

# **INTELLECTUAL PROPERTY POLICY ROWAN UNIVERSITY**

## **I. INTRODUCTION**

Rowan University's policy on intellectual property ownership is intended to create an environment that will encourage creativity and innovation among its faculty, staff, and students. It is in the interest of the University to encourage the development of such new ideas, discoveries and inventions resulting from University research and scholarship and to give adequate recognition and incentive to the developers by having them share in the proceeds from their work.

Rowan University's intellectual property policy affirms the university's commitment to academic freedom and the fostering of a rich and vibrant public sphere in which it can flourish. Pursuit of these goals includes the recognition and protection of the intellectual property rights of faculty, staff, students, and the university. It also requires the fair distribution of any benefits arising from activities in which the university and its members are jointly engaged, including public recognition and, where appropriate, financial remuneration. The following policy attempts to articulate and balance these sometimes competing interests in a fair, manageable, and productive way.

## **II. OBJECTIVES**

The objectives of the Rowan University intellectual property policy are to:

- A.** encourage creative research, innovative scholarship, and a spirit of inquiry leading to the generation of new knowledge, ideas and inventions;
- B.** facilitate the dissemination of knowledge and technology for the benefit of the University community and the larger society
- C.** provide for the equitable disposition of interests in shared intellectual property among the author, creator, developer, the university and, where applicable, the external sponsor
- D.** recognize and reward the creative efforts of faculty, students and staff of the University through the realization of tangible benefits (royalties) derived from their inventions
- E.** safeguard intellectual property, so that it may receive adequate and appropriate legal protection against unauthorized use

### **III. DEFINITIONS**

Patents and copyrights are different types of intellectual property rights. **Patents** deal with products, processes or devices which have a practical application. **Copyright** applies in the areas of artistic, musical or literary creations. Patents must be applied for, and the exclusive rights granted by a patent are absolute. Those who replicate a patented item are infringing a patent, whether deliberately or not. Copyright exists automatically when a work of art, book, software program, etc., is created. Copyright prohibits copying or reproducing the work or any substantial part of the work without permission. This policy covers both copyrighted material and patents.

### **IV. COVERAGE**

This policy applies to all University employees, graduate students and non-University employees using University facilities and resources, including those at the Camden Campus, the South Jersey Technology Park, and any other entity owned or operated by Rowan University. The policy is subject to all applicable Federal and State of New Jersey laws and regulations.

Undergraduate students and employees or lessees at the South Jersey Technology Park are exempt from the duty to assign to Rowan if no other Inventor or Author has a duty to assign to Rowan.

### **V. OWNERSHIP OF COPYRIGHT RIGHTS**

A. All works that have traditionally belonged to the faculty such as books, articles, artistic works, lectures and performances will continue to belong to the faculty and Rowan University makes no claim to them. Works produced by students, either alone or with the assistance of Rowan faculty are included in the above exemption. Rowan University reserves a royalty-free, non-transferable right to use all Inventions, Scholarly Works and Commercial Works for academic and research purposes.

B. The University shall own the copyright on:

- Works that are commissioned by the University pursuant to a signed contract, unless the university enters into a written agreement that provides otherwise.
- Work created or developed by University faculty, staff or other employee within the scope of his or her employment (“work for hire”). The University is considered the author of such works, and is the owner of the associated copyright unless both the University and the employee have signed a written agreement specifying otherwise. Faculty scholarly works as described in paragraph V.A are not considered by this policy as "works made for hire."

- Works created with more than the incidental use of university facilities or financial support
- Works created as a result of external funding.

C. Copyright protection may be sought to recognize authorship and protect the integrity of the work. Notice of copyright must be affixed to the copyrightable material as shown: “Copyright © 20XX Rowan University. All rights reserved”. Works may be registered with the United States Copyright Office.

D. Any disagreements about ownership rights will be resolved by the university Copyright Ownership Rights Committee.

## **VI. COURSEWARE**

Faculty members generally hold copyright to all course materials they create on their own initiative in the course of the performance of their teaching responsibilities, including materials developed for distance learning courses.

Courseware created by non-faculty employees as part of their assigned work or duties fall into the category of works for hire or works created by an employee within the scope of employment; thus, copyright in such works is owned by the university.

Courses created jointly by faculty authors and others whose contributions would be works for hire will be jointly owned by the faculty author and the university.

Any disagreements about ownership rights will be resolved by the university Copyright Ownership Rights Committee.

Faculty members shall receive all royalties that may accrue from the commercialization of courses they create on their own initiative. On the other hand, the university retains all royalties that may accrue from the commercialization of courses created by faculty members pursuant to contract or as a work for hire, including courses created as a condition of employment. Any disagreements about royalties will be resolved by the university Copyright Rights Committee.

## **VII. OWNERSHIP OF PATENTS**

All inventions and improvements, whether or not patentable, that are conceived or reduced to practice using the facilities, equipment or funds of Rowan by employees of Rowan or others authorized to use the facilities, equipment or funds of Rowan will be the sole property of Rowan.

University employees are required to file an invention disclosure form when intellectual property has been developed and protection may be warranted. After review, the University may decide to file a provisional or non-provisional patent application. If the University has decided not to pursue a patent, the university may assign the patent rights to the inventor/s, if permissible under applicable federal and State laws. If the patent application pursued by the University is successful, the patent rights will be assigned to Rowan University.

The University does not claim the intellectual property rights to inventions by employees or students that is unrelated to their University responsibilities or assignments or invented without the use of University facilities or resources.

Ownership of intellectual property created through industry-sponsored projects resides with the University unless an agreement is negotiated between the University and the sponsor on how intellectual property rights are assigned.

### **VIII. ROYALTIES**

Realizing financial return from intellectual property usually requires licensing those rights to interested companies. The University shares royalties and other income from intellectual property after it has recovered direct costs related to processing the patent or copyright application and costs of commercializing the property.

Net revenues from commercialization of inventions and copyrightable works, including licensing transactions, will be paid 50% to the inventors or authors, 10% to the inventors' or authors' academic department, 20% to the inventors' or authors' college or administrative unit, 10% to the Provost's office, and 10 % to the general university fund.

If there are multiple authors or inventors, the author/inventor share will be divided equally among the university authors/inventors, unless the authors/inventors unanimously agree in writing to a different distribution in a form acceptable to the university.

### **IX. ADMINISTRATION**

This policy will be administered by the Associate Provost for Research at Rowan University or his/her designee.

Approved: December 14, 2006