

Your Guide to Intellectual Property as a Student at the University of California

As an undergraduate or graduate student at the University of California (UC), you have an opportunity to make original creations, inventions and discoveries as part of your activities both within and outside of classes. Learning about these forms of intellectual property (IP) and how to protect and develop them is an important part of your educational experience. Students can make original contributions in all areas of scholarship that UC supports.

What is IP?

Intellectual property is generally defined as intangible creations of the mind, which may be protected under patent, copyright and/or trademark laws.

- Inventions that can be protected by patent law include new or improved versions of processes, machines, and compositions of matter that are useful; and new, distinct plant varieties. To protect an invention under patent law, in addition to being useful, the invention must be novel and not an obvious extension of something that already exists. One or more inventors may contribute to the conception of the invention. Students can make inventions as part of their coursework or original scholarship at UC.
- Works of authorship fixed in any tangible form of expression may be protected under copyright law. These may include literary works, sound recordings, computer software, photographs, motion pictures, and musical compositions among others. For example, students can create copyrightable works when they (co-)publish an article or create a smartphone application.
- A trademark is “any work, name, symbol, or device...” used by a person “to identify and distinguish his or her goods, including a unique product, from those manufactured or sold by others and to indicate the source of the goods.”

Intellectual property and ownership are very case specific based on each set of circumstances; [your campus technology transfer office \(TTO\)](#) would make the final determination. Below are general examples to guide you in thinking about your IP obligations.

When does the University own IP?

In most cases, students who are not employed by UC own their original academic work. Under law and policy, UC owns IP made by UC employees in the course and scope of their work. When University gift/grant/contract funds, resources, or research facilities are used, UC may also own the resulting IP. If you are unsure whether the University could have an ownership interest in your IP, please contact your campus TTO for clarification.

When you’ve created intellectual property, here are some questions to ask:

- Was I doing a job for the University?
- Was I in a research lab or using a special resource that is not available to all students in my field?
- Was I getting paid to work on a research project?
- Was I receiving funds from the University other than financial aid?
- Was I collaborating with other researchers or faculty on campus?

UC probably owns it	I probably own it
I invented a camera using special equipment in my professor’s lab	I invented new earbuds in my garage
I wrote a report for my professor’s federally-funded science project	I wrote a journal article for a class assignment
I created software under a University sponsored project	I created a new smartphone app at home
I invented a new cancer treatment in a UC lab using stem cells from a commercial source	I created a new bicycle gear in my dorm room

Frequently Asked Questions

I have more questions. Whom should I contact??

If you are confused about your IP obligations or have general questions about IP, your campus technology transfer office is available to assist you. You can find contact information for your campus here.

What is "intellectual property?"

Intellectual property (IP) generally is thought of as intangible creations of the mind, which may be protected under patent, trademark and/or copyright laws. These laws offer protection that can be used to prevent others from the unauthorized production, copying, use or sale of the IP. You can learn more about intellectual property in this University of California presentation.

What should I do before inventing something?

Keep good records that document your creative progress. Understand your IP obligations, and direct questions to your campus technology transfer office (TTO). If you are employed by the University, you must report your invention to the campus TTO.

Who is considered an inventor on a patent?

Inventorship is a matter of law. Anyone who intellectually contributed to the conception of an inventive idea must be included as an inventor. Someone who merely carried out the inventor's instructions during the reduction to practice stage, or acted only as a pair of hands, does not qualify as an inventor. In case of doubt, the patent attorney who prepares the application is the one who will assist with determining inventorship.

What are my next steps if I own my invention?

If you've invented something outside UC employment - and without using UC research facilities, resources, or funds - then you own your IP! However, if University employees are co-inventors, the University is likely to have an ownership interest in the invention. If you have questions about what can be done by UC with your IP, your campus TTO might have resources available for guidance.

How do I know if I've used University research facilities or resources?

If you are unclear about whether University research facilities or resources were involved in the creation of your IP, please contact your faculty mentor(s) or department administrator to identify the appropriate campus office for consultation.

What should I do if I'm asked to sign an agreement to keep something confidential?

If a company wishes to share confidential information or trade secrets with you for the purpose of a research project, the company and UC typically execute a Confidentiality Agreement (also called a Nondisclosure Agreement or Secrecy Agreement). It is extremely important for you to be aware of confidential information or trade secrets entrusted to you or the University. Such information should only be used for the authorized purpose and care should be taken to respect the confidential nature of the information. If you are asked to sign an agreement that obligates you to keep something confidential, please consult your faculty mentor(s) and/or the campus TTO as soon as possible.

What if I've invented something while completing my capstone project?

Many UC campuses offer capstone courses or programs to enhance your learning experience and provide hands-on skills development. These are valuable opportunities in which students can participate in inquiry-based and creative projects often resulting in tangible final products like films, ocean research vessels, and model robotics. Absent other circumstances or obligations, you will probably own the IP made in your capstone project. However, these exciting projects can have added complexity, for example, when a company is involved. Consult your capstone professor and/or your campus TTO as appropriate if you have specific questions regarding your capstone IP.