

SJSU Invention Notification & Disclosure Guidelines

In the conduct of the work or affiliation with the University, faculty members, staff, and students may create information, products, make discoveries or invent new and useful devices, processes, materials, compounds or other discoveries of a marketable nature. The University supports these efforts and seeks to create an environment that a) protects the primary educational goals of SJSU by establishing policy ([F98-3 Intellectual/Creative Property](#)) to guide development of inventions/discoveries of a marketable nature; b) encourages research efforts and suitable commercialization/translation by equitably allocating ownership rights among inventors, the University, and research sponsors; and c) provides appropriate campus agency to assist bringing inventions to the public market place and promote their greatest public benefit.

When an invention or discovery is made, an Invention Disclosure must be made describing the invention and other facts related to the invention (such as the amount of University time, personnel, facilities, and/or equipment used). An [Online Invention Notification Form](#) is provided to initiate the invention disclosure process. The Office of Innovation will work with the lead inventor to use information submitted using the online Notification to prepare a complete Invention Disclosure that will be circulated to all inventors for review and approval. Once the Office of Innovation receives an Invention Disclosure signed by all inventors, it will be circulated to related Deans and Chairs for signature. The signed Disclosure will be reviewed so inventor status can be established, acknowledged and credited by the University.

The Invention Disclosure must indicate the circumstances behind the invention and indicate if the discovery resulted from sponsored research, coursework, laboratory assignments, or independent research. All contributions by faculty, staff and students shall be stated in the Invention Notification so inventor status can be established, acknowledged and credited by the University. For sponsored projects, inventions must be fully and promptly disclosed.

Upon submittal of a complete Invention Disclosure, the University will review information provided, with such consultation as may be needed, and determine SJSU's ownership interest in the invention. The results of their review shall be made known to the inventor(s) within two weeks of the submission of a complete Invention Disclosure. The University will work with the Inventor(s) to address ownership and commercialization/ translation options. In the event that the University decides to exercise its rights to the invention, an agreement will be made with the Inventors regarding distribution of benefits and assignment.

In cases where the University elects not to exercise ownership rights, as well as in those instances where ownership of the invention rests entirely with the inventor(s), the Inventors may request the University to assist the inventor(s) find appropriate means for the development of their work. This shall occur on a case-by case basis under separate agreement between SJSU and the inventor(s).

Once there is agreement on ownership and commercialization/translation, the Office of Innovation will work with inventors to prepare a submittal to the SJSU Patent Review Board. The Inventors will be notified of the outcome of the patentability review within 30 days of receipt of a complete Invention Disclosure (including information regarding patentability provided in Appendix C to the Disclosure Form).

The Invention Disclosure and recommendation from the Patent Review Board will be forwarded to the Associate Vice President for Research and the Director of Innovation for review and processing. If the patentability review finds the disclosure to be a non-viable candidate, the inventor may be returned to the investors to pursue a patent independently from the University.