

## **Interpretation of Cornell University Policy 1.5: Inventions and Related Property Rights (Inventions Policy) As Applied to M.Eng. and MPS Student Projects**

Cornell's Inventions Policy states that: "All inventions made by an individual with (i) a university appointment in furtherance of his/her university responsibilities, and/or (ii) with the use of university resources, including those provided through an externally funded grant, contract, or other type of award or gift to the university, belong to the university." The policy also states that: "All inventions (made by an university appointee and/or with use of university resources) must be disclosed to CTL, which will determine ownership in accordance with the terms of this policy."

Each year a significant number of Master of Engineering (M.Eng.) and Master of Professional Studies students participate in projects as part of their education. M.Eng. and MPS projects typically have a duration of one to two semesters and account for between four and twelve credits toward the student's degree. In some M.Eng. and MPS projects companies provide problem definition, data and materials (often confidential), student guidance, and limited funds to cover direct expenses such as fees for using university research service facilities ("Core and Shared Facilities"), copying and phone charges, office and other supplies. The best of such projects involve solving real problems for real companies.

In order to encourage companies to provide real problems for M.Eng. and MPS students to work on, Cornell desires to make clear its policies regarding intellectual property arising out of these projects.

### **1. Awareness of Cornell's Inventions Policy.**

- a. All M.Eng. and MPS students should read and understand the Cornell University Inventions Policy.
- b. All M.Eng. and MPS students who are Cornell employees or otherwise hold a Cornell appointment (e.g., graduate assistant, teaching assistant, research assistant, graduate research assistant, etc.) are required to sign a Cornell Inventions and Related Property Rights Assignment Form. This form is a formal acknowledgment that the student is aware of Cornell's IP policy and assigns inventions in accordance with that policy.

### **2. Circumstances when Cornell will NOT assert its rights to inventions.**

- a. Invention by a M.Eng. or an MPS student in the course of his/her degree project that does not make use of university resources, including sponsored research funds, will not trigger university ownership under the Inventions Policy.
- b. The routine use of laboratory space and equipment dedicated to M.Eng. or MPS instruction and project work, libraries, student computer labs, and Core and Shared Facilities to conduct these projects will not constitute a use of

university resources significant enough to trigger university ownership under the Inventions Policy.

### 3. Other Clarifications:

- a. M.Eng. and MPS students who have a Cornell appointment (e.g. graduate assistant, teaching assistant, research assistant, graduate research assistant, etc.) are required to disclose to the Cornell Center for Technology Licensing (<http://www.ctl.cornell.edu/>) all inventions, either arising from their projects or from their university duties. CTL will determine if Cornell has rights to these inventions under university policy.
- b. Signing the Inventions and Related Property Rights Assignment Form does not mean that Cornell will always assert ownership rights of inventions made by the signee.
- c. Cornell's Inventions Policy states that the university can assert ownership rights if university resources were used in the course of the invention, whether or not the inventor has a university appointment. Ownership determination does not depend on whether or not a student signs the Invention and Related Property Rights Assignment Form, or on whether the invention is voluntarily disclosed to CTL at the time of invention.
- d. It is important to note that under U.S. patent law, a M.Eng or MPS student has rights to any intellectual property s/he creates, and it may therefore be advisable for companies and students to establish the disposition of those rights in advance of the start of any project. It should also be noted that nondisclosure (and other) agreements between the University and the company do not apply to or bind students who do not hold a Cornell appointment. The company will, therefore, need to determine whether nondisclosure agreements with the students working on their project(s) are advisable.
- e. Companies should also be aware that the rights of Cornell employees and of those with other Cornell appointments in any intellectual property co-developed with M.Eng. or MPS students may belong to the university under its intellectual property policies, with the result that such intellectual property may ultimately be jointly owned by the M.Eng or MPS student or his/her assignee and Cornell. Routine academic supervision of a student does not constitute co-invention and thus will not of itself trigger university co-ownership.
- f. In some circumstances, companies may prefer that Cornell be involved in the handling of any intellectual property that may arise from the project. In those cases, companies can require that any M.Eng. or MPS student working on their project have a temporary research appointment at Cornell. Anyone with

a Cornell appointment falls under Cornell's Inventions Policy. In this case, if the company provides a proprietary or confidential problem for the students to work on or shares confidential information with the students as part of the project along with gift money to fund it, although the students would assign their rights to Cornell, the company will have the right, subject to the payment of any patenting expenses incurred by Cornell, to a no-fee, royalty-free exclusive license to the student's rights in those inventions. The advantage to a company is that nondisclosure and intellectual property related agreements with the students will be handled through Cornell.

Questions regarding Cornell's policy towards intellectual property generated by M.Eng. or MPS students during M.Eng. or MPS projects, or regarding Cornell's intellectual property policy in general, should be directed to the Cornell Center for Technology Licensing:  
[www.ctl.cornell.edu](http://www.ctl.cornell.edu)

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