

Capstone Project Guidelines for IP and Sharing of Information in the UC Berkeley Master of Engineering Capstone Project

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The Capstone Project is a requirement of the Master of Engineering (M.Eng.) Degree offered by the University of California Berkeley (University). The project is 5 units of credit divided over two semesters. Sometimes an industry partner is involved in the Capstone Project by providing resources and guidance to a student (Industry Partner). The following guidelines are helpful for information sharing and intellectual property considerations:

Three Types of Capstone Projects

There are Three types of Capstone Projects differentiated by which resources, funds, facilities, and equipment are used in the project:

- **Standard University-Based Project.** Resources to work on the Capstone Project, are provided by the University, including substantial use of facilities and equipment and/or funding.
- **Industry-Funded, University-Based Project.** Funding or other resources to work on the Capstone Project are provided by an Industry Partner, while facilities, equipment, and/or other funds are provided by the University.
- **Virtual Internship Project.** Resources to work on Capstone Project are provided entirely by an Industry Partner and may include funds, use of facilities and equipment, and guidance. No University facilities, funds, or resources are used.

Proprietary Information under NDA

An Industry Partner may share its proprietary information with students and/or faculty to make the Capstone Project a better experience and learning case. Students may be asked to individually sign a Non Disclosure Agreement (NDA) with an Industry Partner in order to receive such information. A student signing an NDA should be aware of the obligations not to disclose any proprietary information provided under the NDA and the impact of those obligations on any Capstone Project report or otherwise. Such NDAs directly involve the student and the Industry Partner and the University is not a party. For reference, a sample NDA is available on request by contacting either the Capstone Program or IPIRA (see contact information below).

Intellectual Property (IP)

- Students typically own their IP unless they are: (a) employed by the University, (b) making substantial use of University resources including facilities and

- equipment, or (c) using University-administered funds including contracts, grants, and gifts.
- If the student or Industry Partner makes substantial use of University facilities or specialized laboratory equipment, then the University has rights in any IP created under those conditions pursuant to University Patent Policy.¹ Specifically, if anyone, e.g., undergraduate or graduate student, staff, faculty, or visitor conceives, develops or creates a patentable invention or copyrightable work (a) when making substantial use of University research facilities, or (b) using funds administered through the University, e.g., grant, contract, or gift funds, or (c) within the course and scope of individual's University employment or appointment, then the University can assert ownership rights in such IP.
 - For Virtual Internship Projects, Industry Partners may request other arrangements with the students with respect to IP ownership. NDAs between students and Industry Partners might include statements regarding ownership of IP. Students and Industry Partners are advised to avoid creating conflicting obligations regarding assignment of IP.

Publication

Except for proprietary information provided to University students, employees or faculty under an NDA, students shall be free to publish and communicate information about their projects without restrictions.

Open Source

Subject to the terms of an NDA, or university contracts or grants in which students may participate, students may create open source and publicly open end products and open results. If the student has no obligations to disclose or assign to UC under the Patent Policy, then s/he is free to do whatever they want with their work product under Capstone (subject to any obligations they may have to the Industry Partner).

For more information on the Capstone Program, please contact

Don Wroblewski
Director, Capstone Projects
Fung Institute For Engineering Leadership
dewroblewski@berkeley.edu

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

¹ University Patent Policy can be found at: <http://www.ucop.edu/ott/patentpolicy/patentpo.html>.