

## Intellectual Property at Colgate

The following policies apply to the ownership of patents and copyrights in works invented or created by Colgate students, staff, and faculty, including academic, library, and athletic faculty, using University funds, facilities, or other resources. The Committee on Intellectual Property oversees the policies.

### Copyright

#### I. Ownership

**Traditional Academic Works.** Colgate University has historically waived any copyright interest it may legally have to traditional academic works created by faculty. Examples include class notes and syllabi, books and articles, works of fiction and nonfiction, poems and dramatic works, musical and choreographic works, pictorial, graphic, and sculptural works, computer programs and educational software, but not on-line courses for credit.

Colgate University has also waived any copyright interest it may legally have to works created by students. Examples include materials produced for a class assignment or honors theses.

This policy, shared by most other colleges and universities, recognizes a long-standing tradition of encouraging scholarship and innovation in teaching. Although technological advances have changed the media in which ideas may be fixed, Colgate's fundamental policy with regard to such works remains one in which copyright ownership shall be held by the individual(s) who create(s) the work subject to the provisions of Section II.

#### II. Exceptions

A. **Institutional Works (or Works Made for Hire).** The University shall own intellectual property rights in institutional works, such as those produced in service activities, except as provided in prior written agreements. This includes works created by non-faculty employees (either staff or student employees) within the scope of their employment. However, this does not include traditional academic works created by non-faculty employees under the supervision of a faculty member in his or her research or teaching projects. In this case the faculty member would usually retain copyright ownership, unless the University can claim ownership rights under exception II.C. The University shall also own intellectual property rights in works created by faculty members made pursuant to a specific direction or assigned task other than normal teaching or research activities.

B. **Patentable Works.** Colgate's Patent Policy will apply to encoded works or computer software where the work is developed in the normal course of the relationship between an employee and the University and where the encoded work is patentable, even if the work could also be copyrighted.

- C. University-Sponsored Materials. Colgate shall own intellectual property rights when it provides substantial and specific support to a project or when substantial use is made of University resources. The following conditions provide a useful guide:
1. Routine support available to all faculty will not generate university claims of ownership. A traditional academic work will not be treated as “made for hire” merely because it is created with University resources, facilities, or materials of the sort traditionally and commonly made available to faculty members. Examples of routine support include office or laboratory space, secretarial services, divisional travel grants, and access to generally available computer facilities and support.
  2. Similarly, nearly routine support available to selected faculty will not normally generate University claims of ownership. Examples of nearly routine support include sabbatical leaves, start-up funds at the time of hire, discretionary grants, student wage grants, major grants, Picker fellowships, senior faculty leaves and other grants from the Faculty Research Council or the Faculty Development Council.
  3. Routine support available to all students will not generate university claims of ownership. Examples of routine support include student laboratory space and access to generally available computer facilities and support.
  4. Colgate will share ownership of the copyright with the author(s) when it funds specific projects with substantial grants of money or resources other than those listed above. Prior to the project commencing there should be an agreement signed by the principal parties describing the specific expected copyrightable project and how the copyright for that product is to be shared.
- D. Third-Party Agreements. Works created in agreement with or under the sponsorship of a third party will be governed by the agreement with the third party. The Provost and Financial Vice President & Treasurer must approve any agreement with a third party that requires the substantial use of Colgate resources.

## **Patent policy**

- I. Disclosure. Inventions conceived or first reduced to practice using University facilities or developed under a sponsored research agreement shall be promptly disclosed in writing to the chair of the Committee on Intellectual Property . The inventors shall complete appropriate patent disclosure forms supplied for this purpose.

II. Ownership

- A. All patentable inventions conceived or first reduced to practice using University facilities or developed under a sponsored research agreement, by faculty, staff or students, as well as non-employees who participate in research projects at the University, shall belong to the University. The inventor shall assign all such inventions and any applications or patents resulting therefrom to the University. The inventor shall execute documents of assignment to convey to the University all of the employee's interest in the invention owned by the University and shall cooperate and assist the University in all phases of the patent application process. On request, each person covered by this policy will sign an appropriate agreement to implement this policy.
- B. Abandonment. If the University cannot, or decides not to, proceed in a timely manner to patent and/or license an invention, it shall reassign ownership to the inventors upon request to the extent possible under the terms of any agreements that support or relate to the work.

III. Exceptions

Third-Party Agreements. Works created in agreement with or under the sponsorship of a third party will be governed by the agreement with the third party. The Provost and Financial Vice President & Treasurer must approve any agreement with a third party that requires the substantial use of Colgate resources.

IV. Revenues

Royalty distribution for patents owned by the University shall be as follows: All administrative and legal expenses incurred in connection with the patent will be deducted from the gross royalty income. After these deductions, the royalty income is divided 40% to the inventor, 40% to the University, and 20% to the inventor's department.

Colgate anticipates that a portion of its proceeds will be used to support education or scientific research.

*Colgate reserves the right, in consultation with the Committee on Intellectual Property, to amend and clarify these conditions.*

## **Committee on Intellectual Property**

The committee on intellectual property serves as an advisory committee to the Provost on all University intellectual property issues. The committee's responsibilities will include the review of intellectual property issues affecting the University, determination of ownership of intellectual property, recommendation of policies for allocation of revenues, and review or development of policy recommendations pertaining to intellectual property. The membership of the committee is as follows:

Associate Provost

Financial Vice President and Treasurer (or delegate)

Chief Information Technology Officer

Director of Corporate, Foundation and Government Relations

4 Faculty (one each from the Divisions of Humanities, Natural Sciences and Mathematics, and Social Sciences and one from the Library; elected by the faculty for three year terms which are renewable)

The Associate Provost chairs the committee.

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## **Distance learning**

Intellectual property rights and distance learning are connected in important ways. The topic of on-line courses for credit is of such great scope that it deserves special and immediate consideration by the Committee on Intellectual Property. The Committee should investigate the full range of issues and report its recommendations, including policies for the University to adopt, within 12 months from the date that the Committee is established.

