Students create things as part of their educational experience at The University of Alabama. The UA Student Intellectual Property Guidelines gives guidance on the ownership of intellectual property (IP) created by UA students. Before reading the policy, it is important to understand the basics. Below is a primer on IP with examples of ownership consistent with our policy.

What is Intellectual Property?

Intellectual property refers to creations of the mind. Unlike real property or personal property, intellectual property is not something you can hold in your hand. The law gives rights to intellectual property to its creator(s) who may legally transfer his or her rights as he or she chooses.

Patents give rights in inventions to their inventors. The holder(s) of a patent has the right to go to court to exclude others from making, using, offering for sale, or selling the invention in the country which issued the patent as well as importing the invention into the country which issued the patent.

Copyrights give rights in creative works to their authors. The holder(s) of a copyright has the right to:

- Reproduce the work
- Distribute copies of the work
- Perform the work
- Display the work
- Create derivative works (works that adapt the original work)

Who Owns the Intellectual Property Created by UA Students?

The normal situation is that for undergraduates, the student owns the IP. There may be a few circumstances where that changes (continue reading for information on significant university resources).

For graduate students who receive no financial support through UA, the student owns the IP.

For graduate students who do receive financial support through UA, it is normal that UA owns the IP, but continue reading for information on significant university resources.

The UA Student IP Guidelines gives guidance on who owns the IP created by students. The Guidelines states: "Students who are not considered University of Alabama employees shall retain all right, title, and interest in Creative Works and Inventions conceived or first reduced to practice without significant university support. This means that the starting point is that Students own their IP, except in specific circumstances described below.

Students who use significant university resources to create IP or create such during the course of their employment (as paid graduate students, to give one example) at UA shall disclose the IP to the university. The university may then pursue the commercialization of the IP or waive its rights back to the creator(s) at its discretion.

Examples Where Students Own the Intellectual Property:

A UA student who is not employed by the university and uses a whiteboard on campus to draw a schematic of their invention is the owner of the invention, (or makes other non-substantial use of UA resources i.e., uses UA resources consistent with being a student), is the owner of the invention.

A UA graduate assistant who is employed to conduct research in the biological sciences and creates an unrelated mobile application on their own time is owner of that work.

A UA student who is not employed by the university, who creates IP and submits it as part of the requirements for a course credit is, the owner of the IP.

Policy available on Office of Technology Transfer's website: http://ott.ua.edu/
A UA student who works outside the university in a situation where IP is created, owns the IP (from the university perspective unless the student has made other arrangements with the place of work).

Occasionally, in these situations above, the student or others believe that there is sufficient commercial potential in the IP that it is important to confirm the student’s ownership and certify that the university has no ownership interest in the IP. To do so, the student shall disclose the IP to the university using the university Invention Disclosure Form. In the Form, the student shall confirm that they were an enrolled UA student at that time, were not a UA employee; state the expected year and program of graduation; provide details of any outside interest in the disclosed IP and request that the university waive any interest.

Examples Where Students Shall Disclose the Intellectual Property to the University, Including Examples of “Significant Resources”:

A UA student who is not employed by the university and uses the UA supercomputer facilities to reduce the invention to practice shall disclose the invention to UA.

A UA student who is not employed by the university and makes ongoing use of UA laboratories to run experiments under faculty supervision shall disclose the invention to UA.

A UA graduate assistant who invents something during the course of their appointment and uses an UA laboratory to reduce the invention to practice shall disclose the invention to UA.

For questions regarding the UA Student IP please contact:

The Office for Technology Transfer
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Tuscaloosa, AL 35487
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About OTT
The University of Alabama Office for Technology Transfer is primarily responsible for commercializing the innovations generated by UA faculty, staff and students, either through licenses to industry partners or via the formation of spin-off enterprises based on UA technologies.

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