Student-Generated Intellectual Property Policy

I. Purpose

The purpose of this Policy is to clarify Albert Einstein College of Medicine’s ("Einstein" or "College") position regarding Intellectual Property generated by students.

II. Scope

This Policy applies to all Intellectual Property generated by students of Einstein.

III. Policy

Patent rights, copyrights, computer programs, software, databases, testing procedures, tangible research materials and all other Intellectual Property, whether patentable or not, resulting from research carried on by faculty members, technical staff members, or students and supported entirely or partly by Einstein resources shall be assigned to and owned by Einstein in accordance with Einstein’s Official Policy on Patents and Licensing Agreements. All potential inventions must be reported as soon as possible after conception or first reduction to practice using the Einstein Invention Disclosure Form.

If all of the following are true, Einstein will generally not claim rights and interests in student-generated Intellectual Property and will allow students to retain ownership of their Intellectual Property:

- All Einstein-affiliated Inventors are students;
- None of the Einstein-affiliated Inventors are employed by the College in a research setting (e.g., research-related work study, part-time, casual, or temp roles; research assistant, teaching assistant, fellow, or post-doc positions; or in any other research capacity); and
- The activity from which the Intellectual Property arose did not make significant use of funding provided by or to Einstein (e.g., institutional funding, federal grants, or industry funding for research), College research resources (e.g., laboratories or technical equipment), Einstein employee time (e.g., faculty, technical staff), or other resources.

Einstein generally does not consider the following to constitute “significant use:”

- Advice that a student may receive from a faculty or staff member serving in an advisory capacity to an Einstein student club or organization, or as may be commonly solicited in the context of an educational experience (i.e., related to a course);
- Use of Einstein resources by students in the context of their coursework (e.g., classrooms, dorms, and email);
• Very small stipends made by departments in an educational context, such as to provide student clubs with a budget.

Einstein will exert its ownership interest in student-generated Intellectual Property in circumstances, including but not limited to, where:

• The student received financial support from Einstein in the form of wages, salary, stipend, or grant funds for the research;
• Intellectual Property resulting from research carried on by a student in fulfillment of course requirements or other requirements for a degree or in connection with a formal training program including the preparation of a thesis or dissertation;
• The student made significant use of Einstein resources (including College-administered funds or Einstein-funded time, facilities, or equipment) in connection with the research; or
• The research was funded by a sponsor pursuant to a grant or sponsored research agreement or is subject to a material transfer agreement, confidential disclosure agreement, or other legal obligation that restricts ownership of Intellectual Property.

In case of a dispute between student Inventors and Einstein regarding whether Intellectual Property should be assigned to Einstein, the Dean of Einstein shall resolve such disputes. The Dean will refer such disputes to the Committee on Patents. The Committee will determine whether Intellectual Property developed by a student resulted from research supported in whole or in part by Einstein resources, or whether such Intellectual Property was unrelated to Einstein activities and resources. Any recommendations or decisions by the Committee on Patents will be subject to review and approval by the Dean of Einstein, and the Dean’s decision will be final.

Students also have the option of consulting with the Offices of Biotechnology and Business Development about assigning their rights to Einstein to take advantage of the Offices’ support in protecting and marketing Intellectual Property. Where students assign their rights to Einstein, and income is received from the licensing by Einstein of student-generated Intellectual Property, the students will receive fifty percent (50%) of any net licensing income after Einstein deducts all direct assignable expenses incurred in connection with the filing, prosecution, and maintenance of any patents or other Intellectual Property, and the negotiation of the contract for the licensing of the Intellectual Property. Acceptance of an assignment of Intellectual Property from students desiring to make such an assignment will be at the sole discretion of the Offices of Biotechnology and Business Development. Other than the distribution of income, all other aspects of the Official Policy on Patents and Licensing Agreements shall apply.

IV. Definitions

As referenced in Official Policy on Patents and Licensing Agreements, BIOT-POL-2015-001:

Inventor: Faculty, technical staff and students whose work may lead to inventions and discoveries.

Intellectual Property: Patent rights, copyrights, computer programs, software, databases, testing procedures, tangible research materials and all other intellectual property, whether patentable or not.
V. Effective Date

Effective as of: 10 May 2018

VI. Policy Management and Responsibilities

Einstein’s Office of Biotechnology and Business Development is the Responsible Office under this Policy. Einstein’s Executive Dean is the Responsible Executive for this Policy. Einstein’s Director of the Office of Biotechnology and Business Development is the Responsible Officer for the management of this Policy.

VII. Approved (or Revised)

[Signature]

Responsible Executive

[Date]

Date

27 June 2018

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