

### 3.2.14

#### **Governance and Administration: Intellectual property rights**

The institution's policies are clear concerning ownership of materials, compensation, copyright issues, and the use of revenue derived from the creation and production of all intellectual property. These policies apply to students, faculty, and staff.

#### **Judgment**

Compliance    Partial Compliance    Non-Compliance    Not Applicable

#### **Narrative**

Tennessee Tech University (TTU), as a constituent member of the Tennessee Board of Regents (TBR), adheres to TBR's Policy (5:01:06:00) on Intellectual Property [1]. The University has a clear and well-communicated policy concerning intellectual property (Policy 732) [2], including procedures and guidance about ownership of materials, compensation, copyright issues, and the use of revenue derived from the creation and production of all intellectual property. Therefore, TTU is in compliance with Comprehensive Standard 3.2.14 (Governance and Administration: Intellectual Property Rights).

#### **Intellectual Property Policy**

TTU's Intellectual Property policy aims to (a) encourage inventions and the production of copyrightable works by members of the TTU community; (b) facilitate the utilization of such inventions and works to the benefits of the public, TBR, TTU, and members of the TTU community; (c) provide for the equitable sharing of proceeds derived from the commercial exploitation of inventions and copyrightable works in which, pursuant to the policy, TTU is determined to have an interest. The Policy is intended to protect the interests of all concerned parties, namely TBR, TTU, members of the TTU community, external sponsors of research, and the public. TTU's Intellectual Property policy applies to students, faculty, and staff at TTU.

TTU is authorized by TBR to (a) seek and hold patents and copyrights, (b) assign their rights in intellectual property, (c) execute agreements regarding royalty distribution, and (d) develop additional policies and rules related to intellectual property, not inconsistent with other policies of the TBR.

#### **Definition and Ownership**

Intellectual Property as defined in TTU Policy 732 is inventions and scholarly works [2]. Invention means any discovery, new use or application, process, composition of matter, article of manufacture, know-how, design, model, technological development, or biological material. Scholarly works include, but are not limited to, articles written for publication in academic journals, textbooks, works of art, musical compositions, and literary works. Theses and dissertations are not, for the purposes of this policy, scholarly works. Works by non-faculty employees shall not, for the purposes of this policy, be considered scholarly works.

Ownership of Intellectual Property is defined by the TBR and is referenced in the TTU Policy 732 on Intellectual Property, which states that intellectual property developed where the policy applies is the sole and exclusive property of TTU, if the subject of the intellectual property is (a) developed within the person's scope of employment with the TTU; (b) developed in the course of a project sponsored by TTU; (c) developed with the significant use of TTU's facilities, services, or equipment (personal office space, libraries, and the inventor or author's personal computer provided by TTU excluded); or (d) developed in the course of a project arranged, administered or controlled by TTU and sponsored by persons, agencies or organizations external to the Institution, absent prior written agreement to the contrary. TTU shall not assert ownership of "scholarly" works, regardless of the circumstances surrounding creation of the work.

Income derived from the commercialization of intellectual property in which TTU has an interest is first applied toward any direct expenses incurred by TTU in seeking patent protection or copyright registration or in pursuing commercialization of the intellectual property.

The rules adopted regarding income distribution between TTU and TTU inventors or authors are as follows: 50 percent to the inventors or authors, 20 percent to the department of the inventors or authors, 10 percent to the colleges of the inventors or authors, and 20 percent to the Office of Research and Economic Development. The portion of the net income TTU retains from royalties and any other intellectual property-related income is used by TTU for the enhancement of research and instructional programs. The funds may be used for other purposes if specifically approved by the Chancellor of the TBR System.

### **Procedures Governing the Use of Intellectual Property**

The TTU Intellectual Property Advisory Committee (IPAC) is a University standing Committee. The Committee includes faculty members and students. The Associate Vice President for Research and Economic Development serves as the Executive Officer. IPAC is authorized to seek outside assistance in preparing its recommendations. Any compensated assistance obtained from private legal counsel must be approved in advance by the Attorney General of the State of Tennessee. IPAC will also generally advise the President in all matters related to this policy [3].

TBR policy, which is referenced in TTU Policy 732 on Intellectual Property, articulates the policies and procedures pertaining to the use of intellectual property such as commercialization and royalty income sharing. The TTU policy includes the administrative responsibilities of the authors and inventors with regard to disclosure, and a flowchart of the process and procedures from disclosure through licensing and commercialization. Shown in evidentiary document [4] is an example of some of the forms faculty are required to complete in relation to invention disclosures. The policy also includes the administrative responsibilities of the IPAC with regard to its composition; evaluation of ownership, patentability, and/or commercial potential of the invention or work; patentability evaluation; recommendations as to ownership of the intellectual property, whether patent protection should be sought, and whether to seek commercialization opportunities; and recommendations to the University President.

For those inventions or works in which TTU is deemed to have an ownership interest, following a decision by the University President to seek patent protection, copyright registration, and/or commercialization of the intellectual property, IPAC will arrange to have those activities undertaken. All direct costs associated with those activities are borne by TTU.

The policy governing the use of intellectual property is to facilitate the utilization of these inventions and works for the benefit of the faculty, TTU, TBR, sponsors, and the public, and to provide for an equitable sharing of income earned from successful commercialization.

### **Resolution of Emerging Issues and Disputes Regarding Intellectual Property**

Resolution of issues and disputes on intellectual property policies and procedures is in concert with TBR Policy 5:01:06:00, and restated in TTU Policy 732 on Intellectual Property. Issues and disputes are first brought before IPAC for resolution, and any appeals are made to the University President. Further appeals are made to the Chancellor of the TBR. Decisions of the TBR Chancellor shall be binding. Issues related to conflict of interest in intellectual property are resolved by the Conflict of Interest Committee using the procedures articulated in TTU Policy 735 on Conflict of Interest [5]. An example of the forms required by faculty to be completed concerning conflict of interest is found in evidentiary document [6].

### **Dissemination of TTU Intellectual Property Policies**

Information regarding dissemination of TTU policies on intellectual property is available through links in the website of the Office of Research and Economic Development (ORED). In addition, the website provides information to inventors and authors regarding pathways from disclosure to technical and commercial evaluation of the intellectual property and to licensing and commercialization [7]. Another evidence that policies are appropriately published and apply to faculty, staff, and students is the nonenabling disclosures of intellectual property in the TTU Intellectual Property portfolio posted on the ORED website [8].




### **Faculty, Staff and Students being Informed about Intellectual Property Policies and Procedures**

IPAC is composed of representatives of faculty, staff, and students who participate in all matters and decisions related to intellectual property. Information on intellectual property is provided to faculty, staff, and students in links on the website of the ORED. Further, there are seminars and workshops for faculty, staff, and students who wish to learn more on intellectual property policies and procedures. Faculty, staff, and students who participate in research, innovation, and entrepreneurial activities have opportunities to learn of TTU intellectual property policies and procedures through departmental course offerings. The ORED website also posts the Intellectual Property agreements including Memorandum of Understanding, Non-Disclosure Agreements, License Agreements, and Student Non-Use Agreements [7]. Therefore, there are several avenues through which the University community is informed about intellectual property policies and procedures.

## Conclusion

TTU, as part of the TBR System, has policies that clearly delineate principles and procedures pertaining to intellectual properties. The policy has been appropriately published and disseminated. Therefore, TTU is compliant with CS 3.2.14 (Governance and Administration: Intellectual Property Rights).

## Sources

-  [1] TBR Intellectual Property
-  [2] TTU Intellectual Property Policy 732
-  [3] Intellectual Property Advisory Committee Website
-  [4] Invention Disclosure Example Form
-  [5] Conflict of Interest Policy 735
-  [6] Conflict of Interest Example Form
-  [7] Forms
-  [8] Intellectual Property Portfolio