

Title I

Part F : *Ownership rights of students intellectual property at higher education institutions*

Section 156: *The definition of Student IP*

Section 156.1 "Any creative work as developed while under confines of any higher educational institution herein shall be, collectively or individually, Intellectual Property ("IP"). Any IP interpretable by an undergraduate student while under the confines and discrimination of their own public higher educational institution, herewith, the institution bearing such student's accountability, shall herein be qualified as Student Intellectual Property ("SIP")."

Section 156.2 These creative works as stated in section 156.1 may be developed as an assignment for a class, outside of the classroom or as a creative work with no relation to classroom training.

Section 157: *Definition of an undergraduate, graduate student, within higher education.*

Section 157.1 Definition of an undergraduate student (Authority: 20 U.S.C. 1070g)

Section 157.1.1 According to 34 CFR 668.2 (b) [Title 34 – Education; Subtitle B - Regulations of the Offices of the Department of Education; Chapter VI -- Office of Postsecondary Education, Department of Education; Part 668 -- Student Assistance General Provisions; Subpart A – General], the term undergraduate student means “(1) A student who is enrolled in an undergraduate course of study leading to a degree at the baccalaureate level. For purposes of 34 CFR 690.6(c)(5) students who have completed a baccalaureate program of study and who are subsequently completing a State-required teacher certification program are treated as undergraduates.

Section 157.1.2 In addition to meeting the definition in paragraph (1) of this definition, a student is only considered an undergraduate for purposes of the Federal Supplemental Educational Opportunity Grant (FSEOG) Program, the Federal Pell Grant Program, the Academic Competitiveness Grant (ACG) Program, National Science and Mathematics Access to Retain Talent (SMART) Grant Program, and TEACH Grant program if the student has not yet earned a baccalaureate or professional degree. However, for purposes of 34 CFR 690.6(c)(5) and 686.3(a) students who have completed a baccalaureate program of study and who are subsequently completing a State-required teacher certification program are treated as undergraduates.

Section 157.1.3 For purposes of dual degree programs that allow individuals to complete a bachelor's degree and either a graduate or professional degree within the same program, a student is considered an undergraduate student as long as they have unfulfilled undergraduate requirements.

Section 157.2 Definition of a graduate student (Authority: 20 U.S.C. 1082 and 1088)

Section 157.2.1 According to 34 CFR 648.9 (b) [Title 34 – Education; Subtitle B - Regulations of the Offices of the Department of Education; Chapter VI -- Office of Postsecondary Education, Department of Education; Part 648 -- Graduate Assistance in Areas of National Need; Subpart A – General], the term graduate student means “an individual enrolled in a program of post-baccalaureate study at an institution of higher education.”

Section 157.2.2 According to 34 CFR 668.2 (b) [Title 34 – Education; Subtitle B - Regulations of the Offices of the Department of Education; Chapter VI -- Office of Postsecondary Education, Department of Education; Part 668 -- Student Assistance General Provisions; Subpart A – General], the term graduate or professional student is “a student who--

Section 157.2.2.1 Is not receiving title IV aid as an undergraduate student for the same period of enrollment;

Section 157.2.2.2 Is enrolled in a program or course above the baccalaureate level or is enrolled in a program leading to a professional degree; and

Section 157.2.2.3 Has completed the equivalent of at least three years of full-time study either prior to entrance into the program or as part of the program itself.

Section 158: *The role of the university when working with tuition paying student Intellectual Property.*

Section 158.1 Expansion of Tech Transfer Offices (Tech Transfer Office and offices equivalent to it, but named “Tech Transfer Office”, will hereafter be referred to by the abbreviation “TTO”) structure and roles to support student IP

Section 158.1.1 Students will be granted access to general services of the TTO such as, but not limited to consulting, market viability research, handling of licensing/selling IP to third parties, and drafting of IP related documents. Student access to these resources will be equivalent to that of faculty members where applicable to the student’s IP.

Section 158.1.2 Neither Universities or individual TTO entities may deny students access to the IP resources of the TTO without sufficient grounds such as academic probation, violations of policies listed in this document, unethical/illegal IP content, etc.

Section 158.1.2.1 In the event that the university denies a student access to TTO IP resources, the student is allowed to seek recourse through the university ombudsmen or equivalent.

Section 159: *Equity and ownership shares with undergraduate student intellectual property.*

Section 159.1 The allocation of intellectual property royalties shall be divided as follows: 75% to the student, and individuals that were involved in the creation of and signed in contract as individual or team of the intellectual property. If the IP belongs solely to an individual, the 75% belongs to that individual. If the IP belongs to more than one individual, the 75% is to be shared among the IP founders as stated in a previously signed and agreed upon contract between all parties. 25% of intellectual properties royalties will be allocated to the university to be divided as it sees fit.

Section 159.2 This applies to all undergraduate students as defined in sec 157.1 at all colleges and universities in the US and its territories.

Section 159.3 In exchange for 25% of the royalties, the student's college or university must give equal use of university facilities pertaining to the development and growth of the IP as outlined in section 158 and per individual university faculty policy.

Section 160: *Equity and ownership shares with graduate student intellectual property.*

Section 160.1 The allocation of intellectual property royalties shall be divided as follows: 75% to the student, and individuals that were involved in the creation of and signed in contract as individual or team of the intellectual property. If the IP belongs solely to an individual, the 75% belongs to that individual. If the IP belongs to more than one individual, the 75% is to be shared among the IP founders as stated in a previously signed and agreed upon contract between all parties. 25% of intellectual properties royalties will be allocated to the university to be divided as it see fit.

Section 160.2 This applies to all graduate students as defined in sec 157.2 at all colleges and universities in the US and its territories.

Section 160.3 In exchange for 25% of the royalties, the student's college or university must do their due diligence by providing funds for filing of patents, defending patents, mentorship, and use of university facilities pertaining to the development and growth of the IP as outlined in section 158.

Section 161: *Federal Expectations of higher educational institutions in relation to intellectual property.*

1. Empower a new generation of students with the means and motive to engage in innovation and entrepreneurship.
2. Engage foreign and disadvantaged students who have limited resources and enable them to participate in Innovation and Entrepreneurship when the cost of developing their intellectual property would otherwise put success beyond their reach.
3. Provide a return on investment for Pell Grants (and other funding) by helping students produce new jobs and technologies to bolster the economy.
4. Improve retention rates among creative students by providing them an outlet for their innovative and entrepreneurial desires so they don't feel that pursuing their dreams and pursuing their degree are mutually exclusive (improving tuition for schools due to fewer students dropping out).
5. Foster a sense of innovative community across the country where students can explore their intellectual property without fear of being exploited by the institutions they support.
6. Agree to follow a standardized set of policies regarding SIP to reduce confusion for innovative students who currently experience a wide variance in policies at their respective institutions.

Section 162: *Exceptions to sec 159 and sec 160.*

Section 162.1 The following sub categories are exceptions to the policy outlined in title 1, part F, section 159 and section 160

Section 162.1.1 Cases where SIP has been generated before January 2015 by the student(s), these cases will be held under the current university policy.

Section 162.1.2 When the SIP is the direct product of paid work the student(s) has performed at the direction of the university such as work in a research lab that has been funded through the university or governmental grant.

Section 162.1.3 The student(s) file for protection after all of the student(s) involved are no longer classified as students by a public higher educational institution.