Who owns my intellectual property?

Navigating MIT Policies on Intellectual Property Ownership

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What is intellectual property?

• Products of the human intellect which may be protected under law.
• Patent, copyright, trademark
• Foundational for innovation and entrepreneurship.
Essential to Research Sponsors

- Intellectual property rights in exchange for funds
- Common rights granted –
  - Government non-exclusive license
  - Sponsor internal use and option to exclusive license
- Requires MIT to control the intellectual property
Foundational to MIT Policy

• Allows MIT to direct the disposition of intellectual property created with third-party resources – funding, facilities

• The aim of the Institute's policy on patents, copyrights, and other Intellectual Property is to make available Institute technology to industry and others for the public benefit, while providing recognition to individual inventors and encouraging the prompt and open dissemination of research results.

• Mission of the TLO – to make available via technology license
**Ownership of Intellectual Property**

<table>
<thead>
<tr>
<th>Inventors will own IP:</th>
<th>MIT will own IP:</th>
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Research pursuant to a sponsored research agreement

- Sponsored scope of work
- Federal or industrial grant
- In the case of industrial grants, applies also to sponsor employees – MIT ownership stake in research inventions
“Work-for-Hire”

- Under copyright law of the United States
- Applies to commissioned works – MIT considered the author and copyright ownership
- Must be commissioned under a *specific* written agreement
- E.g., software engineer hired to write user manual per written agreement
Significant Use of Funds or Facilities

- MIT administered funds or facilities –
  - Industrial or federal sponsorship
  - MIT-administered salary
  - Funded equipment (e.g., Beaver Works)
  - Includes biological material, data sets

- Significant Use
  - More than incidental
  - Insignificant facilities: office, library, machine shop facilities, computers
IAP 2020: Why Do All UROPs Now Sign an IPIA?

• Interacting with MIT undergraduates when they first pursue research is a touchpoint for education on development and ownership of IP.

• Improved IPIA collection means MIT is complying with government and sponsored research requirements when involving UROPs.

• The Atlas form removes the burden of IPIA collection from faculty and staff.
Questions to consider

• Was I doing a job for the Institute?
• Was I in a research lab or using a special resource that is not available outside of MIT?
• Was I working under a sponsored research project or using MIT-administered materials?
• Was I receiving funds from the Institute other than financial aid?
• Was I collaborating with other researchers or faculty on campus?
Navigating gray areas

• If uncertain – or if you need written documentation – prepare a waiver request
• Confirms the invention is not owned by MIT – valuable to investors
• Requires full disclosure of invention and facilities and funding used
• Signature by department head or lab director – sent to TLO for review
• The Vice President for Research will make the final decision on this issue and on any dispute or interpretation of policy relating to Intellectual Property.
Questions?

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