

MEMORANDUM

To: USC Students and Postdoctoral Scholars
From: USC Stevens Center for Innovation
Date: January 8, 2018
Subject: USC Intellectual Property

As a student or postdoctoral scholar at USC, you have opportunities to create patentable inventions or copyrightable documents or software that may be commercialized and benefit society. These innovations may result from your classes, from extracurricular activities, or from your participation in research or paid projects in collaboration with USC faculty and researchers. This memo is provided to summarize opportunities available to you for commercialization, along with some of your rights and responsibilities.

How Are Innovations Protected?

Innovations that can be protected by patents include new or improved versions of processes, methods, and compositions of matter (e.g., a new drug or a new material) that are useful, new, and not obvious extensions of existing innovations. One or more inventors may contribute to the conception of an invention.

Works of authorship may also be protected through copyrights. These may include books, articles, audio recordings, computer software, photographs, motion pictures, and musical compositions among others. In some cases, software can also lead to patentable inventions.

Patents and copyrights are examples of intellectual property (IP), both of which have commercial value. IP can be the basis for developing commercialized products and therefore generating income. **Under USC's IP policy, creation of IP provides financial benefits to the creators, including students.**

Who Owns Patents and Copyrights?

In most cases, students who are not employed by USC own their original academic work. This means that IP resulting from class assignments, or from activities outside of USC, are normally student owned. In addition, copyrightable artistic works, books and articles are jointly owned by the creators (which may include students, faculty and staff). Students and their co-creators are thus free to commercialize such IP independently of the university.

On the other hand, IP (other than art, books and articles) resulting from employment by USC (such as a research assistant, postdoctoral scholar, student worker or staff) or IP resulting from non-class supervised research (compensated or not) are normally owned by USC. In addition, when university resources or research facilities (e.g., computing facilities or specialized research instruments) are used, USC **may** also own the resulting IP.

If you are unsure whether the University could have an ownership interest in your IP, please contact USC Stevens Center for Innovation for a definitive answer. Visit <http://stevens.usc.edu/> to learn more.

Below are general examples to guide you when thinking about your IP rights and obligations:

USC likely has IP rights	You probably own IP rights
I invented a product using special equipment in my professor's lab	I invented a new product in my garage
I wrote a report for my professor's federally-funded research project	I wrote a journal article for a class assignment
I created software under a USC-sponsored project	I created a new smartphone app at home
I invented a new therapeutic treatment in a USC lab using cells from a commercial source	I created an improvement to an existing product in my dorm room

How Do I Benefit from USC Owned IP?

USC shares a portion of all income derived from the license of IP with inventors/creators. By disclosing IP to the university through the USC Stevens Center and participating in the protection of the IP via patents or copyrights, USC may be able to commercialize your innovations. If successful, you and your co-inventors/creators will be paid based on the licensing income that is generated. Specifics of how income is divided can be found in the USC IP policy;

https://policy.usc.edu/files/2014/02/intellectual_property.pdf

One benefit of USC employment is that we do not hire students on a “work for hire” basis, meaning you are always entitled to benefits from the IP that you create or jointly create, whether USC owns the IP or whether you own the IP.

How Do I Work with USC to Commercialize IP?

The USC Stevens Center for Innovation represents USC for the commercialization of all USC owned IP. The commercialization process works in these steps:

- 1) When you have produced USC-owned IP that has potential for commercialization, you and your co-inventors/co-creators should jointly file an “invention disclosure” with the Sophia portal. Click on the disclose link <https://stevens.usc.edu/researchers/what-is-sophia/> to get started,

answer the questions describing your innovation, list any funding, and identify all inventive contributors. This process can take as little as 15 minutes.

Because student-created IP often results from collaborations with your faculty mentor, it is important for you to consult your mentor prior to filing your invention.

- 2) USC Stevens Center will evaluate the commercial potential of the disclosure and, if appropriate, manage the protection, marketing and transfer of the innovation to a commercial partner. USC Stevens Center will also ensure compliance with any funding agreements by reporting the invention and utilization to appropriate sponsors.

What Other USC Resources are Available?

USC provides many resources for student inventors/creators, even for cases where the IP is not university owned. These include legal services, mentoring, incubation space, and competitions for funding. Please consult the resources available at incubate.usc.edu for a complete listing of services.

We look forward to working with you.

USC Stevens Center for Innovation