

# University Intellectual Property Ownership Guidelines

The University's policy on intellectual property ownership can be found in Article XII of the University of Illinois Statutes (<https://www.bot.uillinois.edu/governance/statutes>) and in Article III of the General Rules Concerning University Organization and Procedure ([https://www.bot.uillinois.edu/governance/general\\_rules](https://www.bot.uillinois.edu/governance/general_rules)). The Office of Technology Management makes ownership determinations that adhere to these policies. Below is a broad guideline to our decision making. This guideline does not cover every situation and is not in itself a determination. If you have questions about ownership, please contact the Office.

## Defining Intellectual Property

Intellectual property encompasses all forms of creativity such as inventions, software, discoveries, creative or artistic works, know-how, processes, and unique materials. For example, intellectual property may be machines, devices, instruments, computer programs, circuits, biological materials, chemicals, books, videos, photographs, or songs.

Intellectual property is protected by law through patent, copyright, trademark, and more. Multiple forms of protection maybe used on the same piece of intellectual property. For example, computer software can be protected by copyright, patent, know-how, and trademark.

## Intellectual Property Ownership

Under the University's General Rules, the University owns all intellectual property developed (1) by any University employee in the performance of their work; or (2) by anyone, including students and visiting scholars, using any University resources.

### Examples of resources include

**University Facilities & Equipment:** such as laboratory space, specialized or unique facilities, or equipment purchased using University funds. For purposes of ownership, this does not include resources that are customarily provided to enrolled students or open to the entire University community, such as dorm rooms, library facilities, ordinary access to computers and networks, and certain maker facilities.

**University Funds:** include any funding supporting research and development, and/or administered by the University, such as federal, corporate, nonprofit, and gift funding. University funds do not include investment funds provided directly by investors. University funds also do not include new venture competition prizes awarded to a company.

**Use of University Staff or Students:** participation of University employees, including faculty, staff, and students, in the development of intellectual property. This may include the use of "background intellectual property" developed by University employees. Background intellectual property refers to any University-owned, pre-existing intellectual property used in the performance of a project or contract. Student research conducted with a faculty advisor or in a faculty research group would likely involve use of University staff and background intellectual property.

It should also be noted that when a faculty member or any other University employee plays a significant role in the generation of intellectual property and would qualify as an inventor under US patent law, then the invention would be jointly owned by the student and the University.

## Traditional Academic Copyrightable Works

Copyrights in traditional academic work, such as scholarly publications and course notes, are treated differently under the General Rules. Copyrights in traditional academic works made by faculty and students independently at their own initiative and for traditional academic purposes are owned by the authors. Examples include manuscripts, curriculum, books, lectures, and teaching materials for faculty, as well as class notes, reports, papers, and theses for students.

Note, however, that if the University is the impetus for the creation of such work, it is not necessarily considered a traditional academic work. One example is when the University provides dedicated funding for the

creation of a specific online course. Ownership associated with online educational tools and courseware has varied ownership and usage rights depending on the circumstances of development and the use of University resources. Copyright ownership and invention ownership may be different. While the author or authors own the copyright in a manuscript or paper describing an invention (because it qualifies as a traditional academic work), the University owns the underlying invention or software described in that paper. The University also owns the original records of the research, including data and laboratory notebooks.

## FAQ's for Students

### **What if I invent something as a result of conducting research in a faculty lab?**

Working in a lab most likely involves use of University resources that are beyond those customarily provided, and may also involve the use of University background intellectual property and employees. It is likely that any resulting inventions would be owned by the University.

### **What if I invent something as a result of coursework or assignments in one of my classes? Or in one of my project classes, such as a capstone or senior design project?**

If you only used resources that are customarily available to students, as detailed above, then the intellectual property is most likely owned by you.

### **What if I am working on a course project that is proposed by or involves a corporate sponsor?**

Courses sometimes engage sponsors to propose or even provide funding or equipment for specific projects. In those cases, the sponsor may ask you to assign your ownership of any resulting inventions to them. This doesn't happen automatically, though; you would be informed at the beginning of the semester of this request and would agree to it in writing. If the course is a degree requirement, you must also be given a choice of projects, some of which must allow you to retain ownership. In the event that the sponsor does not claim ownership and it is determined that the University does not have ownership, you are free to own your invention.

### **I have a coin that entitles me to use Medical Maker Lab facilities. If I use those facilities, for example when I'm working on my Capstone project, who owns any resulting inventions?**

If use of the Medical Maker Lab involves use of University facilities, staff, resources or University background intellectual property, then it is likely that any resulting inventions would be owned by the University.

### **What about inventions that result from a clinical project conducted at Carle Foundation Hospital?**

When determining ownership, the Office of Technology Management and/or Carle technology management staff would consider whether resources above usual and customary were used; for example, clinical data, access to clinical staff, facilities, or funding. In addition, the OTM and Carle, as applicable, would consider whether any background intellectual property was used. It is likely that a clinical project would involve these additional resources and therefore likely that the resulting intellectual property is either solely owned by Carle or owned by the University and Carle jointly.

### **What if the University does own my invention?**

Even though the University may own intellectual property developed primarily by a student, in many cases the University will waive its ownership and assign the intellectual property back to the creators. The student must report the project or invention to the Office of Technology Management to receive an ownership determination and potential assignment of rights. The office also works with student entrepreneurs to license University intellectual property when needed.

### **If I participate in a campus program that promotes entrepreneurship (such as NSF I-Corps, the Cozad New Venture Challenge, or Social Fuse) will the University own what I created?**

Participating in campus programs that promote entrepreneurship does not in itself confer ownership of intellectual property to the University. The principles of ownership as described above still apply.

Contact us for more information:

The Office of Technology Management  
University of Illinois at Urbana-Champaign  
217-333-7862 • otm@illinois.edu • otm.illinois.edu



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