-author and you'll share in the profits, if any, as if you were an employee of the knowledge institution (in accordance with the local invention scheme).

Who can you turn to for advice?

Your internship supervisor or a designated employee of your faculty will take care of most things to do with start-ups and other types of knowledge application.

If you want independent advice, or if you have a complaint about the way an IPR agreement was concluded (or waived), you can contact the following:

- For personal, independent legal advice, you can contact Dutch Students for Entrepreneurship: dutchse.nl/contact/
- The Netherlands Enterprise Agency deals with patents: english.rvo.nl/information/patents-intellectual-property
- The Association for Intellectual Property: aippi.nl/english/
- Intellectual property advice by students for students: clinic.nl/english/
- Discover how to protect your idea: ideescan.online/
- Read [the IPR guideline](#) (2016): vsnu.nl/en_GB and if necessary inform yourself further via www.auteursrechten.nl/en

Colophon

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