



BULLETIN

> INTERSHIPS IN PRIVATE INDUSTRY

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Protecting Intellectual Property Rights during a Summer Internship in Industry

This bulletin applies to students who are paid employees of the University. This includes Masters and PhD candidates who are supported by a grant through the University.

It is very important to be aware of the separation between work you do at the University of Colorado and the work you do during an internship at a company. This is because the work you do during an internship is likely to result in the creation of new intellectual property (IP) that is owned by the company where you work. If the project you work on during your internship includes an improvement or modification of an invention or a software program that you originally created at the University of Colorado, then the ownership of the new intellectual property becomes confused. The same thing happens if you continue to work on an invention or a software program from your internship after you have returned to the University of Colorado. This confusion could prevent the invention from being commercialized and creates problems for the University, the company and you.

Employment Agreements

Your internship employer will generally ask you to sign an employment agreement. These agreements commonly include a provision which states that you agree that IP that is created during your internship automatically becomes the property of your employer. Some agreements require that the work becomes property of the employer even if it was done outside of normal business hours. *It is a good idea to request a copy of this document and keep it for your reference.*

The University of Colorado has a similar requirement. By accepting a position at the University, you have agreed to abide by the CU Intellectual Property Policy on Discoveries and Patents, which states that the University will own all intellectual property developed during your employment at the University. This is true for all work done during your time at the University, even if it is done outside of normal business hours, and even if it is done at home (if it is related to your University research or field of expertise).

The difference between the University and your internship is that all CU inventors together receive 25% of the royalties earned by the invention. *It is in your best interest to make sure that inventions made at the University of Colorado will belong to the University of Colorado, and will not become mixed with an invention created during an internship.*

→ CU Intellectual Property Policy

The CU IP Policy on Discoveries and Patents is applicable to all employees of the University, including those receiving compensation through a research grant. The presumption is that the University owns all IP. Covered IP includes any inventive idea (compound, device or process) or its reduction to practice, including know-how, and copyrightable works (software) pertaining to the invention. CU will make no ownership claim to discoveries when they are made without significant use of CU facilities AND are unrelated to the employee's university research or field of expertise. (Full policy available [online](#).)

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Publications

Another problem with combining CU research with your internship research is the authorship of any papers that would be published on the topic. If research is kept separate, then it should not be an issue to publish certain papers with your CU advisor and certain others with your supervisor at the internship company. You should contact your CU advisor if you feel there is a gray area between ideas you had at the company and ideas you had at the University.

What constitutes “intellectual property”?

The key challenge for an intern is to separate the knowledge from CU studies that your employer expects you to bring to your internship from something that could be considered “intellectual property.” Here are some guidelines about what is considered intellectual property:

- ♦ A patentable idea: something that is novel (a new idea in the field), non-obvious and useful
- ♦ A software program: original source code that you created
- ♦ Know-how that is unique to your research group and not published or known outside of your research group

To avoid potential problems with ownership and publications, it is advisable not to use IP owned by (or created at) CU during an internship

Steps to Take

Here are some steps to take to keep your internship work separate from your work at the University of Colorado:

- ♦ Fill out an Invention Submission form or Software Submission Form at the University of Colorado prior to beginning your internship (see link below). These can be submitted even at the very early stages of the idea in order to create a document of the IP that was created at the university. You can also fill one out during your internship, if you realize later that there may be some question about where you were when you had the idea.
- ♦ Do not bring source code with you to work on during your summer internship. Even if you are working on it after normal business hours, your employer may claim ownership over the intellectual property. Read the employment agreement to find out if you can continue to work on the source code on your own computer, at home, after hours.
- ♦ Do not continue to use your CU lab notebook during your summer internship.
- ♦ Be very cautious about continuing to work on an internship product or developing an idea you had at the internship after it has ended. If you do choose to continue do work on an old internship project at home and after hours, you must realize that the company you worked with may legally own any intellectual property that results from that work.
- ♦ Contact your CU advisor or the Technology Transfer Office if you have any questions about these issues as they apply to your individual circumstances.

To learn more about TTO processes: <http://www.cu.edu/techtransfer/about/bulletins.html>

To download disclosure forms: <http://www.cu.edu/techtransfer/disclose/>

For more info or to submit a disclosure, email ttocontact@cu.edu