

# GLENNVILLE STATE UNIVERSITY POLICIES

## POLICY 52

### INTELLECTUAL PROPERTY RIGHTS

#### 52.1. General

1.1. Scope This policy covers all types of intellectual property, including, in particular, works protected by copyright, patent and trade secret laws and addresses works including but not limited to: inventions, discoveries, trade secrets, trade and service marks, writings, art works, musical compositions and performances, software, literary works, and architecture.

1.2. Authority WV Code § 18B-1-6

1.3. Effective Date – December 2, 2015

1.4. This policy supersedes any or all

2.2. Glenville State University created, in 1990, the Glenville State University Research Corporation (hereafter referred to as the GSURC) for the express purposes of: (a) to foster and support research, development, training, and education at Glenville State University, and (b) to provide evaluation, development, patenting, management and marketing services for inventions of Glenville State University faculty, staff, and students. The GSURC is incorporated in this Policy with those responsibilities, goals and tasks.

52.3. Definitions

3.1. The term “rule” shall be defined as it is in WV Code §18B1-6(c). The current definition is quoted below:

3.1.1. §18B1-6(c)(1) "Rule" means any regulation, guideline, directive, standard, statement of policy or interpretation of general application which has institution wide effect or which affects the rights, privileges or interests of employees, students or citizens. Any regulation, guideline, directive, standard, statement of policy or interpretation of general application that meets this definition is a rule for the purposes of this section.

3.1.2. §18B1-6(c)(2) Regulations, guidelines or policies established for individual units, divisions, departments or schools of the institution, which deal solely with the internal management or responsibilities of a single unit, division, department or school, or with academic curricular policies that do not constitute a mission change for the institution, are excluded from this subsection, except for the requirements relating to posting.

3.2. The term “policy” as it is used by the Board shall be synonymous with the term “rule” defined in 3.1 above.

3.3. The term “administrative procedure” means any regulation, guideline, directive, standard, or statement of policy or interpretation of future effect that does not qualify as a “rule.”

3.4. The term “work” or “works” refers to all works, inventions, developments, discoveries and curriculum and course materials developed during employment.

3.5. This Policy uses the phrase “substantial use of University equipment, services or resources” in determining when the University is a “rule”

greater extent than the norm typically used for educational and research purposes by similarly situated individuals in the department and/or school in which the Inventor or Author holds his or her primary

decision, the University President shall appoint a disinterested party as an arbitrator. The creator of the work has the option, should they disagree with the decision of the ad hoc committee, to appeal to the President of the University for a final decision.

4.3. When an employee creates intellectual property results from third party grants, contracts, or awards made to the University, the intellectual property is owned by the University unless a written agreement involving the University, the employee, and the sponsor establishes an alternative ownership arrangement prior to or concurrent with the grant, award, or contract start date. No such agreement shall be entered into without the review and approval of the University President.

4.4. A compilation is a work formed by the collections and assembly

researcher and the sponsor has established an alternative ownership arrangement prior to or concurrent with the award of funds.

5.1.4. If intellectual property is commissioned by the University; or

5.1.4.1. Pursuant to a signed contract; or

5.1.4.2. If it fits within one of specific categories of works considered works for hire under copyright law.

5.2. Any one of the following circumstances will result in Individual ownership:

5.2.1. If the intellectual property is unrelated to the employee's or student's job responsibilities and the employee or student has not made substantial use of University equipment, services or resources or

5.2.2. If the intellectual property is a work that has been released to the author/creator in accordance with this Policy; or

5.2.3. If the intellectual property is embodied in such traditional scholarly works as books, articles, manuscripts, plays, writings, musical scores, and works of art even though such a work may be within the scope of employment and even if significant University resources were used UNLESS the work is:

5.2.3.1. Created by someone who was specifically hired or required to create it; or

5.2.3.2. Commissioned by the University.

In either of these cases (5.2.3.1 or 5.2.3.2), the University, not the creator,

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serious non disclosure and non use obligations on the confidential information and may claim an ownership interest in inventions, copyrightable works, or materials that arise in the course of research performed with such confidential information. For this reason, only the GSUR Executive Director is authorized to approve and sign CDA's from other researchers or organizations on behalf of the University.

#### 6.4 Administration

6.4.1. The administration of the Intellectual Property Policy will reside in the Office of the GSUR Executive Director, who may consult with retained counsel on legal matters pertaining to this policy.

#### 6.5 Administrative Procedures- Sponsored Research with Commercial Organizations

6.5.1. The GSUR Executive Director shall have responsibility for negotiating, executing, and administering funded research agreements between the University and commercial organizations in accordance with University policies.

#### 6.6 Inventions or Discoveries Arising From Sponsored Programs

6.6.1. The GSUR Executive Director will







52.9. Policy Understanding Acknowledgement

9.1. Every employee of



Approvals:

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President

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Date

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Chair of the Board

\_\_\_\_\_  
Date