Guidelines for IP and Sharing of Information with the Master of Engineering Capstone Project

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The Capstone Project is a requirement of the Master of Engineering Degree offered by the University of California Berkeley. The project is 5 units of credit divided over two semesters. An industry partner is often involved in the capstone project. In other cases, the result of the capstone may lead to some useful application. All projects should address real-world problems, either industrial and/or societal; and are therefore externally relevant. Types are purposefully broad to encourage creative approaches to capstones. The following guidelines are helpful for information sharing and intellectual property considerations:

From an IP related perspective, there are two types of projects:

i. Standard – which includes typical engineering problem solving. The problem may be relevant or inspired by a company partner, but the resources to work on the problem including substantial use of facilities and equipment are provided by the university.

ii. Virtual Internship – which includes company collaborations where students work on problems that are relevant within a particular firm - and using information, resources, and guidance within that firm.

In either case, the guidelines allow a firm to share information with students to make the project a better experience and learning case. Students may sign a Non Disclosure Agreement (NDA) with the firm in order to receive this information. In this case, the students and advisor agree not to make the disclosed information publicly available either in the form of a project report or as raw information.

Regarding Intellectual Property (IP), the project is not intended to change the ownership of the IP:

- For projects that are done by students who are not paid employees of the university, like undergraduates and Master of Engineering students, students will continue to own the work of their project.

- Virtual Internship projects that are provided by firms and are substantially advised by a partner firm may develop IP that continues to be proprietary and owned by the partnering firm.

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1 Faculty, students and industry partners have the option within the NDA to write statements regarding ownership of IP and specific information prior to the beginning of the project.
• However, if sponsored research or other substantial use of university facilities such as use of expensive laboratory equipment was used in the project, then the IP if any would continue to be owned by the university. Specifically, if anyone, e.g., undergraduate, graduate, faculty, or visitor, develops a patentable invention making substantial use of University research facilities, or (a) is paid by funds administered through the University, e.g., grant, contract, or gift funds, and (b) the patentable invention is clearly related to the work he or she is paid to do, then the University can assert ownership rights.

• The winning of prize money such as business plan competitions or venture lab prizes is not considered to cause Project work to be work for hire and does not cause IP to be owned by the university in and of itself.

We note in these guidelines that there is a difference between information sharing rules and IP. Assuming that the original source of the information is not provided by a firm and under NDA, the students are free to publish and communicate information about their projects without further restrictions.

We also note specifically that no one at the university is obligated to invent or create IP. It is up to the discretion of the students and faculty to decide to publish and openly communicate any findings as long as it does not violate any pre-existing NDA. When applicable, a Non Exclusive Royalty Free (NERF) license is one allowable and useful option to place work into the public domain.

Creating products and services is also not the same as creating IP. Assuming the project is not part of a virtual internship, students are also free to create “open source” and publicly open end products and open results. Once information has been put into the public domain, it is possible that new IP may be created outside the university at a later time, if new inventions are unique applications of the open and public work.

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Students and faculty also may be interested in the report on this topic “Intellectual Property Strategies for New UC Berkeley Ventures: A Framework”, Christine Ho, Beverly Alexander, Susan Broderick, Ikhlaq Sidhu (PI) available at http://cet.berkeley.edu/translational-research

For more information or assistance, please contact UC Berkeley's Office of Intellectual Property and Industry Research Alliances (IPIRA) http://ipira.berkeley.edu