

University of Utah Student Intellectual Property Guidance Summary

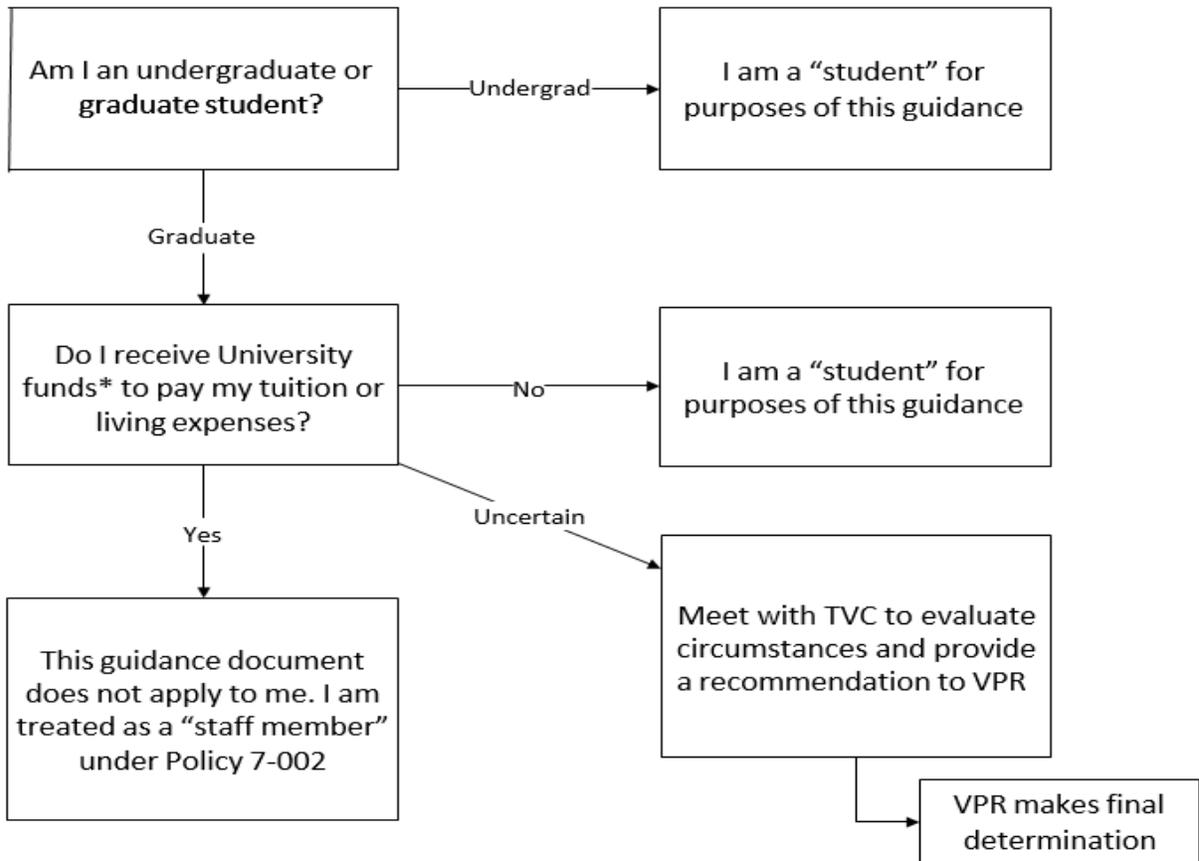
Addendum to “Guidance Document Relating to Students, Student Competitions and Related Activities: Application of University Policy 7-002: Patents & Inventions”

Adopted by the University of Utah Vice President for Research, effective January 1, 2020

1. Definition of “Student” for Purposes of This Guidance Document.

- a. For purposes of this summary, the term “student” applies to all University undergraduate students.
- b. For purposes of this summary, the term “student” applies to all graduate students whose tuition and living expenses are funded entirely by non-University sources. The term “student” does not include a graduate student whose tuition and/or living expenses are paid using University funds.

A student should follow the following decision matrix in order to determine whether he or she would be treated as a “student” for purposes of this guidance document:

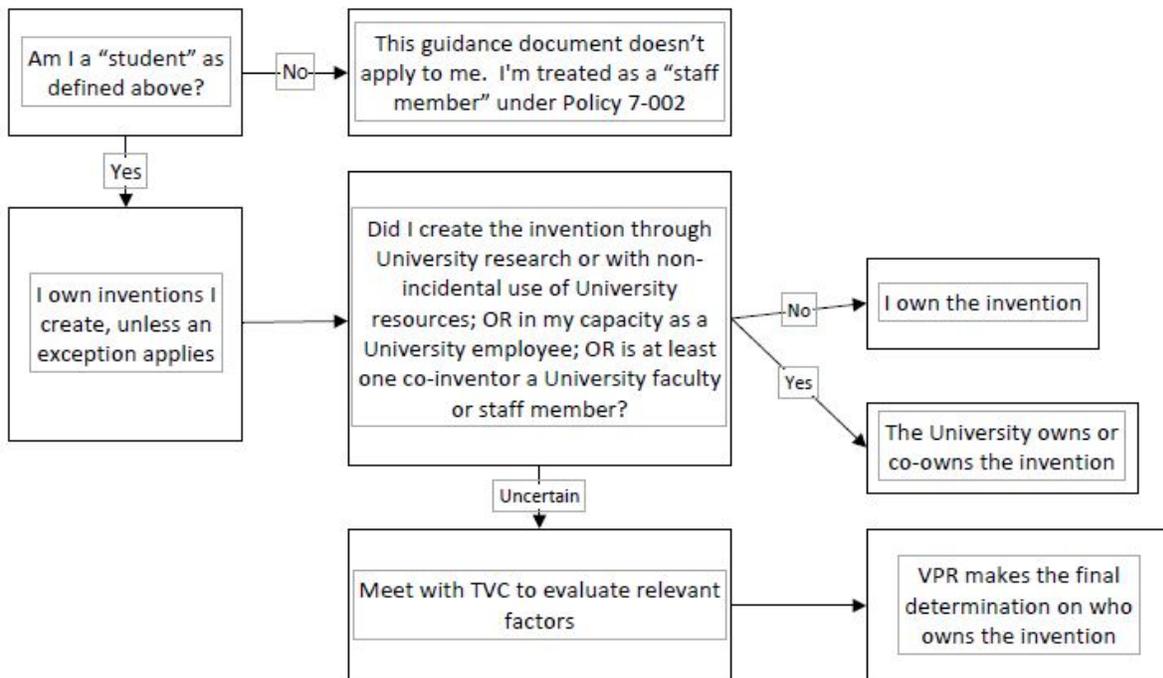


* **University funds** do not include proceeds of federally guaranteed loans; scholarships or stipends provided by private donors; or individual student grants, loans or work study

programs through Federal Student Aid. University funds do include tuition benefits from the Graduate School’s University Tuition Benefit Program.
 (<https://gradschool.utah.edu/tbp/tuition-benefit-program-guidelines>)

2. **General Guidance:** The University *does not* claim ownership of intellectual property (“IP”) created by University students (as defined above), except in limited circumstances, some of which are described below:
 - a. **Non-Incidental Use of University Resources.** The University owns IP created by a student who creates IP using University resources not generally available to the student inventor’s classmates.
 - b. **University Research.** The University owns student IP created as a result of research that is supported or funded by or through the University.
 - c. **Student employees.** The University owns IP created by a student in his or her capacity as a University employee.
 - d. **UU Faculty or Staff Co-Inventors.** The University jointly owns IP with a student if one or more of the co-inventors is a UU faculty or staff member, or otherwise does not meet the definition of a student (as defined above).

In order to determine whether the University may have an ownership interest in IP created by a student, ALL students should follow the following decision matrix:



3. **Student Inventions in which University has Ownership Interest.** Student inventions owned by the University, as well as the student inventors themselves, benefit from valuable resources and financial returns provided by the University’s IP Policy.

- a. **Commercialization, IP Protection and Licensing Resources.** University-owned inventions are eligible for significant University resources intended to: (i) identify commercialization opportunities, (ii) fund further technology development, (iii) protect the inventions under US and foreign IP laws, and (iv) license the IP to established companies or create companies for purposes of commercialization.
 - b. **Inventors' Share of Commercial Proceeds.** Inventors (including students) receive from the University between 40% and 33% of all proceeds the University receives for commercialization of IP (for example, licensing fees and royalties, *less* the costs of protecting the IP).
 - c. **Assignment of Student IP to the University.** Student inventors may elect to *assign* their inventions to the University in order to benefit from these University vetting and commercialization resources, provided both the University and each of the inventors agrees to the assignment.
 - d. **Return of IP to its Inventors.** In limited circumstances, the University may assign back to the inventors the University's interest in inventions, assuming the University elects not to commercialize the IP and determines that it is in the University's interest to release the IP.
4. **Student Competitions.** Student inventors own IP they create while participating in student competitions (Bench2Bedside; Games4Health), even if competing teams are offered "seed" project funds.
- a. **Exceptions:**
 - i. Competitors create IP using University resources that are not available to other competing teams.
 - ii. Rather than provide general guidance, a faculty advisor makes an inventive contribution to the IP.