

## Ownership of Intellectual Property at Florida Polytechnic University

Activities conducted at the university may lead to the creation of patentable inventions or other forms of intellectual property (IP). In many cases, Florida Polytechnic University asserts ownership of such IP as part of its responsibility to steward public resources and to promote the commercialization of innovations that contribute to economic development in Florida. The university's IP ownership rights are defined in Policy FPU-1.0061P and are further explained in this document, along with tables outlining common scenarios and the corresponding ownership determinations.

When the university holds ownership of intellectual property, it may choose to pursue commercialization activities, such as seeking patent protection. However, if the university elects not to pursue commercialization, it is required—within the timeframes established by policy—to offer the IP rights back to the inventors. Ownership determinations are made in accordance with the general guidelines outlined below.

### Faculty and Staff:

Intellectual property generated by faculty or staff is owned by the university when **either** of the following conditions is met:

1. The IP is related to a field or area of study that is part of the faculty or staff member's core job responsibilities at the university.
2. The IP is developed using **non-incident**al university resources.

### Students and Intellectual Property

Students—whether undergraduate or graduate, employed or not—may generate IP under varying circumstances. Determining university ownership requires consideration of the context in which the IP is created. As a general principle, the university **does not claim IP rights** to independent student work. This includes:

- Projects developed completely independently of the university.
- Work created as part of a normal class assignment, provided that no sponsored project is involved. In general thesis work is not considered a "normal class assignment" due to the strong mentorship relationship between a faculty member and their thesis advisee.

However, the university **does claim IP rights** when student work is:

- Part of a sponsored research project.
- Aligned with ongoing faculty research or IP development activities.
- Created using non-incident

### Definition of Non-Incidental Use of University Resources:

- **Materials or Supplies:** Use of materials or supplies exceeding an incidental value threshold. Current policy defines incidental use as up to \$500 in value. This does not obligate the university to provide funding for IP development.

**Equipment:** Use of equipment that is part of the university's laboratory infrastructure, where the value of such use exceeds \$500. This value is determined based on the commercial cost of procuring equivalent measurement or fabrication services. Usage valued below this threshold is considered incidental.

Two tables are provided in this document to provide further clarification on these scenarios.

**Table 1. University Intellectual Property rights when students work independently, are engaged in the “educational mission” and use the university as an educational resource to develop their own IP.**

<b>Student status</b>	<b>Activity Type</b>	<b>Use of University Facilities<sup>1</sup></b>	<b>Interaction with Faculty and/or Staff</b>	<b>Use of University or Sponsored Project Resources</b>	<b>University IP Rights</b>
Not Employee	Independent Creation of IP	None or incidental	None or interaction consistent with course delivery	NO	NO
Employee	IP creation is not related to employment <sup>2</sup>	None or incidental	None or interaction consistent with course delivery	NO	NO
Employee or Not Employee <sup>2</sup>	IP affiliated with a Capstone design project or other class project where there is NOT a project sponsor	Consistent with the resources provided to all for the class	Consulting with a faculty member consistent with the teaching role and the course delivered	Consistent with resources for the entire class.	NO
Employee or Not Employee <sup>2</sup>	IP affiliated with a Capstone design project or other class project where there IS a project sponsor				YES, consistent with the IP definitions from the sponsor. Students will be offered another project if they do not want to agree to the IP rights or non-disclosure agreement affiliated with the sponsor agreement.

<sup>1</sup> University facilities include all of the university laboratories and fabrication facilities. However, the usage of the maker space or off-site maker space such as CATAPULT is specifically not considered a significant use of university resources.

<sup>2</sup> For student employment, the supervisor must certify that the student employment was not related to the IP creation and that the employment was also not arranged to provide paid student time to work on the student’s IP.

<b>Student status</b>	<b>Activity Type</b>	<b>Use of University Facilities<sup>1</sup></b>	<b>Interaction with Faculty and/or Staff</b>	<b>Use of University or Sponsored Project Resources</b>	<b>University IP Rights</b>
Employee or Not Employee <sup>2</sup>	N/A	None or incidental	Consulting with faculty consistent with course delivery. Consulting with non-academic delivery resource (OTT, Library) as a generic support services manner.	NO	NO. The university chooses to offer generic information help (OTT and Library) as a part of its educational mission. However, the university is not obligated to offer a set level of service.
Employee or Not Employee <sup>2</sup>	N/A	None or incidental	Consulting with faculty such that contributions are beyond basic education. Faculty member is acting as a co-inventor. <sup>3</sup>	NO	YES
Employee or Not Employee <sup>2</sup>	IP affiliated with a course or course project	Consistent with the resources provided to all for the class	Consulting with faculty member consistent with the teaching role and the course delivered	NO	NO
Employee or Not Employee <sup>2</sup>	IP affiliated with a course or course project	Consistent with the resources provided to all for the class	Consulting with faculty member consistent with the teaching role and the course delivered	YES	YES

<sup>3</sup> A critical element is if the faculty member provides either “an inventive step” or “joint inventorship or authorship” with ongoing involvement.

<b>Student status</b>	<b>Activity Type</b>	<b>Use of University Facilities<sup>1</sup></b>	<b>Interaction with Faculty and/or Staff</b>	<b>Use of University or Sponsored Project Resources</b>	<b>University IP Rights</b>
Employee or Not Employee <sup>2</sup>	IP affiliated with a course or course project	Resources used become specialized in some way beyond routine access for the course	Consulting with the faculty member becomes significant and becomes more of a faculty mentor, with the faculty member playing the role of a co-inventor	Possibly	If any of the three "boxes to the left" show significant use of resources, the university will assert its IP rights.

**Table 2. University Intellectual Property Rights for students that have an affiliation with a university lab, a research group, or students that work with a faculty member collaboratively on the generation of intellectual property.**

<b>Student status</b>	<b>Activity Type</b>	<b>Use of University Facilities<sup>1</sup></b>	<b>Interaction with Faculty and/or Staff</b>	<b>Use of University or Sponsored Project Resources</b>	<b>University IP Rights</b>
<b>Employee or Not Employee<sup>2</sup></b>	Volunteer in a Research Group	None or incidental	Consulting with faculty consistent with research group role BUT IP is not related to Research group	NO	NO
<b>Employee or Not Employee<sup>2</sup></b>	Volunteer in a Research Group	More than incidental based on the activity in research group	Consulting with faculty consistent with research group role BUT IP is not related to Research group	NO	Possibly, if the student is using specialized equipment or specialized knowledge from the research group, the answer is likely yes
<b>Employee or Not Employee<sup>2</sup></b>	Volunteer in a Research Group			YES	While the university may choose to provide incidental resources, the use of sponsored project resources in any way means that the University must retain IP rights, YES

<sup>1</sup> University facilities include all of the university laboratories and fabrication facilities. However, the usage of the maker space or off-site maker space such as CATAPULT is specifically not considered a significant use of university resources.

<sup>2</sup> If student is an employee, supervisor will have to certify that the student is not using their employment to volunteer for the research group or to develop their own IP.

<b>Student status</b>	<b>Activity Type</b>	<b>Use of University Facilities<sup>1</sup></b>	<b>Interaction with Faculty and/or Staff</b>	<b>Use of University or Sponsored Project Resources</b>	<b>University IP Rights</b>
<b>Employee or Not Employee<sup>2</sup></b>	Volunteer in a Research Group		Consulting with faculty and/or research group members. IP is created related to the research subject.		YES
<b>Employee or Not Employee<sup>2</sup></b>	IP affiliated with a student's thesis work		Faculty member as advisor consistently acts as a coinventor		YES
<b>Employee: Graduate Student</b>	IP affiliated with thesis work OR other related work		Faculty member, typically advisor, acts as a coinventor		YES, as a graduate student working with an advisor, the university retains IP rights
<b>Graduate student, not supported</b>	IP not affiliated with thesis work		Faculty member acts as coinventor, or does not act as coinventor		YES, for coinventor role, NO, for not coinventor role