

A Student's Guide to Intellectual Property Ownership at the University of Illinois at Urbana-Champaign

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, paintings, sculptures, or songs.

Intellectual property is protected by law through patent, copyright, trademark, and trade secrets. Multiple forms of protection may be used on the same piece of intellectual property. For example, computer software can be protected by copyright, patent, trade secret, and trademark.

What does this mean for students?

Intellectual property created by a student in the course of typical classwork is likely owned by the student as long as the student was only using University resources that are usually and customarily provided. Examples of resources customarily provided to students are office space, dorm rooms, library facilities, and ordinary access to computers and networks.

However, when a student creates intellectual property using University facilities, equipment or funds, then standard University ownership rules apply. For example, when a graduate student conducts research in a faculty lab, then it is likely that the University owns any resulting intellectual property. The Office of Technology Management can help you determine ownership.

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 guidelines for determining when intellectual property is owned by a student and when it is owned by the University.

Ownership

According to the University's General Rules, the University owns all intellectual property developed by any University employee or by anyone, including students, using any University facilities, equipment or funds.



Exceptions

To encourage student innovation and entrepreneurship, the University sometimes grants exceptions to the General Rules regarding ownership of student inventions when certain criteria are met.

For example, 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.

A similar exception is granted 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. This exception applies when the only University facilities used were those routinely and customarily provided.

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. "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.

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.

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 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 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.)

Frequently Asked Questions

What if I invent something as a result of coursework or assignments in one of my classes?

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

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. It is likely that any resulting inventions would be owned by the University.

What if I am working on a project that is externally funded by a corporate sponsor?

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, you must be informed at the beginning of the semester of the requirement to transfer ownership of inventions to the sponsor. You must agree to such ownership in writing as a condition of working on the project. 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 neither the University nor the sponsor claims ownership, you are free to own your invention. You are required to disclose such inventions to the OTM to receive confirmation of ownership.

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. Those programs are offered without obligation.



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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