



Eastern Kentucky University Policy and Regulation Library

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Intellectual Property

Policy Statement

The Intellectual Property (IP) Policy at Eastern Kentucky University (EKU) recognizes that universities are institutions committed to the creation and dissemination of knowledge. The IP Policy affirms the University's commitment to academic freedom, to a rich and vibrant public environment, and to a healthy local and regional economy. The University supports these endeavors by encouraging, fostering, and protecting scholarship, research, service, and creativity.

IP includes, but is not limited to, copyrights, patents, trade secrets, trademarks, and plant variety protection. Activities resulting in the creation of IP may also contribute to professional development, enhance the institution's reputation, promote additional educational opportunities, and promote collaborative or cooperative arrangements. Therefore, when faculty, staff, administrators, student employees, students, and/or visiting faculty or researchers develop intellectual property, their IP rights and privileges must be protected and preserved.

The policies set forth here constitute an understanding that is binding on EKU faculty, staff, and students as a condition of their participation in EKU research, teaching, and service programs and for their use of EKU funds, facilities, or other resources.

Purpose

Eastern Kentucky University's IP Policy allows for a determination of whether a change will be made regarding ownership or assignment of works made for hire. This policy permits assignment of individual ownership to the creating employee of certain scholarly, artistic, literary, musical and educational materials within the creator's field of expertise which have historically been treated by institutions of higher education as belonging to the creator, so long as EKU retains a non-exclusive license in IP that was created for and that uses significant university resources for educational, research and service whenever practicable.

Entities Affected

- University Administrators
- Faculty
- Staff
- Students

Background

EKU recognizes the need to protect the intellectual property rights of faculty, staff, students, and the University. It also acknowledges the importance of contributing to a supportive, enabling environment for the University regarding IP. The IP Policy addresses the customary 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. It *excludes* traditional academic scholarly works from its purview and attempts to articulate and balance the sometimes-competing interests involved in IP in a fair, manageable, and productive manner.

Objectives

The objectives of the IP Policy are:

- a. to encourage research, scholarship, and a spirit of inquiry
- b. to promote the dissemination of knowledge and technology for the benefit of the University community and society
- c. to provide an administrative system to assist the University community and its external collaborators in bringing new discoveries and developments into public and/or private use
- d. to provide an administrative system to evaluate, where appropriate, the commercial significance of new discoveries and developments
- e. to provide for the equitable disposition of interests in shared IP among the creator(s), the University, and, where applicable, any external collaborators(s)
- f. to contribute to a university environment that encourages the creation of IP
- g. to assist the University community and its collaborators in seeking adequate and appropriate legal protection against unauthorized use
- h. to describe employee-excluded works that are not subject to University ownership under the policy

Copyrights and Inventions

For the purposes of this policy, IP will be pursued as copyrightable or patentable works. In cases where the determination is unclear (for example, software development, courseware or

trademarks) the Investigator is encouraged to contact the Associate Vice President for Research to discuss the appropriate avenue in filing for IP protection.

Copyrights:

Copyright is the ownership and control of the intellectual property in published and unpublished original works of authorship fixed in a tangible medium of expression. Authorship includes literary, dramatic, musical, and artistic works, such as poetry, novels, movies, and songs, as well as computer software and architecture. Copyright does not protect facts, ideas, systems, or methods of operation but could protect the way these things are expressed. Copyright provides the owner with the right to determine how the work is copied and distributed to others (e.g., through sale, lease, or lending).

Under federal copyright law, the creator of a work is usually the owner. However, this is not the case when a work is created within the scope of employment. Works created within the scope of employment are known as “work made for hire,” and are works where the employer is considered the author and owner of such works. Copyright law generally defines a work made for hire as:

1. A work prepared by an employee within the scope of his/her employment; or
2. Certain types of work specially ordered or commissioned where the parties expressly agree in a written instrument signed by them that the work shall be considered a work made for hire. These types of work include a contribution to collective work, a part of a motion picture or other audio/visual work, a translation, a compilation, an instructional text, a test, answer material for a test, an atlas or a supplementary work.

It is the policy of the University that all rights in copyright shall remain with the creator unless the work is a work-for-hire (and copyright vests in the University under copyright law), is supported by a direct allocation of funds through the University for the pursuit of a specific project, is commissioned by the University, or is otherwise subject to contractual obligations.

Inventions:

Inventions are defined as all new processes (including computer programs), machines, manufactured products, compositions of matter, any new and useful improvements thereof, and any new uses for these products or processes that were not obvious to one skilled in the art at the time of invention. The determination of invention ownership may be complicated. Some categories of works that used to be distinct and about which there were few issues of ownership may now be merged. Examples include, but are not limited to, software, courseware and distance learning. Therefore, EKU’s IP Policy establishes guidelines to be applied in determining ownership interests in the Invention and permits the University to recover expenses incurred in the work’s creation, protection and/or share in royalties if the work is commercialized.

When EKU faculty, staff, administrators, or students create an Invention, which, under the terms of this policy, may be owned or shared by EKU, the creator(s) shall report the Invention to the

Associate Vice President for Research by completing the appropriate Disclosure Form. The inventor(s) will cooperate in the execution of legal documents and in the review of literature and prior art (e.g., patent searches); will be given the opportunity to assist in the further commercial development of the Invention as defined in this policy; and will receive consideration regarding any income derived from the commercialization of such property.

Commercialization

- A.** In commercializing an Invention, EKU, through the Intellectual Property Committee (IPC), shall be guided by the following principles:
 - 1.** Active creator(s') participation in all commercialization will be vigorously sought.
 - 2.** The primary objective and responsibility of EKU shall be to assure that the products of its intellectual activity are brought into the widest possible use for the general benefit of society.
 - 3.** IP is treated as an asset and an appropriate return should be sought.
- B.** In an effort to commercialize an Invention, EKU will seek a variety of arrangements such as licenses, outright assignments or sale of rights, partnerships, and joint ventures. The selection of particular arrangements will depend upon the individual circumstances.
- C.** In some instances, it may be in the best interests of the creator, EKU, and the general public to enter into a commercialization arrangement with entities wholly or partially owned or controlled by the faculty, staff, or students who originated the property. Because these arrangements have the potential of contributing to economic development, such arrangements may be considered and accepted, provided they are not specifically prohibited by law and that adequate provisions, including full disclosure of interests, are made to avoid or otherwise protect against conflict of interest on the part of those involved.

Royalty Income Sharing Criteria

- A.** The IP Fund shall be allowed to build across fiscal years. Costs associated with securing IP will be borne by EKU with such costs offset against gross revenues. All costs directly related to the acquisition of IP rights will be reimbursed from the first receipt of revenue, with 75% returned to the IP Fund and 25% to the Inventor until all acquisition costs have been recovered, at which point, distribution is made to the Inventor, department, college, and IP fund as described in Section B. Similarly, future necessary costs for securing IP rights will be reimbursed by revenues prior to distribution (as above).
- B.** Except as otherwise provided, net revenues derived from the commercialization of IP shall be shared as follows:
 - 50% to the Inventor
 - 30% to the IP Fund
 - 10% to the Department
 - 10% to the College
- C.** The Inventor's rights to share in revenue as stated above (but not including the department's share) shall remain with the individual or pass to the individual's heirs and assigns for so long as net income is derived from the property.

- D. This policy shall not change revenue-sharing agreements entered into prior to the adoption of this policy.

IP Creation and Ownership Scenarios

Student Works. ECU assigns to the Inventor all ownership of IP for all student works, unless the student work is created in a University employment capacity or is part of a sponsor-supported ECU project.

University-Assigned Projects. University-assigned work, developed in the course and scope of employment, constitutes a work made for hire. Therefore, IP resulting from this work is the property of ECU. Work produced in the course and scope of employment includes, but is not limited to, research, instruction, service, and other assigned activities. The creator(s) will cooperate with the University to execute any and all documentation necessary to assign ownership and, if necessary, to secure protection of this IP.

University-Assisted Projects. ECU shares ownership of IP developed by University employees through an effort which makes *significant use* of University resources. The distribution of possible income based on such IP will be determined in accordance with the procedures of this policy. The University and IP creator(s) will cooperate to execute any and all documentation necessary to assign ownership and, if necessary, to secure protection of the IP. It should be noted that this policy does not construe the use of office space, library resources, personal workstations, or personal computers as constituting significant use of University resources. Significant use of University resources includes, but is not limited to, use of:

1. Research funding
2. Funding allocated for asynchronous or distance learning programs
3. University-paid time within employment period, excluding vacation, holidays, or other times the University is closed
4. Assistance of support staff
5. Telecommunication services (excluding telephone service)
6. University central computing resources
7. Instructional design or media production services
8. Research equipment and facilities, or production equipment and facilities

Sponsor-supported Projects. Sponsor-supported projects are university activities that are funded/supported by an external agency/organization. ECU's Division of Sponsored Programs (http://sponsored_programs.eku.edu/) reviews and approves these contracts. Sponsored Programs provides assistance to facilitate negotiations among the Principal Investigator, the Sponsor, and the University, including issues related to IP ownership. While the Principal Investigator should refer to this policy to address the protection of IP, in some instances federal and state law may define ownership. Before the contract is accepted and executed, Sponsored

Programs will work to ensure that the Principal Investigator and the University are satisfied with the terms before accepting and executing the contract, including:

1. Due diligence milestones negotiated on a case-by-case basis in an effective and timely manner. The milestones will provide objectively measurable goals and timetables by which it may be determined if a good faith effort has been made. A reassignment right will be included, exercisable on the part of ECU, when the Sponsor has not made a good-faith effort to meet the milestones.
2. A windfall provision where a specified payment is made upon some mutually agreed upon threshold event. This should be determined on a case-by-case basis.

When a contract is silent on the ownership of the Intellectual Property, ownership will vest with the University.

Prior to receiving a grant award to engage in sponsored projects or research, the Principal Investigator (PI) must first participate in the Office of Sponsored Project's orientation meeting. During this meeting, the Principal Investigator will give the Office of Sponsored Projects a brief overview of the IP that may result from their project. This meeting will help establish whether IP is an issue with the project before a budget number is assigned.

Visiting Faculty, Researchers, and Scientists. Visiting faculty, researchers, and scientists will be held to the same policies as permanent faculty, researchers, and scientists.

Outside Consulting. If an employee engages in outside consulting that will involve University resources, then a contract must be executed with the Office of Sponsored Programs and a Disclosure Form must be filed with the Associate Vice President for Research.

Individual Projects. If an employee engages in projects that will involve the use of University resources and will result in the creation of IP, then ECU will share in the ownership of such property. Therefore, the employee is required to complete and submit a Disclosure Form.

Other Works. Other works not expressly addressed in this policy will require the creator(s) to submit a Disclosure Form and will be reviewed on a case-by-case basis, including:

1. Electronic publications
2. Online courses
3. Patents
4. Other materials

IP Gifts. ECU may accept gifts of IP through the ECU Foundation. The receipt of an IP gift may require actions on the part of the University and/or Foundation, and the necessary actions will be evaluated as part of the consideration of acceptance. Gifts may be accepted through the ECU Foundation in accordance with the ECU Gifts Acceptance Policies and Procedures and in consultation with the Intellectual Property Committee and the University administration.

Procedures

Selection of the Intellectual Property Review Committee

Upon receipt of an IP Disclosure, the Associate Vice President for Research will collaborate with the Department Chair, Dean of the College and Executive Director of the Center for Economic Development, Entrepreneurship, and Technology (CEDET) to form an Intellectual Property Review Committee (IPRC). The Chair and Dean will each appoint two members of their faculty with appropriate expertise to evaluate the merits of the disclosed IP. The Associate Vice President for Research and Executive Director of CEDET will each appoint one additional member. Proposed members will be disclosed to the inventor to identify any potential conflicts of interest and the inventor may request replacements be named for up to two faculty members identified through the process. The full committee should be appointed by no later than 30 days after receipt of the IP disclosure.

Intellectual Property Committee

The Intellectual Property Committee (IPC) is charged with evaluating the recommendation of the IPRC and determining the appropriate course of action in filing patents or copyrights on behalf of the University, or of returning all rights to the inventor. The IPC shall consist of the following members:

- Associate Vice President for Research (Chair)
- University Counsel
- Executive Director of CEDET

Other members of the faculty and staff may be appointed by the Associate Vice President for Research as ad hoc resource members upon request of the IPC as needed in the consideration of IP matters. The IPC is responsible for advising the President with regard to pursuit of the IP on behalf of the University and for securing appropriate resources for the filing of the patent or other costs associated in protecting the IP.

Completion of the Disclosure Form

1. When University faculty, staff, other employee, or student, operating under the scope of this Policy, creates IP, the creator shall notify the Associate Vice President for Research of the IP by completing the Invention Disclosure Form. Should the Associate Vice President for Research be the creator of IP, the completed Invention Disclosure Form will be submitted to the Provost/VP
2. The Invention Disclosure Form must be completed and submitted to the Associate Vice President for Research upon the recognition of the existence, or potential existence, of intellectual property.
3. The completed Invention Disclosure Form must be submitted to the Associate Vice President for Research with an information copy to the appropriate chair or director and dean.

4. A receipt notification will be mailed to the creator acknowledging receipt of the Invention Disclosure Form within one workweek of its receipt, with a copy of this acknowledgement sent to the members of the IPC.

Review of the Invention Disclosure Form

- The IPC will review disclosures for the purpose of classifying them into one of the categories outlined in the IP Creation and Ownership Scenarios section of this document.
- Part of the review process will involve developing an estimate for the market value for the IP. Working alone or with internal or external collaborators, the IPC will estimate the value of the IP so that ECU better understands the potential commercial value. The IPC, and any other additional resource partners shall have 120 calendar days from the disclosure of the IP to assess the scientific, technical and economic merit as well as decipher the potential commercial value. If this evaluation has not taken place during the 120 days, then the time shall have lapsed and primary ownership rights to it shall be returned to the creator(s).
 - If the IPC determines that the IP under consideration is exempt under Employee-Excluded Works, the property shall be released to the creator(s) and ECU will not claim ownership, except the non-exclusive right to use the IP for educational, research, or service reasons.
 - If the IPC determines that ECU has an interest in the IP, but that the chances of successful commercialization are minimal or the costs of pursuing such commercialization outweigh the income potential, the IPC shall release the property to the creator(s), as above.
 - If the IPC determines that ECU has an ownership right but that the creation has not been developed to the point where a decision as to patentability or commercialization is possible, the IPC shall place the creation in a pending status, provide the creator(s) with the reasons for taking such action and request that the creator(s) report back at some specified date.
 - If the IPC determines that ECU has ownership interest in the property and an interest in retaining the ownership, the IPC will make a recommendation to the Provost to:
 1. Inform the creator(s) in writing that ECU claims its ownership rights to the IP
 2. Negotiate and record the rights of the creator(s) to share in any income with ECU in accord with this policy.
 3. Inform the Provost of the IPC's recommendation as to the appropriate course of action.
 - a. The Provost will authorize the execution of an acknowledgment and, where applicable, an assignment of ownership rights
 - b. The process for licensing, selling, or otherwise conveying IP will comply with any applicable federal or state statutes. All costs associated with these actions shall be borne by ECU, except that such costs shall be offset against future income in accord with Royalty Income Sharing Criteria.

Evaluation of the IP

- The IPC will evaluate the merits of the IP and the equities involved. This evaluation may be made using the materials/information submitted by the creator(s) and/or with the assistance of other university resources or a consultant(s).
- The Associate Vice President for Research will advise the creator(s) within one-hundred and twenty (120) calendar days, following the receipt of the Disclosure Form, as to whether or not the University will retain an interest or ownership in the IP, unless the parties mutually agree upon an extension.
- The Associate Vice President for Research may extend the deadline if further examination of the IP is needed or additional information is required. This will be done by notifying the creator(s) in writing of the intent to extend the deadline fifteen (15) days prior to the end of the initial 120 calendar day period.
- The Associate Vice President for Research must notify the creator(s) of the reason for such an extension.
- The extended period may not exceed forty-five (45) calendar days. However, the extension may be extended for a longer period of time if mutually agreed upon by all parties.
- If EKU elects to release some or all legal rights to the creator(s), or if written notice of the IPC is not given to the creator(s) upon the expiration of 120 calendar day period following receipt of the disclosure or the new deadline, the creator(s) shall be free, subject to law and prior agreements, to proceed independently only with respect to the specific, disclosed IP.

Determination of Royalty Sharing for IP

- When two or more individuals have made substantial creative contributions to IP, they will determine among themselves and in writing the individual share each will receive. A copy of that agreement will accompany the IP disclosure form.
- In the event that agreement cannot be reached, the IP disclosure should be filed and the IPC will hear oral and written statements. After such presentation, the IPC will make a recommendation to the Provost who will issue a finding.
- Due to conditions of employment and/or the nature of work assignments, it may be appropriate to agree to alternate distribution of net income for employees and/or the distribution ratios. Such modifications must be submitted to the Provost/VP, in writing, and will be considered by the IPC.

Commercialization of IP

- Commercialization of IP can be risky. Based on national data, the process fails more often than it succeeds. If no commercialization has occurred within two years after the property is disclosed, the creator(s) may request that all rights be transferred to the creator.
- The request should be addressed to the IPC. It should explain what efforts have been made to date and why the creator(s) should receive ownership.
- The IPC will make a determination as to whether reasonable efforts to commercialize have been taken and will forward a recommendation to the President.

Resolution of Grievances

- If any creator does not agree with any decision made by the Associate Vice President for Research, an appeal may be made to the President within seven working days of the issuance of the decision.
- The appeal shall be made in writing, delivered to the President and copies shall be made to the Associate Vice President for Research.
- Any appeal shall set forth the specific reasons supporting the position of the party and include any supporting documentation.
- Upon receipt of an appeal of the Associate Vice President for Research's decision, the President shall review the information provided and, within twenty (20) working days, shall issue a written decision on the appeal. The decision on this review will be the final decision of the University.

Definitions

- **Collaborator (Internal or External):** A person with whom the creator works. The collaborator may be a person(s), either within the University or outside the University. Collaborators work together on a literary, artistic or scientific undertaking. This undertaking directly or indirectly results in the creation of intellectual property.
- **Commercialization:** The application, publication, development, use, assignment, licensing, sub-licensing, franchising, exploitation, or other utilization of IP in order to generate financial or other commercial gains.
- **Copyright:** A form of protection as defined in 17 U.S. Code, which may be amended from time to time. It generally grants protection to authors of "original works of authorship" which includes literary, dramatic, musical, artistic, and certain other intellectual works, both published and unpublished. These protection rights automatically attach to the work when it is fixed in a tangible medium and formal registration is not required. While registration is not required, it provides certain additional statutory protections. In addition, it is a prerequisite to seek legal redress for copyright infringement in a court of law. Copyrights give the author exclusive rights to reproduce the copyrighted work, to prepare derivative works, to distribute copies of the work, and to perform or display the work publicly. Copyrights also prevent those who are not the original author or otherwise the owner of the work from copying, performing, displaying, distributing or preparing derivative works without proper authorization. Copyrights only protect the particular expression of an idea, and not the underlying idea expressed. A work can be formally registered for copyright protection by the Copyright Office of the Library of Congress. (For more information go to <http://www.loc.gov/copyright/>)
- **Discoveries:** Acts of disclosing or revealing something that was not previously known to have existed. A disclosure of an object, process, or any other type of occurrence that causes the discoverer to realize the existence of or to uncover a certain idea or concept.

A discovery requires that the discoverer is the first to expose or to find out about the revelation.

- **Due Diligence:** The degree of attention or care that is expected of a reasonable person in a given situation.
- **Electronic Publications:** Electronic publications includes software and other technologies and data used to support the capture, storage, retrieval, transformation, and presentation of electronic or digital data and information or to interface between electronic or digital forms and other communications and information media. Examples may include but are not limited to: software, course lecture video or audiotapes, whether electronic, magnetic or digital, electronic publications, electronic textbooks and interactive textbook supplements, Internet-based and on-line courses, web pages, multimedia works, and distance learning materials. As used herein, software means a set of statements or instructions (usually lines of code) used directly or indirectly in a computer to bring about a certain result.
- **Equity Interest:** Shares of common or preferred stock, warrants, options, convertible instruments, units of a limited partnership, or any other instrument conveying ownership interest in a commercial venture.
- **Intellectual Property (IP):** Intellectual property includes works of authorship, inventions, and discoveries whether or not subject to protection by patents, copyrights, trademarks, or trade secrets. For the purposes of this policy, Tangible Research Property (as defined below) is included in the definition of Intellectual Property. As defined here, Intellectual Property also includes any new form of Intellectual Property receiving legal protection that may be added to the categories above during the time that this policy is in effect.
- **Instructional Text:** An “instructional text” is a literary, pictorial, or graphic work prepared or otherwise used for commercial publication and with the purpose of use in systematic instructional activities.
- **Invention:** A product or process providing a new way of doing something, or offers new, innovative, technical solution(s) to a problem. Also refers to any new and useful process, machine, manufacture or composition of matter (e.g., life forms, etc) or any new and useful improvement thereof, relating to creative works, research property, and Trade Secrets.
- **Inventor:** Inventors are defined as those persons who have contributed to the conception of an invention and this is ultimately determined by whether a person has contributed to an invention as defined by at least one claim in a patent application and/or an issued patent. A person who reduces an invention to practice, follows the instructions of another, or suggests an idea of a result to be accomplished rather than the means of accomplishing it, is not an inventor or co-inventor.
- **Patent:** The exclusive property rights granted to the creator of an invention issued by the United States Patent and Trademark Office. A patent is defined in 35 U.S. Code, which may be amended from time to time. It generally grants its owner the protection for

his/her invention excluding others from making, using, selling, or importing the invention. The requirements for patentability of an invention include that the invention has utility, novelty and is nonobvious. A patent is granted for a limited period of time, which is usually 20 years from the date it is filed. (For more information, see <http://www.uspto.gov/>.)

- **Principal Investigator:** The primary person in charge of investigating or researching a particular matter that may result in the creation of intellectual property.
- **Royalties:** The revenue that is received as a result of licensing IP. Royalties may be based on a use rate or a flat rate based on allowing others to use the creation in some fashion for financial gain.
- **Sponsor:** A person or organization that pays for or plans and carries out a project or activity.
- **Sponsor-Assisted Project:** A project in which a private or governmental sponsor may assist one or more members of the University's faculty, staff, or students by such means as furnishing funds, equipment, or other resources to support research, the creation of a creative work, or any other educational or scientific activity that may result in the creation of IP.
- **Sponsor-Supported Project:** Any grant, contract, or similar arrangement between the University and a private or governmental sponsor furnishing funds, equipment, or other resources to support research, the creation of a creative work, or any other educational or scientific activity to be performed by one or more members of the University's faculty, staff, or students that may result in the creation of IP.
- **Supplementary Work:** A "supplementary work" is a work prepared for publication as a secondary adjunct to a work by another author for the purpose of introducing, concluding, illustrating, explaining, revising, commenting upon, or assisting in the use of the other work, such as forwards, afterwards, pictorial illustrations, maps, charts, tables, editorial notes, musical arrangements, answer material for tests, bibliographies, appendixes, and indexes.
- **Tangible Research Material:** Tangible Research Material means materials used or produced in the course of University research projects, examples of which may include but are not limited to: (1) hybridoma or clonal cell lines that produce monoclonal antibodies or recombinant proteins, (2) plants protected by the Plant Variety Protection Act, and (3) non-patented drugs protected by the Orphan Drug Act. Tangible Research Material is subject to the provisions of this policy.
- **Trademark:** A distinctive mark or sign that identifies certain goods or services as those that are provided or produced by a specific person or entity. Some examples of trademarks include but are not limited to words, names, logos, sounds and product configurations that uniquely identify a product. The exclusive rights of trademarks are derived from the frequent use of them by the owner or creator and registration of trademarks is not required. Federal registration provides formal protection of trademarks from unauthorized use of the same or very similar types of symbols and can be obtained

through the United States Patent and Trademark Office (For more information see <http://www.uspto.gov/>)

- **Trade Secrets:** Information that a person or entity may keep secret to give them an advantage over their competitors. Trade secrets cannot be formally registered; it is the owners' responsibility to take appropriate steps to protect the trade secret's confidentiality.
- **Traditional Copyrightable Academic Work:** These shall be defined as a subset of copyrightable works created independently and at the creator's initiative for traditional academic purposes. Examples include class notes; course instructional documents including: course syllabuses, assignments, exams, information sheets and computer presentations; books; theses and dissertations; articles; non-fiction, fiction and poems; musical works; dramatic works including any accompanying music; pantomimes and choreographic works; pictorial, graphic, and sculptural works; or other works of artistic imagination that are not created as an institutional initiative. Traditional Copyrightable Academic Works are employee-excluded works pursuant to this policy
- **Working Days:** These days include full days, Monday through Friday, excluding at least half days and full days in which Eastern Kentucky University is closed.

Responsibilities

- Intellectual Property Committee (IPC)
 - The IPC shall serve as the custodian of the IP Disclosure form and will identify the IP Category and Ownership structure.
 - The IPC shall review the IP policy, as needed, and make revision recommendations to the Provost. The IPC will also recommend revisions to the Disclosure Form or to any other form required in the disclosure of IP.
 - Actions of the IPC are forwarded to the Provost/VP as recommendations.
 - The IPC will meet at least quarterly.
- Intellectual Property Creator(s)
 - The creator(s) shall make available, upon request, originals or copies of all documents and designs, including logs, research workbooks, etc. that are necessary to support an understanding of the IP and its scope and value. Moreover, as necessary the creator(s) shall assist the IPC in obtaining and maintaining legal protection for the IP by disclosing essential information, signing applications and other necessary documents, and assigning technology rights. EKU will reimburse the creator(s) for any/all reasonable expenses incurred complying with IPC requests for additional information.
- Associate Vice President for Research

- The University administrative contact for issues regarding IP covered under this policy and the disclosure of IP shall be the Associate Vice President for Research (AVPR).
- The AVPR serves as the administrative officer for matters concerning IP, regardless of whether they are generated from an academic or non-academic unit.
- The interests of ECU and its faculty, staff, and students in the development of IP, except exempted works under Employee-Excluded Works, shall be determined by the AVPR or designee and the Intellectual Property Committee (IPC), in accordance with this policy.

Interpreting Authority

Executive Vice President for Academic Affairs and Provost

Policy Adoption Review and Approval

Revised Policy

<u>DATE</u>	<u>ENTITY</u>	<u>ACTION</u>
June 19, 2017	Board of Regents	Adopted
May 24, 2017	President	Approved
May 3, 2017	Provost Council	Approved
May 1, 2017	Faculty Senate	Approved
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Policy Issued (as Patent and Copyright Policy)

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January 21, 1989	Board of Regents	Adopted
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