



Michigan Technological University

Innovation and Industry Engagement
1400 Townsend Drive
Houghton, Michigan 49931-1295

MEMORANDUM

To: Deans, Department Chairs, Enterprise and Capstone Team Advisors
CC: Craig Waddell and Robert Froese, University Senate
From: Dave Reed, Vice President for Research
Re: Intellectual Property Policy Clarification related to Student Innovation
Date: November 3, 2014

Michigan Tech encourages our faculty, staff, and students to be innovative in their research and course activities as they pursue creating solutions for future benefit. Intellectual Property (IP) policies are established to protect both the interests of the University and the creator(s) of the IP. In most cases, IP policies and the circumstances for IP creation provide for a clear and explicit determination of IP rights of ownership. If faculty, staff and students have questions beyond the established policies, they are encouraged to consult the Office of Innovation and Industrial Engagement.

This memo serves to clarify the scope of Michigan Tech's intellectual property ownership rights under Board of Control Policy 14.1 (www.admin.mtu.edu/admin/boc/policy/ch14/ch14p1.htm#patent) which addresses the circumstances under which the University has a right to ownership of the intellectual property of students and employees. The policy includes the following statement:

“The University will own any software or invention conceived or reduced to practice by faculty, staff, and students in the course of University employment or research, or through the use of University Facilities and Equipment.”

The definitions of University Employment, University Research, and University Facilities and Equipment provided below follow established practices and are intended to clarify the scope of the policy, particularly for non-employed undergraduate students.

University Employment – Outcomes from activities within the scope of employment of an individual on payroll or otherwise within the scope of compensated duties by individuals receiving other forms of financial compensation from the University.

University Research – Outcomes from research activities conducted within the scope of: a) an external agreement such as a sponsored research agreement; b) an employee's research duties; c) a graduate student's thesis or dissertation topic; or d) any institutional funding including but not limited to those from public, private, or internal sources.

University Facilities and Equipment – Outcomes which occur as a substantive result of the use of specialized equipment, hardware, or software. As a general principle, facilities available for open use by the entire student body without conditions for access control other than enrollment status are not considered to be University Facilities and Equipment. In addition, incidental use of University Facilities and Equipment does not constitute grounds for University ownership of intellectual property which results from such incidental use.

This policy does not cover undergraduate student activities that happen to occur in a classroom and that fall outside the scope of University Employment, University Research, and/or University Facilities and Equipment as defined above.