

# **Intellectual Property**

## **Faculty Handbook, August 2008**

### **Chapter 2.5.4**

#### **2.5.4 Intellectual Property**

##### **2.5.4.1 Preamble**

Valparaiso University is dedicated to teaching, research, and the advancement of education in the sciences and the arts. Inherent in our responsibility to produce and disseminate knowledge is the need to encourage and support the production of creative works and the development of new and useful methods, systems of operation, materials, devices, and processes.

These activities contribute to the professional development of the individuals involved, enhance the reputation of our university, provide additional educational opportunities for students, and promote the public welfare.

Many of these activities result in the creation of intellectual property, property that may have commercial value or that may be protected under a variety of legal mechanisms including copyright law, trademark law, or patent law.

The purpose of this policy is to provide guidelines regarding intellectual property ownership and the rights and privileges thereof. The intent of this policy is to maximize both the incentive to the individual author or creator, and the return on the use of University resources.

The policy is intentionally general, recognizing that no two situations may be alike, and affords flexibility in its application.

##### **2.5.4.2 Copyrights**

Copyright ownership of any academic, pedagogical, scholarly, or artistic work generated by a faculty or staff member in the course of their University responsibilities will initially vest with the individual faculty or staff author. In the event the work requires a greater than normal investment of University resources, or the work consumes so much of the author's time that it becomes tantamount to a conflict of commitments as outlined in section **2.5.5**, then consideration will be given to another type of agreement regarding ownership of the copyright.

Copyright ownership for University business-related works, including but not limited to promotional materials, policy guides, reports, normal University publications, or other general business works, shall vest with the University.

##### **2.5.4.3. Patents**

All potentially patentable inventions conceived or reduced to practice in whole or in part by University employees in the course of their University responsibilities must be disclosed to the Provost's Office. To best preserve the interests of all parties, disclosure must be made as close to the point of conception as possible.

Upon disclosure, the University and the employee(s) will assess the amount of University resources involved in the creation, the amount of time required of the inventor in

relationship to other normally assigned duties, the identity and the involvement of any students or other individuals who should be considered co-inventors in the work, and the commercial value of the work (real or potential). The University and employee(s) will then establish a written patent ownership and responsibility arrangement that best serves the needs of the University. The agreement should, if at all possible, reward both the inventor(s) for the creative work, and the University for its investment in the invention.

#### **2.5.4.4. Trademarks**

University trademarks (marks, words, symbols and other identifying indicia) are the property of Valparaiso University. The creation and use of University trademarks is managed through the office of the Vice President for Admissions, Financial Aid, and Marketing, in coordination with the University Marketing Council. University trademarks may not be used in any fashion without prior written approval. No marks other than those approved by the University may be used.

#### **2.5.4.5. Administrative Responsibilities**

The Vice President for Admissions, Financial Aid and Marketing has authority for all trademark-related matters.

For all other intellectual property matters, including but not limited to patents and copyrights, the Provost's Office carries the administrative authority.

#### **2.5.4.6. Conflict Resolution**

Unresolved conflicts arising from the implementation of this policy involving faculty members are to be referred to the Faculty Concerns Committee, generally, and to the Committee on Academic Freedom and Tenure when the issue involves tenure rights. Unresolved conflicts involving staff members are to be referred to the Hourly Concerns Committee or the Salaried Concerns Committee depending on the respective status of the employee(s) involved.