

Information sheet on allocating topics for and completing “external” Bachelor’s, Master’s and doctoral theses

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Preamble

Friedrich-Alexander-Universität Erlangen-Nürnberg (FAU) has intensified collaboration with companies from the private sector.

This application-oriented collaboration is based not only on the companies' interest in becoming involved in students' academic education but also on the students' wish to gain valuable experience in engaging with practical and real-life issues during their studies.

Increasingly, Bachelor's, Master's and doctoral theses¹ are being written within the framework of such collaborations.

The term "external" Bachelor's, Master's and doctoral theses has become established for referring to examination achievements in this category, and is used in this information sheet. These are theses written on topics suggested by a company and/or theses based on company-specific tasks and data.

However, it must be borne in mind that such "external" theses remain theses from FAU. Allocating, supervising and working on theses of this nature raises many questions about legal issues and processes that affect all those involved (students, companies, lecturers acting as supervisors², FAU).

¹ The principles stipulated in this information sheet apply equally to all other written examination achievements such as written assignments, research theses and project reports.

² Or anyone entitled to accept final theses in accordance with the relevant examination regulations.

A. General principles

Bachelor's and Master's theses are university examination achievements. They must be completed in order to be awarded the Bachelor's or Master's degree that the student is working towards. The requirements for such a thesis stipulated in the Bavarian Higher Education Innovation Act (Bayerisches Hochschulinnovationsgesetz) and the examination regulations must be adhered to in order for the thesis to be recognized as an examination achievement. A doctoral thesis is also a University examination achievement which must comply with the provisions stipulated in the Bavarian Higher Education Innovation Act and the doctoral regulations.

1. Supervision by a university lecturer

a) Bachelor's and Master's theses

As a rule, the thesis must be completed under the **supervision of a university lecturer** from FAU. The relevant **examination regulations** stipulate that in certain exceptional cases it is also possible for third parties, in this case a company, to propose the topic of the thesis. In such cases it must be ensured that the candidate is supervised by a suitable person in the company and that permission is given by an FAU examiner. The Examinations Committee must also grant its approval.

The precise topic of the thesis and the entire formal process for this element of the thesis remain the sole responsibility of the FAU lecturer supervising the thesis. It is crucial that the university lecturer, the company and the supervisor at the company work well together.

b) Doctoral theses

Pursuant to the **doctoral regulations**³ of FAU, a doctoral thesis must be on a topic within the remit of a university lecturer from FAU. The faculty doctoral regulations may permit part-time lecturers and individuals with doctoral degrees (who are able to continually supervise the doctoral proposal due to their employment at FAU or an institution associated with FAU) to be appointed as supervisors on an individual or general basis.⁴ Whether the doctoral thesis is **written at FAU or elsewhere** is of secondary importance. It is therefore possible for theses completed outside the faculty to be submitted provided that they are discussed with an authorized examiner at FAU before submission and, in particular, that they are completed with continuous supervision.

2. Period for working on the thesis

a) Bachelor's and Master's theses

It must be possible for students to complete their Bachelor's or Master's thesis within the **period** stipulated in the examinations regulations.

³ See: www.fau.de/fau/rechtsgrundlagen/promotions-und-habilitationsordnungen/

⁴ In addition, care must be taken to comply with the special rules applicable to cooperative doctoral degrees or degree programs run in collaboration with universities outside Germany (see Sections 22 to 25 of the general doctoral regulations).

b) Doctoral theses

Unlike Bachelor's and Master's theses, not all faculties set a deadline for doctoral theses. However, in instances where **no deadline** is set, an unreasonably long period of time spent working on the thesis may lead to a revocation of the supervisory relationship and to a candidate forfeiting their admission to the doctoral procedure.

3. Assigning topics

a) Bachelor's and Master's theses

Neither a company nor any other external institutions or individuals may be granted the right to influence the topic or the content of the thesis. Under examination law, any suggestions or initiatives to this effect are regarded as **non-binding suggestions** for the supervising university lecturer or the candidate. Neither the candidate nor a company has the right to demand a certain topic.

For "external" theses, the university lecturer should only accept suggestions for topics that are within the scope of the supervisor's subject expertise, in other words topics that the supervisor is able to supervise as part of their official tasks and which do not require the Chair/Institute to provide resources exceeding the scope of resources normally required for supervising a final thesis.

Lecturers are advised to give students sufficient advanced notice of this requirement so as to ensure that rejection of suggested topics for external theses that do not meet these basic principles is foreseeable and understandable.

b) Doctoral theses

Neither a company nor any other external institutions or individuals may be granted the right to influence the topic or the content of the doctoral thesis. Under examination law, any suggestions or initiatives to this effect are regarded as **non-binding suggestions** for the supervising university lecturer or the doctoral candidate.

4. Inspection of examination documents, non-disclosure obligations and publication

a) Bachelor's and Master's theses

In accordance with the examination regulations, only candidates themselves have a right to inspect **examination documentation** associated with the evaluation of the thesis (thesis together with notes, marked corrections, examiners' comments, evaluation etc.). Companies are not able to inspect examination documentation directly.

For reasons of competition and market policy, companies have a legitimate interest to request that candidates who write theses at their company keep internal and company-related data

confidential. Obligations to this effect may be stipulated provided the candidate is still able to work on the topic without hindrance, insofar as this is relevant for the examination, in other words provided the thesis can be completed within the deadline as a university examination achievement and submitted to the authorities at FAU responsible for the examination. Supervisors are permitted to sign a confidentiality agreement if so required by a company, but there is no real need for this, as supervisors are already subject to confidentiality obligations under their employment contract and public service law. **L1 – Legal Affairs and Academic Quality Management** must be consulted **before a supervisor or other entity at FAU** enters into a confidentiality agreement of this nature. FAU provides a sample agreement under the following link, available under “examination procedure”. As this agreement takes all special features of examination procedures at FAU into consideration, the supervisor should make an effort to ensure that this sample agreement from FAU is used, thereby speeding up the procedure for agreeing the non-disclosure agreement. If, however, the company insists on using their own sample agreement then this is allowed.

Publication of Bachelor’s and Master’s theses is not intended according to the examination regulations but is possible with the candidate’s consent, subject to any agreements with the company.

b) Doctoral theses

Only the doctoral candidate is entitled to **inspect** examination documents.

Under examination law, doctoral candidates are obliged to make the approved version of their doctoral thesis available to the scientific community after the oral examination, unlike other final theses (e.g. Bachelor’s and Master’s theses) (“**obligation to publish**”). This must be given particular consideration when entering into any agreements with companies (e.g. **non-disclosure agreements**) as the doctoral procedure cannot be completed properly otherwise.

B. Notes for Bachelor's/Master's candidates and doctoral candidates

1. Contract with company

Students completing “external” theses are usually given a contract by the company detailing aspects including but not limited to their role in the company, any obligation to maintain confidentiality regarding internal and company-related data, issues related to industrial property rights, exploitation rights and rights of use, liability, and, if applicable, remuneration (L1 is not responsible for checking any remuneration which may be agreed). For their own protection, candidates ought to check this agreement for compliance with the general principles stated in section A and with respect to the following points:

a) Any **commitment to the company** in terms of time or expertise going beyond the duration of work on the thesis should be considered very carefully. A commitment along these lines may restrict or impede the candidate

- If they wish to exploit the work results for profit, for example in connection with industrial property rights or copyright
- If they wish to investigate the topic or subject area of the thesis in greater depth (for example within the context of a doctoral thesis); in this case, difficulties may arise if the candidate is subject to an obligation to offer or provide the company the use of all further developments based on the original work or to only undertake developments of this nature with the company's approval
- When looking for employment after completing their (doctoral) degree.

b) The candidate should check carefully whether they are able to adhere to the obligations defined by the company. This especially applies to **granting rights of use** to the results of the work.

2. Situation regarding insurance law

The situation regarding insurance law ought to be discussed with the company beforehand. Students should be aware that contracts usually stipulate that students are not covered by the company's social insurance and that the company is therefore not liable if a student has an accident at work. We would recommend clarifying the situation regarding **health insurance** at the outset, particularly if work on the thesis will include any stays abroad. As enrolled students are not covered by statutory accident insurance while they are working in an organization/company or traveling outside the university's area of responsibility, students completing an “external” thesis **do not have any statutory accident cover**. You should therefore consider taking out **private accident insurance** for the period during which you are working on your thesis or agree with the company that you will be covered by the **company's accident insurance**. You should also check whether any **private liability insurance** you may have covers the risks entailed by working on the thesis. If this is not the case, or you do not have adequate insurance cover, you should definitely consider taking out a suitable insurance policy.

Advice or assistance in such matters is available from lawyers, other offices offering legal advice, and the [free legal advice service available to students at FAU from Student Services](#).

C. Notes for university lecturers

1. No remuneration for supervising the thesis

For university lecturers allocating topics for and supervising “external” theses, the issue of remuneration provided by the company may arise if the results of the thesis, which to a considerable extent are made possible through the lecturer’s supervision and/or use of university resources (e.g. equipment, laboratory, software), are of commercial value for the company.

The following applies:

Supervising academic theses is a primary task for universities and one of the official tasks of professors appointed to the university (see Section 59 (1)(4)(5) Bavarian Higher Education Innovation Act).

In view of this obligation, lecturers are not permitted

- To conduct supervision as a secondary employment
- To demand, accept a promise of or accept any financial remuneration for this supervision or for the completion of the thesis for themselves or for their university. Completion of the thesis may not be the sole subject of a research and development contract involving payment of a fee.

2. Thesis within the framework of a research and development contract

It is permitted for the thesis to be completed within the framework or scope of a research and development contract. The **research and development contract** must be executed by FAU staff. The Bachelor’s or Master’s candidate must be employed as a student assistant or as a research assistant in order to be able to transfer the results of the work they have conducted according to instructions (but only this work!) from FAU to the company. Student assistants and research assistants are subject to the same obligations as research associates in this respect. These staff must also sign an employment contract with FAU in order to be able to transfer the results of their work to the company.

No separate fee may be calculated and demanded for completing/supervising the **thesis**. FAU is not entitled to transfer the thesis itself to the company, as FAU is not granted any rights to use or exploit the thesis, see section D.2.a) below.

D. Ownership, copyright, rules for good scientific practice, inventions

1. Ownership of the (physical) original

Under examination law, FAU has a right to the original thesis. However, this right only extends to physical ownership of the work itself (e.g. the model, plans, paper etc.) and its use for the purposes stipulated in the examination and doctoral regulations.

2. Intellectual property rights (copyright)

a) As written works including software and representations of scientific and technical content, theses are considered **works within the meaning of copyright law**.

Copyright and the resulting **exploitation rights and rights to use** the thesis are the **sole property** of the candidate as the author of the work. Third parties (such as a company) may only obtain rights of use if the author grants them such rights independently on the basis of a contract. FAU, the supervisor and the examiner cannot acquire rights of use, as the thesis is an achievement governed by examination regulations. The results are the sole property of the candidate and the university and its examiners are obliged to treat them as confidential. Higher education law does not allow for rights to be assigned to the institute conducting the examination or to the examiner. Taking the examination situation in account, and the fact that the candidate is dependent on the structures within the university, it would scarcely be possible for the candidate to assign rights at their own free will.

Section C.2. applies if results are to be transferred to the company within the framework of a research and development contract.

b) As the holder of the copyright, candidates decide themselves whether to publish the results of the thesis or not. For instance, it is possible for candidates to **agree to the thesis being published in the Chair's library**. After the thesis has been published with the author's consent, the knowledge it contains is freely available and the thesis may be cited to an extent compatible with the purpose (section 51 UrhG).

c) The [Regulations for safeguarding good scientific practice and dealing with scientific misconduct at Friedrich-Alexander-Universität Erlangen-Nürnberg \(FAU\)](#) dated October 10, 2017, last amended by statute dated March 9, 2022, state, irrespective of copyright regulations, that:

- Research findings and ideas from other researchers may be cited in an appropriate manner, in the same way as relevant publications from other authors (Section 13 (4)).
- If the manuscript cites or uses unpublished research achievements from other people, their consent should be sought, subject to any other recognized practices common in that particular field (Section 18 (2)(1e)).

3. Supervisor as co-author?

a) The lecturer may of course provide **support** with suggestions, ideas, criticism etc. This does not result in a copyright status and is allowed under examination law.

Any significant contributions going beyond this would contradict the **purpose of the thesis as an examination**. The supervisor is therefore not entitled to become **a co-author** by, for example, writing **sections** of the thesis themselves or making a **significant contribution** to it.

The copyright for any preliminary works on which the thesis is based naturally remains with the author of these preliminary works.

4. Inventions

If a thesis presents an invention, it may qualify for **protection by registering a patent**. It ought to be borne in mind that protection by patent is only possible before the invention has been made available to the general public. If the thesis is to be published, the patent must be registered **before** publication.

The fact that the candidate is the sole holder of **copyright** does not always mean that the supervisor is not considered the **inventor or a co-inventor** as the regulations for patent protection are different to those for copyright (see D.3 above; supervisors may be entitled to patent rights but are not entitled to copyright). The supervisor is obliged to report any invention to the employer, FAU. If the invention is a shared invention with the candidate, the supervisor should inform the candidate in good time before registering the patent that they may also be entitled to a (shared) right to the patent.

E. Contacts in the University Administration

The following teams in the University Administration are available to answer all questions concerning “external” theses:

Team	Responsibility for “external” theses	Contact
L 1	<ul style="list-style-type: none"> ▪ Advice on examination law (requirements to be met by “external” theses according to relevant examination regulations, examination procedures, supervision etc.) ▪ Copyright in teaching ▪ Checking and providing advice on non-disclosure agreements in teaching 	<p>Silke Bergmann Phone: + 49 9131 70850 silke.bergmann@fau.de</p>
H 3	<ul style="list-style-type: none"> ▪ Advice on research and development contracts including contracts of this nature for theses (if necessary together with L 1) ▪ Copyright in research ▪ Checking and providing advice on non-disclosure agreements in research 	<p>Axel Klon Phone: + 49 9131 70810 axel.klon@fau.de</p>
Outreach Support	<ul style="list-style-type: none"> ▪ Patents ▪ Knowledge and technology transfer ▪ Further training 	<p>Sybille Barth Phone: +49 9131 25870 sybille.barth@fau.de</p>