



Policy Name:	Faculty Intellectual Property Rights
Effective Date:	Unknown
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Approving Authority:	Northwest Leadership Team
Responsible Office:	Provost
Category:	Personnel

Purpose

To set forth the guidelines and expectations regarding intellectual property and faculty members at the University.

Work Undertaken on the Initiative of the Faculty Member

Except as set forth below, when, on their own initiative, the faculty member produces any Copyright Work (defined as material for which copyright protection may be obtained, including but not limited to, works of authorship, creative works, literary works, computer programs, artistic works, recordings, photographs, slides, motion pictures and audio visual works, including derivative works) or an Invention (defined as any new or useful art, creation, discovery, invention, contribution, finding, and all related know-how) such materials and the intellectual property rights therein shall remain the exclusive property of the faculty member. To the extent that any of the Copyright Works undertaken on the initiative of the faculty member would otherwise be considered a work for hire, the University hereby assigns such copyright to the faculty member. If in the production of such Copyright Work or Invention (excluding scholarly articles and monographs, including textbooks) the faculty member uses University resources, the faculty member shall reimburse the University in all cases involving substantial use of University resources. Substantial use of University resources shall mean the extensive use of any University-paid time or funding, or the extensive use of facilities, equipment, staff assistance and/or significant administrative support, including use of dedicated laboratories, dedicated computer centers, and dedicated equipment.

Copyright Work and Inventions made by faculty members on their own time while not working at the University, not within the scope of such individual's employment and without the use of University resources, belong to the individual.

If the faculty member receives University support (for example, CITE fellowships, Academic Initiative grants, reassigned time, etc.) then the Copyright Works or Inventions developed on the faculty member's initiative shall be jointly owned by the faculty member and the University. To the extent assignments are necessary to create, register or record such joint ownership, each party hereby agrees to execute such assignment documents. In the absence of such executed assignments, this Policy shall serve as the intent of the parties' assignment(s). As joint owners of such Copyright Works or Inventions, each party is entitled to use and exploit the Copyright Work or Invention. Royalties from commercial sale, use or other exploitation of the Copyright Work or Invention shall be split fifty percent (50%) to the University and fifty percent (50%) to the faculty member(s) involved.

Work Undertaken by the Faculty Member Under Direction of the University

When, upon the direction of the University, the faculty member produces any Copyright Work (defined above) or an Invention (defined above) such materials and the intellectual property rights therein shall be jointly owned by the faculty member and the University. To the extent assignments are necessary to create, register or record such joint ownership, each party hereby agrees to execute such assignment documents. In the absence of such executed assignments, this Policy shall serve as the intent of the parties' assignment(s). As joint owners of such Copyright Works or Inventions, each party is entitled to use and exploit the Copyright Work or Invention. Royalties from commercial sale, use or other exploitation of the Copyright Work or Invention shall be split fifty percent (50%) to the University and fifty percent (50%) to the faculty member(s) involved.

The University may, in appropriate circumstances and after consultation with the faculty inventor(s), license an Invention on such reasonable terms with the University's sole discretion.

Faculty members who alone, or in association with third parties, whether or not such third party is employed by the University, create an Invention are responsible for disclosing the Invention to the University. Such disclosure shall be made when it can be reasonably concluded that the Invention has been created, and sufficiently in advance of any publications, presentation, or other public disclosure to allow time for possible action that protects rights to the Invention for the creator(s) and the University. Inventors are encouraged to seek the advice of the appropriate University officer in determining whether the subject matter is an Invention within the meaning of this Policy.

The University, in its sole discretion, may pursue patent protection for any Invention. Unless otherwise agreed, the University will pay all costs relating to the filing, prosecution, and maintenance of any patent application or patent for an Invention. The University will have full and complete control over the filing, prosecution, and maintenance of the any patent application or patent of the Invention. However, the inventor shall have reasonable opportunities to advise the University, and will cooperate with the University in such prosecution, filing and maintenance of any patent application or patent. The inventor shall reimburse the University half of all costs for filing, prosecution, and maintenance of any patent application or patent for any Invention.

If the University notifies the inventor that the University does not wish to pursue patent protection, prosecution, or continue maintenance for any Invention for any reason, the parties may agree that the inventor will assume all responsibilities related to the patent process and maintenance of such Invention; provided that the inventor will reimburse the University for any outstanding or unreimbursed costs incurred pursuing patent protection or providing maintenance of such Invention.

The University may, in its sole discretion, waive, transfer, or license to the creator(s) its rights in any intellectual property when such action does not conflict with obligations to other interested parties. This could occur, for instance, if the costs for protecting and developing the intellectual property are not likely to be matched by anticipated income and royalties.

Respect for Copyright of Others

Respect for intellectual property is vital to academic discourse and enterprise. This principle applies to works of all authors and publishers in all media. It encompasses respect for the right to acknowledgment, right to privacy, and right to determine the form, manner, and terms of publication and distribution.

Because electronic information is volatile and easily reproduced, respect for the work and personal expression of others is especially critical in computer environments. Violations of authorial integrity, including plagiarism, invasion of privacy, unauthorized access, and trade secret and copyright violations, will be grounds for sanctions against members of the academic community. The Owens Library web site maintains a page that supplies

annotated hyperlinks to websites regarding copyrighted materials and educational fair use issues, as well as a selected listing of current copyright materials located in Owens Library at Northwest Missouri State University. Faculty members are responsible for carefully consulting these materials.