

Ownership of Intellectual Property Created by Students at the University of Illinois

As the office entrusted with the stewardship of the intellectual property created at the University, the Office of Technology Management (OTM) often receives enquiries regarding ownership of intellectual property created by students. Below are general guidelines for determining when intellectual property is owned by a student and when it is owned by the University. For details of the governing rules see Article III of *The General Rules Concerning University Organization and Procedure*, available at <http://www.uillinois.edu/trustees/rules.cfm#art3>.

According to The General Rules, excluding certain copyrighted works as noted below**, the University owns all intellectual property developed by any University employee or by anyone, including students, using any University facilities, equipment or funds. The University encourages student innovation and entrepreneurship and, as such, has typically granted exceptions to the General Rules regarding ownership of student inventions when certain criteria are met. However, these exceptions are only granted as long as the invention does not incorporate, depend upon or is not derived directly from University-owned background intellectual property.

Student Entrepreneurship Activities: A variety of campus initiatives support student created start up activities by providing limited amounts of funding, space and other resources. For these student initiated and directed start-ups, the University will allow the students to retain ownership of their intellectual property resulting from these efforts, even though they utilize limited University facilities and resources, through an exception to the General Rules granted by the Vice President for Research. For details on recently approved activities contact OTM.

Student Class Projects: A similar exception is granted by the Vice President for Research for certain courses (such as industrial arts design or engineering senior design, masters of science in technology management) that allow students to own their inventions made as part of the course. The exception applies when the only University facilities used were those routinely made available by the College/Department to all students enrolled in the course. This exception is applied on a course-by-course basis and will be memorialized in supporting documentation prepared by the course instructor in conjunction with OTM in advance of the course commencing. In addition, such project oriented courses often engage sponsors to provide funding and/or specific projects. In those cases, the sponsor may claim ownership of resulting inventions. If so, students must be informed of the requirement to transfer ownership of inventions to the sponsor at the beginning of the semester. Students must agree to such ownership in writing as a condition for working on the project. If the course is a degree requirement, participating students must be presented with a choice of projects, some of which must allow students to retain rights to their inventions. In the event that neither the University nor the sponsor claims ownership, students are free to own their inventions and enter into agreements involving their inventions directly with third parties. Students are required to disclose such inventions to the OTM to receive confirmation of ownership.

Joint Ownership: For both of the above exceptions it should be noted that when a faculty or any other University employee plays a significant role in generation of that intellectual property that would qualify them as an inventor for such invention under US patent law, the invention would be jointly owned by the student and the University. .

Exclusions The above exceptions do not apply if University-owned background intellectual property is required in order to work on a class project. In those cases, any resulting intellectual property is University owned. It is the student's responsibility to inform the faculty member and obtain formal permission **prior** to any such use in the classroom. Further, if rights to University-owned background intellectual property are needed for uses beyond the classroom or research laboratory, it is the student's responsibility to consult with the faculty member and inform the OTM and to obtain formal permission for such use from the OTM. "Background intellectual property" means any University property and the legal rights therein that was or is created, developed or reduced to practice outside the scope of the student activity or class project.

If it is not clear whether an exception applies to specific activities and projects, students and faculty advisors should check with the OTM.

*****Student Traditional Academic Copyrighted Works:*** Works created independently and at the student's own initiative for traditional academic purposes are owned by the student, but the University retains certain rights to use such works. These include class notes, reports, papers, and works prepared by the student as part of the requirements for a University degree, such as a thesis or dissertation. Note that it is the copyright only that is owned by the student. The fact that the student owns the copyright does not influence whether or not the student owns the underlying intellectual property. For example, if a thesis describes research performed in a professor's laboratory, the University has a right to own the underlying intellectual property (e.g. laboratory notebooks, original records of the research and any resulting inventions or software.)

If you have any questions about interpretations of student ownership please contact the Office of Technology Management (OTM) at 217-333-6807 (for Urbana) or 312-996-7018 (for Chicago).