

# Ouachita Baptist University

## Policy on Intellectual Property Rights

*Adopted by Board of Trustees March 13, 2014*



## **Ouachita Baptist University Policy on Intellectual Property Rights**

Ouachita Baptist University faculty have an interest in and a responsibility for advancing knowledge and creative work in their fields of study and the University encourages such scholarly activity to support and further our mission. The results of this work may, on occasion, result in inventions or works that can be patented, copyrighted or licensed. When this occurs, the University has the responsibility of insuring that such works are used and controlled in a manner that benefits the university, the inventor or author of the work and the general public. The University recognizes and respects the idea that intellectual capital is a valuable and important asset to those who possess it and is committed to protecting the rights to such.

The University has adopted this policy to achieve the following purposes:

- To establish the rights and interests of all parties involved in the research and creative activities according to established procedures.
- To assist faculty, students and staff in understanding their rights and responsibilities related to the results of their research and creative activities.
- To ensure compliance with laws and agreements while gaining the protection afforded the university and its employees through copyright, patent and licensing laws
- To encourage and facilitate collaborations for research and creative activities by appropriately allocating the rights to such works.

### *Definitions*

The following definitions should be employed in interpreting and applying this policy.

**University Activities** means any research or scholarly activity which is directly related to the duties and responsibilities for which a person is being or has been compensated by the University or for which facilities owned, operated or controlled by the University are used.

**Intellectual Property** includes academic, artistic or scholarly works, products or inventions with potential commercial value. Inventions and Works may be collectively referred to as Intellectual Property.

**Invention** means any material arising out of University Activities which has potential commercial value and is protectable through patent, copyright or license.

**Inventor** means a person who creates, develops or discovers an Invention.

**Works** means an original work of authorship arising out of University Activities which is protectable by copyright. Works include course materials; books; journals; software; computer programs; musical works; dramatic works; videos; recordings; pictorial, graphical or other artworks; or other similar works.

**Author** means a person who develops or creates Works.

**Extraordinary Resources** are funds provided to faculty, staff or students as compensation for the expressed purpose of performing services that may lead to the creation of Intellectual Property. Examples include paid release time or course development stipends. Ordinary use of University facilities or computing resources is not considered Extraordinary Resources.

**Sponsored Research** means University Activities for which the University has received external funding through a third-party sponsor.

**Net Revenues** means revenues received from the commercialization of Inventions and Works minus the costs incurred by the University directly related to the commercialization, including patenting, licensing and the protection and maintenance of such. Revenues include payments for sales, royalties, license fees or similar payments.

### *Policy*

It is the policy of the university to acquire and retain legal title to all Intellectual Property created through University Activities, with the following exceptions:

- Inventors and Authors shall retain rights in Intellectual Property which the University has chosen not to claim under this policy.
- Authors will retain legal title to Works created within the scope of their employment unless the university has employed Extraordinary Resources for the purpose of creating said Works.
- Rights to Inventions and Works created under Sponsored Research shall be determined by the contract or agreement between the University and the sponsor. The University should retain rights to Inventions and Works in all Sponsored Research agreements unless it is determined to be in the University's best interest to waive such rights.

This policy shall apply to all persons employed, compensated or appointed by the University and to anyone using facilities owned, operated or controlled by the University. Employees of the University who engage in external consulting work or employment are responsible for ensuring that agreements related to such external work do not conflict with this policy.

### *Revenues Generated from University Activities*

Revenues from the licensing of Inventions and Works for which the University acquires and retains legal title shall be distributed as follows:

- The Inventor(s) or Author(s) of such Inventions or Works shall receive 50% of Net Revenues. Joint Inventors or Authors shall receive equal distributions unless a separate agreement exists to the contrary.
- The School(s) in which the Inventor(s) or Author(s) are housed shall receive 25% of Net Revenues.
- The University shall receive 25% of Net Revenues.

### *Publication Rights*

The right to publish and disseminate the knowledge and results gained from University Activities shall be reserved for the Inventors and Authors and the University.

### *Administration*

Intellectual property rights issues shall be administered by the Vice President for Academic Affairs.

## Illustrations of Policy Application

The illustrations presented below provide specific examples of how the Policy on Intellectual Property Rights will be applied. Though the list of examples is not exhaustive, they should be considered authoritative guidance in applying the policy to other situations that arise.

### Case 1

Professor A leads the European Study Tour and throughout the trip takes photos of buildings and other sights. Professor A was compensated for leading the tour. Does Professor A have the right to sell those photos?

*Response: The compensation paid to Professor A was for her work leading the tour, not for photography. Since the compensation was not tied to the works that were created during the trip, no extraordinary resources were created. Professor A is owner of the photos, retaining the right to sell them and keep any revenue generated.*

### Case 2

Professor B authors a book, drawing from research on the book's topic over a period of years. The research occurred throughout Professor B's employment at Ouachita and utilized both university and personal resources. Does Professor B have the right to sell publishing rights to the book?

*Response: Though Professor B was compensated throughout his employment at Ouachita, that compensation was paid for teaching and other academic responsibilities. No compensation was paid specifically to commission authorship of a book. Therefore, Professor B is owner of the book, retaining the right to sell publishing rights and keep any revenue generated.*

### Case 3

Professor C contracts with Ouachita to author an online course in Accounting. In creating the course, Professor C creates numerous written and audio lectures, assignments, and learning activities. Does Professor C have the right to use the course materials in other courses?

*Response: Professor C was contractually compensated for the accounting course that was created, not for the individual components making up the course. As a result of the extraordinary resources employed, Ouachita acquires ownership of the course, retaining the right to use and modify the course as necessary. However, Professor C retains the right to all course materials used in the creation of the course and may use those same course materials in other courses.*

Case 4

Professor D receives a university research grant to travel to Mexico to study native birds. The grant covered all travel costs for the research trip. As a result of the research, Professor D has been asked to author a book chapter, for which she will be compensated by the publisher. Who owns the rights to the book chapter – Professor D or Ouachita?

*Response: The university research grant paid to Professor D is not considered extraordinary resources because the payments were made to reimburse travel expenses, not as compensation for services. Therefore, Professor D retains ownership of the research results.*

Case 5

Professor E receives a summer research grant. To receive the grant, Professor E agrees to complete a research agenda that is expected to result in new lab protocols that will be used in future Ouachita courses. Does Professor E have the right to sell the lab protocols to a publisher?

*Response: The summer research grant was paid as compensation to Professor E with an understood outcome of the research – the lab protocols. As a result, the grant would be considered extraordinary resources and the lab protocols would be considered property of Ouachita, unless the university agrees to waive its ownership rights.*

Case 6

Professor F applies for and is granted a sabbatical semester. As part of her application, Professor F proposes to use some of her sabbatical time to compose an original musical score. Is this completed work the property of the professor or the university?

*Response: Though Professor F proposed and completed specific activities during her sabbatical, the salary paid during this time is not considered compensation for this effort. This compensation is paid based on past and future service as a tenured faculty member, not for the activities completed during the sabbatical. As such, the payments received are not considered extraordinary resources and the musical score is the property of Professor F.*