

Research Policy Handbook

Memo

Reference: Research Policy Handbook

Date: August 1, 2005

Reviewed 8/2017

Originally issued: December 10, 1997 by Charles Kruger

Reference:

- Research Policy Handbook [8.1, Inventions, Patents and Licensing](#)
- Research Policy Handbook [8.2, Copyright Policy](#)

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Date: August 1, 2005

To: All Stanford Faculty

Arthur Bienenstock,

From: Vice Provost and Dean of Research and Graduate Policy

Subject: **INTELLECTUAL PROPERTY AGREEMENTS FOR NON-STANFORD
PERSONNEL**

Background

Stanford's policies related to intellectual property are fundamental to our academic mission and to successful technology transfer. These policies ([Research Policy Handbook, Chapter 8](#)) apply to all faculty and staff. In addition, the University President has extended the provisions of our patent policy to those whose Stanford activities include research, i.e.,

- to all graduate students and postdoctoral scholars
- to non-Stanford employees who participate or intend to participate in research projects at Stanford (including undergraduate students engaged in research, visiting faculty, industrial personnel, fellows, etc.)

Faculty members are responsible for knowing who is working in research facilities under their control, and for assuring that ALL such individuals have signed an appropriate intellectual property agreement with Stanford University. Failure to have such agreements in place compromises our ability to comply with the terms and conditions of sponsored projects and to meet federal and sponsor requirements related to the handling of inventions. In addition, the use of Stanford facilities for commercial or other non-Stanford proprietary purposes could jeopardize the university's nonprofit status and violate the provisions of our [Openness in Research policy](#).

Implementation

Stanford's patent policy states that all potentially patentable inventions conceived or first reduced to practice in whole or in part in the course of University responsibilities or with more than incidental use of University resources shall be disclosed on a timely basis to Stanford. Title to such inventions shall be assigned to the University, regardless of the source of funding. (See Research Policy Handbook 8.1.)

To implement this policy, Stanford requires that all faculty, staff, graduate students and postdoctoral scholars sign the University's Patent and Copyright Agreement ([SU-18](#)) as a part of their appointment, employment, or enrollment process. In addition, subcontractors on a Stanford research project will have an appropriate intellectual property clause incorporated into their contract with the university.

This policy also applies to anyone participating in research at Stanford, including those who are neither employed nor enrolled here. When a visitor already has an intellectual property agreement with another employer, Stanford acknowledges that agreement and will normally seek a joint ownership interest in any intellectual property developed by the visitor in the course of research conducted at Stanford. We carry this out by means of an "alternative" agreement (the SU-18A) expressing the following:

- Stanford's research facilities and equipment may not be used for the conduct of the non-Stanford employer's proprietary or commercial work,
- visitors who make more than incidental use of Stanford's research facilities and equipment shall disclose inventions created here to Stanford, and
- Stanford will share ownership of such inventions with the visitor's employer or otherwise manage intellectual property in a mutually agreeable way.

Note that this SU-18A agreement does not apply to anyone employed by Stanford, or enrolled in an academic program here, including Postdoctoral Scholars. The SU-18 is the appropriate agreement for employees, students and postdoctoral scholars.

Any faculty member inviting a visitor should discuss this agreement in advance, with the visitor's employer if necessary, in order to avoid misunderstandings about intellectual property. Before beginning research activity at Stanford, the visitor should sign an agreement, keep a copy, and send the original to Stanford's Office of Technology Licensing. Any questions about this should be discussed in advance with my office.

Stanford's patent policy applies to visitors who participate or intend to participate in research projects at Stanford. As such it does not apply to non-employees who are here **exclusively** in a classroom teaching or clinical role. Stanford's patent policy also excludes from "more than incidental use of resources" the use of standard office equipment or reference materials that are generally available elsewhere.

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See [Requirements for Stanford Patent and Copyright Agreements](#) for additional guidance on the applicability of the SU-18 and SU-18A agreements.

As a reminder, Stanford's [Copyright Policy](#) includes the following provisions related to scholarly or artistic creations:

In accord with academic tradition, except to the extent set forth in this policy, Stanford does not claim ownership to pedagogical, scholarly, or artistic works, regardless of their form of expression. Such works include those of students created in the course of their education, such as dissertations, papers and articles. The University claims no ownership of popular nonfiction, novels, textbooks, poems, musical compositions, unpatentable software, or other works of artistic imagination which are not institutional works and did not make significant use of University resources or the services of University non-faculty employees working within the scope of their employment.

Any questions about Stanford's intellectual property policies may be directed to Ann George in my office (3-9721, anngeo@stanford.edu). For further information about invention disclosures, patenting or licensing, refer to the Office of Technology Licensing web site, <http://otl.stanford.edu>

Provider: Office of the Vice Provost and Dean of Research, Stanford University

Contact: [Assistant Dean of Research](#)

Last updated: August 24, 2007

