

STUDENT INTELLECTUAL PROPERTY RIGHTS POLICIES ACROSS U.S. UNIVERSITIES

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Abstract

Increasingly more and more universities are encouraging creativity, innovation and product development by students through classes, innovation centers, incubators, and extracurricular activities. While the ownership rights of products developed by university faculty is generally very clear; the issue becomes somewhat muddled when addressing the ownership rights of students. Using content analysis this paper reviews the policies for student intellectual property rights of the top 250 patent universities in the United States.

Introduction

2013 report by the U.S. Department of Commerce, noted that major research colleges and community colleges are committed to ensuring that student innovation and entrepreneurship is strongly supported on their campuses (The Innovative and Entrepreneurial University, US Department of Commerce). The US Department of Commerce reported that universities and colleges are doing this in several ways: courses and degrees in innovation or entrepreneurship; experiential learning opportunities; competitions; and learning and living spaces dedicated to innovation and entrepreneurship students. The US is a recognized global leader in innovation and entrepreneurship and more organizations are encouraging innovative thinking to maintain competitive advantage in a global market (Anderson, 2006; Burroughs, Dahl, Moreau, Chattopadhyay and Gorn, 2011). The U.S. Department of Commerce report also states, "America's universities and colleges are doing their part to maintain our leadership and to nurture more innovation, create processes, and programs to commercialize that innovation, and promote entrepreneurship as a viable career path for students" (The Innovative and Entrepreneurial University, US Department of Commerce).

IP Policies

As universities look for new sources of revenue, more and more are turning to intellectual property (patent) income and becoming fairly aggressive in seeking this revenue stream (Lindelof, 2011; Nelson, 2012). Some universities maintain that faculty IP is 100% owned by the university much like corporate employees, while some have very liberal policies (Nelson, 2012). Though the policies for faculty IP ownership appear to be in the realm of the university ownership, it is not as clear for student IP ownership. In the Indiana Law Journal Spring, 1996 it was noted, "While a university claim of ownership in faculty-generated inventions might have a legal foundation rooted in traditional employer-employee relationships, the legal foundation to a university claim in student-generated inventions is much weaker. The university-student relationship is not analogous to an employer-employee relationship" (Patel, 1996).

This paper seeks commonalities in student IP policies among the top 250 patent universities in the US in the hopes of establishing some common foundation for universities and colleges that need to generate their student IP policies.

Methodology

Using content analysis, this paper will examine the structure of student IP policies of the top 250 patent universities in the US that are publically available on the Internet. The first level coding will consist of the existence of definitions, ownership, significant resources, policies and other possible factors to be discovered found in student IP policies. The second level will define what is included in each factor. Additionally, consider campus size; whether the institution is public or

private; where the IP policy is housed (i.e. college of business, medical college, engineering college, tech transfer office, academic affairs office, etc.); and research tier (R1, R2, R3, R4) will be considered.

Outcomes

The outcome from this research will be a list of common factors found in student IP policies among the top 250 patent universities in the US along with what is included in each of those factors.

Implications

Universities and community colleges that currently support or are considering supporting student innovation, product development or entrepreneurship on their campuses will find this useful in establishing their own student IP policies in line with similar institutions.

Limitations

There are a number of limitations to this research. One, this research will only review student IP policies that are publically available on US university web sites. Two, these universities are not randomly selected, but are drawn from the US Patent and Trademark Office's list of U.S. Colleges and Universities-Utility Patent Grants, Calendar Years 1969-2012 report (<http://www.uspto.gov>). Third, many of the top 250 patent universities on the report are top tier research universities. The final limitation is the exclusion of non-US universities.

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