

UNIVERSITY OF ILLINOIS
AT URBANA-CHAMPAIGN

FYI

Office of the Vice Chancellor for Research

Fourth Floor Swanlund Building
601 East John Street
Champaign, IL 61820-5711



September 10, 2001

To: Deans, Directors and Department Heads

From: Paul W. Bohn, Interim Vice Chancellor for Research *Paul W. Bohn*

Re: UIUC Policy Concerning Ownership of Intellectual Property Created by Students as Class Work

It is becoming increasingly common for students to perform work required for an academic course which results in the creation of intellectual property which may have commercial value. Thus, I write to advise you of the UIUC policy regarding ownership of intellectual property created by students as part of their course work, and to ask that you share this policy with your faculty.

In some instances companies participate in classes by providing students with practical experience in solving real-world problems. These collaborating companies may want written agreements transferring ownership or license rights to any intellectual property resulting from a course project. In some instances the students want to establish that the University will claim no rights in their intellectual property so they can independently pursue commercialization. In order to facilitate these courses and assure consistent decisions, Vice Chancellor Waldrop approved an exception to Article III of The General Rules Concerning University Organization and Procedure that was effective on October 17, 2000 (copy attached). The exception "*Ownership of Intellectual Property Created by Students as Class Work for University Courses*" clarifies that the University claims no ownership or license rights to intellectual property created by students as part of class work for a University course, as long as such students use only those resources routinely made available by the College/Department administering the course and which are provided to all students enrolled in the course.

The students are free to enter into agreements with collaborating companies independently regarding assignment and license rights to any intellectual property that might result from their class work, or to protect and commercialize their intellectual property without any formal disclosure or other obligations to the University. If questions arise regarding the University's interest in, or possible ownership claim in, intellectual property developed in a course, these should be directed to the Office of Technology Management (OTM) at 333-7862.

Attachment

cc: Mike Fritz, Interim Director, OTM
Delphine Kranz, Assistant Director, OTM
Sharon Tipsword, Director, ORA

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Ownership of Intellectual Property Created by Students as Class Work for University Courses

A. Copyrighted Works

(1) **Ownership.** Any copyrightable works, including software, that a Student creates as part of such Student's class project work for a University course will be "traditional academic copyrighted work" that will be owned by the creator.

(2) **University License Rights to Creator-Owned Works.** As long as the only University resources used in the class project work for the course are the general instructional laboratory facilities, equipment and resources that are made available by the College/Department and provided to all Students enrolled in the course, including use of the gift money designated to support such courses, then the University will consider such University resources to be "usually and customarily provided", and such copyrighted works need not be licensed to the University. [Per Article III, Section 4(b)(1) of The General Rules]

B. Potentially Patentable Inventions.

Article III, Section 7(j) of The General Rules delegates responsibility for intellectual property administration to the Vice Chancellor for Research, specifically including "approval of individual exceptions."

Accordingly, as an "exception to The General Rules, the Vice Chancellor for Research agrees that the University will claim no ownership interest in any potentially patentable invention conceived or reduced to practice by a Student as part of the Student's class project development work for a course subject to the following conditions:

(i) The Student does not use any University resources beyond those specified as "usually and customarily provided" for such class projects (see Paragraph A(2) above; and


(ii) No University employee with whom the Student may collaborate is determined to be a legal inventor of such invention under U.S. patent law (in which case the invention would be jointly owned by the Student and the University.)

Under these circumstances, the University will also have no automatic license rights to the Student's invention or any resulting patent.

C. Other Considerations.

The determinations in Paragraphs A and B are based on the premise that the Student will be making only minimal use of University resources, including those routinely made available by the College/Department administering the course and provided to all

Students enrolled in the course, as approved by the Dean/Department Head (as applicable). If that situation changes and the Student uses (or seeks to use) additional University resources beyond those routinely made available by the College/Department and provided to all Students enrolled in the course, then the matter should be fully disclosed at that time by the Faculty member responsible for the course to the Department Head and the Office of Technology Management (if necessary), in order to re-assess whether the University has any rights under applicable University policy.

Approved: 
Tony G. Waldrop
Vice Chancellor for Research

Date: 10-17-00