

The revised procedures below have been reviewed and approved by the faculty and by the President (January 2016). After Trustee review during the Board's April 2016 meeting, these updated procedures will be published in the next edition of the *Policies and Procedures for All Employees*.

INTELLECTUAL PROPERTY PROCEDURES

The University of the Cumberland encourages faculty to actively participate in their disciplines and contribute to their fields. The University's Intellectual Property Policy seeks to:

- Ensure the rights of individuals to the works and ideas they produce.
- Protect the name and rights of the University.

SECTION I. Definitions

Creator - "Creator" refers to the individual who invents, authors, creates, or in any other manner produces intellectual property. In the University's policy, the creator also refers to an individual employed by the University or enrolled in the University.

Intellectual Property - "Intellectual property" refers to inventions, processes, trademarks, service marks, creations, Copyrighted Materials, or Patented Materials.

Copyrighted Materials - "Copyrighted materials" include a broad range of works that would qualify for protection under the copyright laws of the United States. Samples of works that can be copyrighted are

- Books, journal articles, texts, glossaries, bibliographies, syllabi, study guides, laboratory manuals, and tests.
- Lectures, musical or dramatic compositions, and unpublished scripts.
- Visual aids such as films, filmstrips, transparencies, and charts.
- Live video and audio broadcasts.
- Videotapes, DVDs, audio tapes, and audio or video CDs.
- Programmed instructional materials.
- Computer software.

Patented Materials - "Patented materials" refer to inventions, processes, creations, or other products that would qualify for protection under the patent laws of the United States.

SECTION II. Ownership

The general policy of University of the Cumberland is to grant all rights to intellectual property (including copyrighted and patented materials) to the creator or creators with the creator or creators determining how to disseminate the intellectual property and keeping all income derived from the intellectual property. This policy applies to intellectual property developed on- or off-campus; developed during a teaching term, vacation, or faculty fellowship; and developed with normal use of office space, library resources, and computer resources.

Exceptions to the general policy include the following situations:

- **Assigned Tasks** - University of the Cumberland owns intellectual property developed as a result of the performance of assigned University duties. For faculty these duties are outlined in the Academic Personnel description in the *Policies and Procedures Addendum for Faculty* and focus on
 - designing courses
 - teaching courses
 - advising students
 - maintaining academic records
 - serving on committees
 - upholding university policies
 - participating in scheduled departmental and general faculty meetings

- participating in commencement.
Activities not directly related to these responsibilities, not created under a specific commission or agreement, or not explicitly reimbursed through a university contract or stipend, are not considered assigned tasks.
- **Outside Agreements** - When intellectual property is developed through a sponsored grant or contract with an outside entity, the provisions contained in the grant or contract determine ownership of the intellectual property. If the grant or contract does not address ownership, the general University policy applies.
- **Significant Use of University-Administered Resources** - The University of the Cumberlands owns intellectual property developed with significant use of University facilities, resources, and/or personnel; however, under these circumstances the University will normally share with the creator royalty or other income from the intellectual property. *However, significant use of University-administered resources does not include resources ordinarily available (e.g., office space, personal office equipment, library).*

SECTION III. Administration of Policy

The routine implementation and administration of the policies detailed above is assigned to the university officer to whom a creator is responsible. When either the institution or a creator determines that circumstances may require a formal assignment or sharing of intellectual property rights, then the following procedure is used:

- The creator and immediate supervisor develop a proposal for the assignment or sharing of intellectual property rights. This proposal may include but not be limited to
 - recognition of the use of the University's facilities, resources, and/or personnel.
 - liabilities and responsibilities concerning the use of facilities, resources, and/or personnel.
 - the percentage of royalty income or other compensation to be received by the University and/or the creator.
- This proposal is submitted for review by the appropriate university officer (vice president) in consultation with legal counsel, when appropriate.
- Any revision of the proposal must be accepted by the creator before being submitted for approval by the President on behalf of the institution.
- Any renegotiation of the terms of an agreement regarding intellectual property must involve the creator, the appropriate university officer, legal counsel, and the President.
- Agreements regarding intellectual property rights must be signed by the President and by the creator before enforcement.

SECTION IV. Protection of Intellectual Property Rights

Intellectual property may lose patent, copyright, or trademark protection unless a formal application is filed with the U.S. Patent and Trademark Office in a timely manner. Any Creator or other employee who has knowledge of a work in which the University may have intellectual property rights under this policy should notify the Vice President for Business Services immediately. A Creator shall have a duty to support and assist the University's efforts to protect its intellectual property rights.

If the University elects to pursue a patent or other legal protection, all costs shall be borne by the University. If the University decides not to pursue a formal application for protection it may permit an appropriate employee or third party involved in the creation or funding of the work to file an application, in which case the costs associated with the patent application shall not be borne by the University. The preceding Intellectual Property policy is intended to encourage and acknowledge creative endeavors by all members of the university community, ensuring the rights of the creators while protecting the reputation and rights of the University.