



# UC San Diego

## Policy & Procedure Manual

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### CONTRACTS AND GRANTS (RESEARCH)

Section: 150-33 EXHIBIT E

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Re: Patent Agreement Requirements--Graduate Students

The University does not impose patent obligations upon students who are not employed by the University or who are not involved with any research project funded by an outside agency or company. However, there are situations, described below, where signed Patent Agreements must be obtained from students in order to meet research sponsors' patent requirements.

Research conducted by graduate students is often funded by outside sources, such as the National Science Foundation, Office of Naval Research, Air Force, United States Public Health Service, nonprofit agencies, and private industry. Funds obtained from such sources carry with them, almost without exception, very definite patent obligations. The requirement to obtain signed Patent Agreements from all persons connected with the research project may be expressed or implied. In either event, it is imperative that graduate students, not otherwise employed by the University, sign the University's Patent Agreement, without qualification, and that they be fully apprised of their specific patent obligations to the University and to the sponsor of research. To not obtain signed Patent Agreements from persons connected with a research project is a breach of the research contract or grant. (Where the students happen to be employees, they presumably will have already signed the Patent Agreement in compliance with the University's employment regulations, as set forth in memorandum dated November 14, 1969, from Charles J. Hitch to all Chancellors, et al. and it is not necessary to obtain another signed agreement in those cases.)

There are certain situations where graduate students may be actually employed in private industry and their education subsidized by their employers. In these circumstances, the students often retain their employee status with their industrial employers and also remain bound by their employers' patent agreements. In no circumstances should such graduate students be permitted to participate in research projects funded by outside sources that carry patent obligations unless those students have signed the University's Patent Agreement and unless those students have assured their respective Deans or department heads that they have no overriding patent obligations to an outside employer that would preclude the student and the University from meeting their respective contractual requirements to a sponsor of research.

There can be no exceptions to these Patent Agreement requirements for graduate students since such obligations are imposed upon the University by its sponsors of research.