

Frequently Asked Question
Intellectual Property Issues Related to Student Activities

Preamble:

Ownership of Technology is governed by the Vanderbilt Policy on Technology and Literary and Artistic Work (the “Technology Policy”). As defined in the Technology Policy, Technology includes new ideas, such as inventions, as well as computer software programs and select other authored works.

Vanderbilt generally does not claim ownership of Technologies created by students, except in certain limited circumstances, some of which are outlined herein below. This document is intended to provide clarity regarding ownership of student-developed intellectual property rights¹ for Technology, but not all situations or fact patterns can be anticipated. In the event that your situation falls outside the examples given below, or if any of these guidelines are otherwise not clear with respect to your technology, please contact the Center for Technology Transfer & Commercialization (CTTC, cttc@vanderbilt.edu) to discuss further. A short list of useful links is provided at the end of this document.

It is worth noting that many business concepts do not involve Technology, or do not involve concepts that are protectable and that therefore constitute intellectual property. Vanderbilt generally does not assert a claim of ownership of business concepts or businesses created to pursue commercialization of such concepts that do not involve Technology.

I. Institutional Policies affecting students

- a. What institutional policies apply to students related to ownership of Technology?*
 - The Technology Policy governs ownership¹ of Technology and applies to all members of the Vanderbilt community, namely all faculty, staff and students.
- b. Are undergraduate student and graduate students treated the same under the Technology Policy?*
 - Yes, the Technology Policy applies equally to graduate and undergraduate students. It should be noted, however, that graduate students are more regularly involved with externally-supported or University-supported academic research activities that result in University ownership of Technology created in the course of such research (e.g., as part of a research team working under a Federal grant).
- c. Where can the Technology Policy be found?*

¹ This document does not distinguish between ownership of Technology and ownership of intellectual property rights covering Technology – the two are used interchangeably herein.

- Technology Policy is a part of the faculty manual, is part of the student handbook, and is on the Vanderbilt website at several locations, notably on the CTTC website (see link at end of document).
- d. *Does the Technology Policy only apply to inventions, or are other types of intellectual property subject to this policy?*
- The Technology Policy applies both to new ideas such as inventions and to authored works (which include publications and other scholarly works and forms of content). Under the policy, scholarly works are generally owned by their author, without any ownership vesting in Vanderbilt University.

II. **Innovating on grounds (excluding in the classroom or at the Wond'ry)**

- a. *Does the University claim ownership of ideas I create in common spaces on grounds (like my dormitory, the library, the cafeteria, study areas, etc)?*
- Vanderbilt does not take ownership of any ideas created by students in common spaces on grounds, nor does Vanderbilt claim ownership of any ideas created using commonly available resources (such as common computers, library systems, general equipment or supplies, etc).
- b. *If I contribute to a Technology in the course of participating in a research project for a Vanderbilt faculty researcher, laboratory, center or institute, do I get to own a share of the technology?*
- Working on a faculty-led or faculty-supervised research project is among the few situations where Vanderbilt owns your contribution to Technology, in accordance with the Technology Policy. The Technology Policy states that any member of the Vanderbilt community that is employed by Vanderbilt (which includes members of research teams), or uses Vanderbilt resources or facilities foregoes² ownership to Vanderbilt. However, the Technology Policy requires that all contributors that forego their ownership rights receive a share of any future revenues that Vanderbilt may generate from commercializing such idea or software product³. It is worth noting that the vast majority of the research performed at Vanderbilt is sponsored by the Federal Government, Foundations, and Industry Sponsors, and Vanderbilt has obligations to each category of sponsor. Consolidating ownership rights with Vanderbilt enables the University to fulfill its legal obligations and contractual obligations to its sponsors.

² foregoing rights as used in this document refers to assigning over the entirety of such rights to the University or another party, such as a sponsor of an educational project.

³ See Technology Policy for details.

- c. *What if I further develop an idea on my own that originated from a Vanderbilt laboratory I previously worked in – who owns the resulting product?*
- It is not uncommon to advance an existing Technology that originated elsewhere – in fact the US Patent system is built on this premise. Here, additional details are necessary to assess such a situation:
 1. If a protectable⁴ Technology was developed in a Vanderbilt laboratory, the University would own the Technology, even if improved by somebody thereafter on their own. If a subsequent improvement is its own protectable idea (many improvements are), then the individuals responsible for the improvement would own that, independent from Vanderbilt, to the extent no significant Vanderbilt resources were involved. In such cases, if the original idea and the improvement are not independently protectable but protectable only when combined, then the University and the individuals responsible for the improvement each own a share of the innovation. A careful assessment is needed to determine ‘independently protectable’.
 2. If what originates in the lab is not protectable Technology, that is, it is merely conceptual or it constitutes a teaching, members of the laboratory are free to apply their learnings to create new ideas on their own. In such cases, the underlying teachings of the University would not result in Vanderbilt owning a share of such ideas (but other factors such as funding sources, significant use of resources, etc, may result in Vanderbilt ownership).

III. Innovating in the classroom

- a. *If I create a new idea as part of my course work as a Vanderbilt student, how is ownership of such idea managed?*
- With limited exceptions (discussed below), students wholly own any and all work product created in the classroom, including any new Technology (inventions and software products).
 - Exception 1: Senior Design Courses in VUSE. Student are often given an option as part of an engineering Senior Design Course to work on a real-world technical challenge (whether created elsewhere at Vanderbilt or created by an industry Sponsor), which is an instrumental part of the engineering educational curriculum⁵. In

⁴ Determining “protectability” is a complex exercise. Information related to determining protectability is available from many sources – one such source is provided by the US Patent Office at <https://www.uspto.gov/patents-getting-started/general-information-concerning-patents>. CTTC can serve as a resource for students as well.

⁵ Technology created by students as part of a Senior Design Course that do not involve Technology of others is owned by the students.

order to ensure that there are minimal impediments to the Sponsor being willing to make their Technology available for Sr. Design courses, and to ensure that such Sponsor owning the Technology is unencumbered by fractured ownership of rights (that is, the Sponsor owning certain underlying rights and various students individually owning certain improvements), Vanderbilt has agreed to provide ownership of all new Technology created in the Sr. Design courses to the Sponsor as a condition precedent to their willingness to serve as Sponsors. In such case students working on Technology projects of a Sponsor are required to forego any rights to any Technology they may create as part of the project so that Vanderbilt may fulfill its contractual obligation to the Sponsors.

- Exception 2: Use of specialized Vanderbilt equipment or facilities⁶. In rare cases, students may be granted access to specialized Vanderbilt equipment, facilities or materials not generally available to students as part of their coursework (such as a mass spectrometry machine, clean room facilities, etc). In such cases, students are encouraged to contact CTTC to clarify questions of Technology ownership prior to initiating work using specialized Vanderbilt equipment/facilities.
- Exception 3: Technology created by students with faculty/staff involvement. Course faculty are responsible for educating and guiding their students. This guidance does not affect ownership of student Technology created in the classroom, unless the faculty/staff member contributed significantly⁷ to the Technology – in such cases, the faculty/staff member by law must be named as an inventor of the Technology (together with the student contributors). If a faculty/staff contribution rises to the level of inventorship or authorship, then Vanderbilt would have a share of ownership in such Technology by virtue of the faculty/staff inventor's employment at Vanderbilt, and all students whose contributions rise to the level of inventorship or authorship also would each individually have their own share of ownership. Faculty/staff members are encouraged to guide students to the extent possible without making an inventive contribution themselves, but it is not always possible to avoid such contribution to a project.
- Exception 4: Departmental or School grants, stipends, and other awards. There exist occasions where the University or one of its offices, departments, centers, institutes or schools provide funding to

⁶ As clarified above, Wond'ry facilities or other available maker-space facilities are not specialized facilities as pertaining to student use.

⁷ A careful analysis of what constitutes a "significant contribution" is typically necessary, and is led by CTTC.

support advancement of a project. The University unit providing the funding should indicate to the recipients whether or not such funding is considered incidental/non-significant University resources, and therefore would affect ownership of resulting Technology.

- i. If the funding is determined to be incidental or non-significant resources, then any Technology created by the student recipients are owned by the students.
- ii. If the funding is determined to be a significant University resource, then Vanderbilt would own the resulting Technology, and the student recipients would forego ownership of such Technology to the University.

IV. Utilizing Wond'ry facilities and resources

- a. *If I develop my idea at the Wond'ry, how does that affect ownership of my idea?*
 - As a student, using the facilities, equipment, materials or supplies of the Wond'ry in the course of creating, designing, building, testing or otherwise developing your ideas does not in itself give Vanderbilt any ownership of your idea. There may be other circumstances and reasons why Vanderbilt may have an ownership interest in Technology you develop, but it is not because it was developed at the Wond'ry. (Participating in an Innovation Garage or similar project is an exception to this rule, as explained below.) The Chancellor has executed an intellectual property waiver to memorialize this to ensure students' rights to their ideas developed at the Wond'ry are protected.
- b. *If I develop my idea as part of an educational program or for-credit course held at the Wond'ry or speak to Wond'ry personnel/mentors about my idea, how does that affect ownership of my idea?*
 - Receiving mentorship from Wond'ry personnel or partaking in Wond'ry programming (e.g., Pre-Flight, Post-Flight) does not give Vanderbilt any ownership of your idea (participating in an Innovation Garage project or other externally-sponsored program (e.g., VandyHacks) is an exception to this rule, as explained below).
- c. *If I create a Technology as part of a team in an Innovation Garage or other externally-sponsored program at the Wond'ry, how is ownership of such Technology managed?*
 - Innovation Garage programs and other externally-sponsored programs are collaborative programs with industry sponsors. These sponsors provide opportunities for students to tackle real-world design challenges and provide resources for doing so, and consequently the industry sponsor has certain contractual rights to anything developed in such program. Each sponsor negotiates its own agreement with the Wond'ry (so rights

to developments may differ, depending on the agreement with the particular sponsor), and all participants in an externally-sponsored program will be required as a condition of participation to forego the entirety of their ownership rights so that such rights can be passed onto the sponsor, to the extent Vanderbilt is contractually obligated to do so. Students interested in participating in such a program have the right to a full explanation of their obligations regarding the foregoing of intellectual property rights to a particular sponsor prior to their participation⁸.

V. Administration of VU Technology Policy

a. Who decides how ownership of new Technology at Vanderbilt are managed?

- In accordance with the Technology Policy, CTTC is responsible for administering the Technology Policy, and is responsible for investigating the circumstances under which a new Technology is made. In the course of carrying out these responsibilities, CTTC works closely with University leadership and the Office of the General Counsel.
- CTTC should be contacted when there is a question about ownership of Technology. Guidance on disclosing Technology owned by Vanderbilt can be found on the CTTC website (see link at end of document).

VI. Resolving disputes related to Technology Policy

a. What if I disagree with the University's decision regarding ownership of my ideas?

- The Technology Policy provides for process to address grievances that inventors may have with University decisions regarding ownership of Technology or any other IP-related disputes. With the assistance of CTTC, disputes can be appealed to Vanderbilt's Technology Review Committee ("TRC") for review and adjudication.
- No decisions made by Vanderbilt employees, including CTTC and the TRC, are meant to prevent any individual from seeking legal remedies regarding intellectual property matters.

VII. Accessing IP services provided by CTTC

a. Can I utilize the advice and services of CTTC even if Vanderbilt does not own my Technology?

⁸ Prior to student involvement in an externally sponsored program, the Wond'ry provides students with a Participation Agreement for the program that outline the intellectual property obligations to the sponsor.

- Faculty, staff and students that own the intellectual property have the right to seek patent protection and commercialization of their IP on their own. CTTC can provide some tips for protection and commercialization, but cannot protect and commercialize technologies that Vanderbilt does not own.
- If members of the Vanderbilt community do not wish to protect and commercialize their own Technologies, they can request Vanderbilt, through CTTC, to protect and commercialize their Technologies. This can only be pursued by mutual agreement between the owner and CTTC, and would result in assigning ownership of the Technology to Vanderbilt in exchange for receiving the share of revenues earmarked for inventors in the Technology Policy.

Summary of useful resources

CTTC: <https://cttc.co/>

Vanderbilt Technology Policy: <https://cttc.co/inventors/policies/vu-technology-policy>

Vanderbilt Technology Disclosure process: <https://cttc.co/inventors/invention-disclosure-resources>

Vanderbilt Technology Commercialization process:

<https://cttc.co/inventors/invention-disclosure-resources/commercialization-process>

US Patent Office: information protecting inventions -

<https://www.uspto.gov/patents-getting-started/general-information-concerning-patents>

Wond'ry: <https://www.vanderbilt.edu/thewondry/>