

Student Guidance on Student-Developed Intellectual Property

GENERAL RULE:

Generally, intellectual property, including copyrights, conceived or first reduced to practice by a student at North Dakota State University ("NDSU") as a work product of a for-credit, undergraduate level course will be owned by that student. This includes homework assignments, laboratory experiments, special and independent study projects, undergraduate thesis and other inventions.

NDSU Policy 190 specifically sets forth the instances in which a student would be required to assign their ownership interest in any intellectual property (IP) to NDSU. These instances most commonly involve student receipt of wages or stipend, participation in graduate research, involvement in research administered by NDSU, and significant use of NDSU resources.

SPECIAL SITUATIONS:

Situations may occur in certain courses where students are presented with the opportunity to participate in projects or activities in which the ownership of any resulting IP must be assigned either to the University or to a sponsoring entity (such as a company) as a condition of the student's participation.

Students are never obligated to participate in projects or activities that require the assignment of their IP rights to NDSU or to any other entity.

Students participating in an undergraduate, for-credit course will be presented with two options:

1. To participate in a project that requires the student to assign their IP ownership rights; or
2. To participate in a project or other activity that does not require the assignment of IP ownership rights.

A student's grade and/or evaluation of performance in a course will not be affected by the student's decision to participate or not to participate in projects or activities requiring the assignment of the student's IP rights.

Students should understand that the assignment of an intellectual property form is a binding, legal agreement and that they have the right to seek independent legal advice at their own expense prior to signing the agreement.

OPTIONS FOR UNDERGRADUATE LEVEL, FOR-CREDIT ACADEMIC PROJECTS:

- A student may opt to retain ownership of their intellectual property and decline to assign his/her rights to any other entity. However, this may limit the projects in which the student may participate.
- If a NDSU-devised project is available, a student will generally be required to assign to NDSU all rights that he/she may acquire in inventions, discoveries or rights of patent that are conceived or first actually reduced to practice by themselves by completing an assignment to NDSU.
- If a sponsor-devised project is available, a student may agree to assign to the sponsor all rights that he/she may acquire in any inventions, discoveries or rights of patent that are conceived or first actually reduced to practice by them as a result of their participation in a for-credit course by completing an assignment to the sponsor.
- Any student assigning intellectual property to either NDSU or a sponsor will be required to sign certain legal agreements.