

Guide to Ownership of Intellectual Property



A Guide to Ownership of Intellectual Property for Graduate Students/Post Doctoral Scholars At Purdue University

- Graduate students/post docs will encounter and utilize intellectual property created by scholars and teachers from whom they learn, and they will create intellectual property as a result of their individual and collaborative efforts.
- Ownership of intellectual property created by Purdue employees and students, or through use of Purdue University resources, is determined through the application of Purdue's policy on intellectual property (Executive Memorandum B-10)
- Graduate students/post docs should be familiar with the principles outlined in Purdue's policy so that they understand their rights and their obligations regarding the intellectual property they create.

What is "intellectual property?"

- According to Purdue's policy, intellectual property is broadly defined to include inventions, copyrightable works, and trademarks, and also tangible research property.
- **Inventions** are novel, useful and non-obvious processes, methods, discoveries, devices, plans, compositions of matter, or other creations that reasonably appear to qualify for protection under the United States patent law.
- **Copyrightable works** are original works of authorship, which have been fixed in any tangible medium of expression, and include, but are not limited to, literary, musical, dramatic, choreographic, pictorial, graphic and sculptural works, motion pictures and other audiovisual works, sound recordings, architectural works, and computer programs.

- **Trademarks** are any words, names, symbols, or devices, or any combination thereof, adopted and used to identify goods or services and to distinguish them from those manufactured or sold by others.
- **Tangible Research Property** refers to perceptible items produced in the course of research including such items as biological materials, engineering drawings, integrated circuit chips, computer databases, prototype devices, circuit diagrams, and equipment.

Who owns patent rights in inventions created by graduate students?

- Under Purdue policy, the University shall own all domestic and foreign rights in and to any and all inventions made or developed by all faculty, staff, students, and visiting scholars in the course of employment by the University, or through the use of University resources.
- University resources mean any support administered by or through Purdue University, including but not limited to University funds, facilities, equipment or personnel, and funds, facilities, equipment or personnel provided by governmental, commercial, industrial, or other public or private organizations which are administered or controlled by the University.

Who owns copyright to original works of authorship created by graduate students/post docs?

It is the policy of Purdue University that all rights in copyrightable works shall remain with the creator unless:

1. The copyrightable work is created pursuant to the terms of a University agreement with an external party. The copyrightable work is created as a specific, written requirement of employment or as an assigned University duty that is specified in writing or when the copyrightable work

is prepared at the University's expense ("work-for-hire").

2. The copyrightable work is specifically commissioned by the University.
3. In the judgment of the University Committee on Patents and Copyrights, the creator of the copyrightable work made more than incidental use of University resources.
4. The copyrightable work is also patentable and/or is associated with a University trademark.

Who owns copyright to original works of authorship created by a graduate student while satisfying degree requirements?

The general principles of copyright ownership described above apply. However, in accord with academic tradition, and unless accepted by the conditions above, the University does not claim ownership to traditional works of scholarship, regardless of their form of expression. Specifically, the University does not claim ownership to works of students created in the course of their education, such as dissertations, papers and articles, when in the judgment of the Committee on Patents and Copyrights, the creator of the traditional work of scholarship did not make more than incidental use of University resources.

What should a graduate student/post doc do if they create intellectual property that may be owned by Purdue University?

If a graduate student/post doc believes that they have participated in creating intellectual property that may be owned by Purdue University, they should first bring the intellectual property to the attention of their major professor or supervisor, or the head of their department. Then, the student/postdoc, in consultation with their advisor, Supervisor, or head, should disclose the new intellectual

property to the Purdue Research Foundation's Office of Technology Commercialization (OTC). OTC has been assigned responsibility for evaluation, protection, and management of intellectual property owned by Purdue University.

If intellectual property created by a graduate student/post doc is licensed by the University, who shares in the revenue generated by the license?

Under University policy, net proceeds derived from licensing University intellectual property will be distributed one-third to the inventors/creators and two-thirds to the University. One half of the University share will be returned to the inventors'/creators' departments. However, if the licensed intellectual property was created as a "work-for-hire" or a commissioned work, the inventors'/creators' share will be distributed to the inventors'/creators' department, rather than to the inventors/creators personally.

How can I obtain additional information?

Additional detailed information about the University's policy can be obtained directly by reading Executive Memorandum B-10. To obtain assistance with the interpretation of the University policy, contact the Purdue Research Foundation's Office of Technology Commercialization

Purdue's Statement of Integrity

<http://www.purdue.edu/Purdue/Integrity/indes.htm/>

Purdue's Responsible Conduct of Research

<http://www.gradschool.purdue.edu/rcr/>

Purdue's Policies and Procedures of Integrity in Research

http://www.purdue.edu/policies/pages/teach_res_outreach/viii_3_1.html

Purdue's Policy on Intellectual Property

http://www.purdue.edu/policies/pages/teach_res_outreach/viii.4.1.htm

**This brochure is adapted from The RCR Booklet, Graduate School, Purdue University*

http://www.gradschool.purdue.edu/rcr/workshop_files/ResponsibleConductofResearchBooklet191208.pdf

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