

CURRICULAR ACTIVITIES THAT MAY INVOLVE THE CREATION OF INTELLECTUAL PROPERTY AND THE USE OF THIRD PARTY CONFIDENTIAL INFORMATION

REMEMBER:

- Generally, students should not be required to enter into legally binding agreements with third parties (and therefore assume personal legal liability) as a condition of enrolling in an academic course.
- Therefore, except for employment contracts for Professional Work Terms (e.g., Co-op), agreements presented to a course instructor by a third party that would impact the students’ rights to their intellectual property or binds them to confidentiality obligations need to be reviewed and approved by the head of your academic unit.

EXAMPLES OF WHEN STUDENTS HAVE THE OPPORTUNITY TO INTERACT WITH THIRD PARTIES AS PART OF THEIR COURSE WORK (PARTNERED EXPERIENCE TYPE)	PAID / UNPAID	DEFINITION	AGREEMENT	SIGNATORY	INTELLECTUAL PROPERTY (IP) OWNERSHIP	NON-DISCLOSURE AGREEMENTS (NDAS)
RECEIVING THIRD PARTY CONFIDENTIAL INFORMATION IN A COURSE	Unpaid	Students receive information (i.e.: dataset) in a curricular setting (i.e.: the entire class is provided with access to third party data to complete an assignment) from a third party.	None required unless the third party requires a non-disclosure agreement to be entered into prior to disclosing the information.	If there is an agreement required by the third party, then the signatory would be the head of the academic unit and not the instructor. See box titled “NDAs”.	Students own their course work. Third parties who wish to work with instructors by providing confidential information (i.e.: a dataset) should be provided with information on the University IP landscape particularly around why students owning the IP that they create as part of their course work is essential to their academic progression.	<p>NDAs are not required in order to receive information from a third party. For example, a third party can provide information without any agreement if it so chooses.</p> <p>However, with more frequency, third parties are only willing to disclose proprietary information to the instructor and a classroom of students if there is a contract in place to ensure that the confidential information is not further disclosed. If an NDA is requested by the third-party, and the course instructor determines that working with this confidential information is beneficial to the enrolled students, the University’s NDA package provides detailed instructions on when it is appropriate to use NDAs as part of an academic course and how to do so.</p>

<p>ORGANIZATION-PARTNERED PROJECT (also known as a “Capstone Course” or “Capstone Project”; excludes Mitacs Accelerate and Explore programs)</p>	<p>Unpaid</p>	<p>A project-based research, design, consultancy, creative or artistic work experience undertaken in partnership with a third party external to the University. The primary purpose of the experience is typically praxis, knowledge exchange or dissemination, and/or the development of new knowledge, products, technologies or services.</p>	<p>None required unless a third party requires an agreement to document the scope of the project, use of confidential information and sharing of outcomes with the third party.</p>	<p>None required unless the third party requires a contract. The terms of the contract will vary depending on the course/nature of the project.</p>	<p>Students own their course work and to avoid last minute misunderstandings around IP ownership, third parties enthusiastic about collaborating with students on these projects should be provided with information on the University IP landscape including why students owning their IP is essential to their academic progression in advance.</p> <p>Some third parties may insist on the right to use on a non-exclusive basis (but not necessarily own) the IP developed by the students. If the academic-unit head approves of this arrangement (and much will depend on the project itself), please consult with your academic unit head to access legal support to ensure appropriate language can be included into a contract.</p>	<p>NDA's are not required in order to receive information from a third party. For example, a third party can provide information without any agreement if it so chooses.</p> <p>However, with more frequency, third parties are only willing to disclose proprietary information to the instructor and a classroom of students if there is a contract in place to ensure that the confidential information is not further disclosed. If an NDA is requested by the third-party, and the course instructor determines that working with this confidential information is beneficial to the enrolled students, the University’s NDA package provides detailed instructions on when it is appropriate to use NDAs as part of an academic course and how to do so.</p>
<p>ACADEMIC INTERNSHIPS</p>	<p>Unpaid</p>	<p>A work experience that integrates academic learning with its application in a workplace. The experience has an in-class academic component. This type of experience is primarily intended to support the development of professional or industry-specific skills and competencies. Sometimes referred to as an unpaid placement.</p>	<p>U of T’s Student Placement Agreement (available through the Student Placement Portal)</p>	<p>Divisional (i.e., the head of the academic unit, typically a Chair or Dean)</p>	<p>Students generally do not own their IP developed at a placement site because they are being directed to create certain deliverables by the placement site and using site resources to do so. However, each placement site is different as is the scope of the student’s work and the likelihood that the student will create new and novel IP. The purpose of the placement is not generally to create new and novel IP but rather to gain real life experience offered by the placement site. Where there may be new and novel IP created, it is important for the student to understand that they may not own the IP since they are generally subject to the placement site’s policies regarding IP.</p>	<p>The Unpaid Student Placement Template available through the Student Placement Portal includes language about confidential information.</p> <p>If a third-party requests additional NDA language included in an agreement, the academic unit head would need to be consulted for approval and referral to the University’s legal counsel which is embedded in the central process for reviewing Student Placement Agreements that do not conform with the governance approved Student Placement Agreement.</p>

PROFESSIONAL PRACTICUMS	Unpaid	A practice-based experience where students observe or assist a licensed or registered professional through the hands-on application of disciplinary concepts in a professional setting. This type of experience is typically a requirement for professional licensure or certification and is primarily intended to support professional competency development. Students do not have an independent workload/caseload while on practicum.	U of T's Student Placement Agreement (available through the Student Placement Portal)	Divisional (i.e., the head of the academic unit, typically a Chair or Dean)	Silent on IP because it is not anticipated that any will be created. The purpose of a practicum is to gain experience in a professional setting, not to create new knowledge, products, technologies or services.	The Unpaid Student Placement Template available through the Student Placement Portal includes language about confidential information. If a third-party requests additional NDA language included in an agreement, the academic unit head would need to be consulted for approval and referral to the University's legal counsel which is embedded in the central process for reviewing Student Placement Agreements that do not conform with the governance approved Student Placement Agreement.
PROFESSIONAL WORK TERM (E.G., CO-OP)	Paid	Students complete a full-time work experience, on or off-campus, for a minimum of one term as a component of an academic program (e.g., co-op work term).	Employment agreement	Student / Employer	While on a professional work term, students are bound by the rules and policies of their employer which usually means that the third-party (their employer) owns any IP created. A student would need to negotiate directly with their employer if they wanted to adjust their employment contract.	Details related to confidential information should be clearly laid out in a student's employment contract.

- For information on the University's Inventions Policy and assigning IP, visit the [Innovations and Partnership Office](#).
- For information on non-disclosure agreements, visit the [Experiential Learning Hub](#).
- For information on curricular unpaid student placements (e.g., Academic Internships and Professional Practicums), visit the [Student Placements](#) page.

There are numerous other instances of students creating IP or engaging with confidential information that are not curricular in nature. This includes IP created as part of extra-curricular entrepreneurial activities (e.g., through a campus accelerator), sponsored research, thesis work, or the Mitacs Accelerate and Elevate Internships. For information related to these areas, connect with:

- [U of T Entrepreneurship's IP Education Program](#) for information about extra-curricular entrepreneurial activities.
- The [Vice-President, Research & Innovation's website](#) for information related to sponsored research.
- The [Mitacs website](#) for details about the Mitacs Elevate or Accelerate internships.