

*This is intended as a general guide only –please contact the Executive Officer, Griffith Health Institute on 07 5678 9301 to discuss specific concerns.*

## What is Background IP?

Background IP refers **to existing Intellectual Property** (or “IP”) that **belongs to, or is under the control** of a Party, which the Party **provides to support the research**. Background IP is likely to consist of:

- a. Copyright (for example, academic publications);
- b. Confidential information, trade secrets and/or know-how; and
- c. Patents (if this is the case, it is advisable that Griffith Enterprise and Legal Services are involved).

There are other forms of IP which exist, but are much less likely to be involved in a research project, including, trademarks, circuit layout rights, designs and plant-breeders rights.

### 1. The Background IP must be already in existence

When describing Background IP, you need to be able to distinguish between IP that existed before the Deed was signed (Background IP) and IP that will be generated as part of the project (Project IP).

“Existing” means the Background IP has been developed, invented or acquired by the University prior to the start date of the project, or independently of the project.

### 2. The Background IP must belong to, or be under the University’s control

The Background IP that you want to use for this project may be IP that is already owned or controlled by the University e.g. IP from another project or IP created or owned by another party.

If the IP is owned or controlled by another party, then the University must have a sufficient licence to use that Background IP.

### 3. The Background IP will be provided to support the research

You should only list Background IP that you intend to use in this new project.

## Completing the Schedule

In completing the Schedule, you should:

1. Clearly describe the Background IP is and what it relates to;
2. State who owns it; and
3. Indicate if there are encumbrances, restrictions on use or third party interests. This means you must indicate whether the IP is owned by a third party and licenced for use by Griffith or, if it is owned by Griffith, you must indicate whether there are any restrictions on its use.

If the Background IP is not included, or sufficiently described in the Schedule, there is a risk that the material may be treated as Project IP.

<i>GCHHS researchers should consult:</i>	<i>GU researchers should consult:</i>
<i>Research Governance Officer</i>	<i>Executive Officer</i>
<i>Research, Ethics and Governance Unit</i>	<i>Griffith Health Institute</i>
<i>Gold Coast Hospital and Health Service</i>	<i>Griffith University</i>
<i><a href="mailto:gchresearch@health.qld.gov.au">gchresearch@health.qld.gov.au</a></i>	<i><a href="mailto:r.jones@griffith.edu.au">r.jones@griffith.edu.au</a></i>