

Complete Policy Title:
Ownership of Student Work

Policy Number (if applicable):

Approved by:
Graduate Council

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Responsible Executive:
**Associate Vice-President and
Dean of Graduate Studies**

Enquiries:
[University Secretariat](#)

***DISCLAIMER:** If there is a Discrepancy between this electronic policy and the written copy held by the policy owner, the written copy prevails*

In Canada, the author is the immediate owner of the copyright in an original work, except when the author is employed to create such material. "Copyright" is an exclusive property right to publish, produce, reproduce, translate, broadcast, adapt or perform a work, as defined in the Copyright Act (R.S.C., 1985, c. C-42, as amended). For work done by a graduate student, McMaster has the following policies related to the interpretation of copyright and other aspects of intellectual property rights. These policies distinguish in general between items done solely by the student and those undertaken as part of a joint research effort. In the former case, the intellectual property is primarily the student's, but the University reserves certain rights as detailed in the remainder of this section. In the latter case, the intellectual property rights involve the student, the research supervisor, (and possibly other individuals as well), the University, and on occasion the financial sponsor of the research. (If the work is anticipated to have commercial possibilities, it is recommended that the parties involved agree in writing beforehand on the sharing of any financial returns.)

1. EXAMINATIONS, REPORTS AND PAPERS DONE AS PART OF COURSE REQUIREMENTS

When work that is eligible for copyright is submitted to meet a requirement of a course, the University acknowledges the student's ownership of the copyright, but places the following conditions on the submission of the work to meet course requirements.

- a. The original physical document becomes the property of the University. This applies particularly to examination answer scripts, and may also be applied to term papers and other course work.
- b. Except for examination scripts, the University receives a royalty free, non-exclusive licence to make copies of the work for academic purposes within the University, and to circulate the work as part of the University collection.

2. THESES AND MASTER'S PROJECT REPORTS

As with other papers, the University recognizes that the student holds copyright to the finished thesis. Copies of the thesis shall have on them in a prominent place on the title page the international copyright notice. The student is required to sign a licence to the University library (and for PhD students an additional licence to the National Library). (These licences grant the two libraries permission to reproduce the thesis and to circulate it, but do not affect ownership of the copyright.)

However, the University also recognizes that the ideas in the thesis will often arise from interaction with others. In some cases, this interaction will have been solely with the thesis supervisor; in other cases, a larger research team will have been involved. For this reason, it is understood that the copyright refers only to the written document of the thesis. The ideas themselves — including any advances in theory, data, patentable ideas, or commercial exploitation of the work — may or may not be the exclusive property of the student. For the student who has worked closely with a supervisor, or as part of a research group, the rights to publish, patent, or commercially exploit the results of the research are shared with the supervisor and/or research group, and with the University. In those cases in which the work has been supported in part by research grants or contracts, there may be other conditions affecting any patent or commercial exploitation. (The student should be made aware of any conditions before work begins.)

3. COMPUTER PROGRAMMES

Computer programs written as part of employment duties, as for example by a teaching assistant, are the property of the employer, as specified in the Copyright Act. Computer programs written as part of course work, a project or a thesis may also have value as a potentially marketable intellectual property. The University recognizes that such software may arise in two different ways, and accordingly has two policies. In setting forth these policies, it is understood that in those cases in which software development draws upon other software owned or licensed by the University, the terms and conditions of the licence or purchase must be followed.

- a. Where a student develops such software at the direct request of a supervisor, and under supervision, it is assumed that there is joint ownership of the intellectual property rights. In such cases, it is recommended that the individuals involved co-author a working paper documenting the software, rather than including it as an appendix to a thesis or report. Prior agreement between the student and supervisor that this is to be the case would be helpful, but is not mandatory.
- b. Where a student develops such software on his/her own, as for example for an independent project in a course, copyright remains with the student. As a condition of using University computing facilities, the student is required to grant the University a royalty-free licence to use the software. This includes the right of the University to distribute copies of the software to McMaster faculty, staff, and students for the University's administration, education and research activities. This licence does not include the right to use the software for commercial purposes or to distribute the software to non-McMaster people.

4. RESEARCH DATA

As with computer software, the University recognizes that research is conducted and data are acquired in two different fashions. When the data are acquired as part of a joint or collaborative effort, such as one relying on the equipment within a laboratory, they are not solely the property of the student, although some of the data may ultimately appear in tables or appendices in a completed thesis. As a general rule, such data are the joint property of the student and the research supervisor, either of whom has the right to make them available to other individuals as well. Both student and supervisor are responsible for insuring that proper acknowledgement of the contributions of the student, supervisor, and other members of the research team is made when the data are released in any form.

When the data are acquired through the student's individual effort, and without the use of University laboratories or funding, then they are usually the property of the student making that effort. However, exceptions may occur when the student collects data using research instruments including interview schedules and questionnaires developed wholly or in part by the research supervisor or by some other person or agency. In such instances the right to ownership and/or use of the data may be shared among the parties involved. Given the range of possible alternatives it is not possible to set absolute guidelines in advance covering all such situations. Consequently, it is recommended that students and supervisors make clear agreements in advance concerning the ownership and use of data collected in this fashion. Ownership of data may also be affected by the terms of a research contract that has supported the work.

5. EQUIPMENT

If University resources have been applied to the construction or design of equipment, it is not the property of the student, but of the University. Equipment constructed or designed as part of course or thesis work is the property of the student if the work, materials, and workroom space have been provided by the student or other non-University source. Ownership of newly constructed equipment may also be specified in a research contract that has supported the work.