



TO: University Regular Faculty

FROM: Julia E. Wallace *Julia E. Wallace*  
Executive Vice President/Provost

SUBJ: Clarification Letter for Intellectual Property Rights (IPR)

DATE: November 4, 2008

In December 1996 the Central Michigan University Board of Trustees authorized the university's Intellectual Property Rights (IPR) policy. On April 20, 1998, then-provost Davenport issued his letter clarifying that policy in regard to the development of multimedia materials. That letter was incorporated as part of the IPR policy. During the past year, and most recently this year, questions have arisen regarding the ownership of course materials under the IPR policy when a bargaining unit faculty member develops online and/or interactive course offerings. This letter is issued to clarify this recent set of questions.

Thus, in addition to the development of multimedia materials, as described by Provost Davenport in his 1998 letter, CMU will interpret its IPR policy to mean that online course development and interactive materials developed by regular faculty by virtue of their employment with the university remain the property of the faculty member who develops them, provided that the university-owned resources used in the course development are not substantially different from university-owned resources normally available in most faculty offices and provided that the individual is not using a substantial amount of other routine university support or resources (normal assistance from CID, FaCIT, or any other CMU department or office does not constitute a substantial amount of other university support or resources; where, however, CID, FaCIT, or the other CMU department or office is the actual or substantial creator of materials, those materials remain the intellectual property of the university). That is, the key to ownership rests with the concept of "substantial support" either in the form of special or unusual enhancements to the hardware or software being used or in terms of other significant university support or resources. The mere fact that something falls under the category of "online," or "interactive," will not be sufficient cause for the university to claim ownership.

CMU regular faculty currently are converting existing CMU courses to online offerings with "interactive" components. This activity will continue. In many cases, the online course offerings are merely an extension or adaptation of an existing face-to-face course. In other cases, the online course could be a brand new course.

In the case where a regular faculty member adapts materials already offered face-to-face to an online course, or where the faculty member develops a new course to be offered online, CMU will **not** assert ownership in and to any materials otherwise covered by § V.E.1 of the IPR policy.

It is CMU's view that merely because the course will be delivered as an online offering, the nature of ownership in and to these materials should not change. However, online courses differ from face-to-face courses in that the online "shell" contains a basic set of instructional materials (e.g., base line materials) that serve to establish the framework of the course. Through the signing of a contract during the course development process, CMU will retain sole ownership proprietary rights, including copyright of these "base line" materials. In addition to this basic set of instructional materials, the instructor may add individualized components of instruction, which give particular definition and nuance to the course. CMU will insist that it be granted the use of these additional materials for a limited period of time.

As other issues arise, it is quite likely that other clarifications will need to be issued. If you have questions about the policy, or if you would like to discuss your intellectual property rights, please do not hesitate to contact either the Vice Provost for Research, or the General Counsel.

## Clarification Letter for Intellectual Property Rights (IPR)

DATE: April 20, 1998

TO: The University Community

FROM: Richard Davenport  
Provost and Vice President for Academic Affairs

SUBJECT: Intellectual Property Rights

Recently, the university has been asked to clarify its interpretation of the Intellectual Property Rights (IPR) policy, as it affects the development of multimedia materials.

At the time the IPR policy was drafted, the committee was unaware that multimedia could be developed without the use of special, expensive equipment and dependence on skilled technical staff. With rapidly changing technology, it now appears that faculty, using a desktop computer, can develop multimedia materials without the assistance of others.

The IPR policy will be interpreted to mean that multimedia materials developed on a university-owned PC remain the property of the faculty/staff member who develops them, providing that the PC is not substantially different from PCs available in most faculty offices and providing that the individual is not using a substantial amount of other university support or resources. That is, the key to ownership rests with the concept of "substantial support" either in the form of special or unusual enhancements to the hardware or software or in terms of other significant university support or resources. The mere fact that something falls under the category of "multimedia" will not be sufficient cause for the university to claim ownership.

This interpretation is based on two sections of the IPR policy. Section V.A.2. lists items that are not owned by their creator. The Section states "Multimedia materials, video and audio recordings, films, and other works that are created with substantial use of university support and resources are intentionally omitted from the examples listed in Section V.A.2." (Emphasis added.) That is, they are not included among the items that are owned by their creators. Use of one's university-provided PC, in and of itself, does not constitute "substantial use of university support and resources"; therefore, this section of the policy was not intended to give the university ownership of multimedia developed on a typical PC. On a related matter, the IPR policy is not intended to mean that merely using interactive television or posting materials to the Internet constitutes "substantial support".

The second section which addresses "multimedia" is Section V.B.4.a. In giving examples of university-owned equipment that would be classified as contributing "substantial university support", the policy lists "multimedia equipment". As stated earlier in this memorandum, at the time the policy was originally drafted, the committee was unaware

that a PC could constitute a piece of multimedia equipment. Thus there was, and still is, no intention to classify the use of a typical desktop PC as constituting "substantial support".

As new forms of intellectual property are developed -- including multimedia -- we will need to pause periodically to ensure that the balance of interests the policy originally sought to protect is preserved. That is, the university remains committed to: "(a) encourage, support, and motivate students, faculty, and staff in the creation of new knowledge and new applications of existing knowledge; (b) protect the interests of the public, especially the taxpayers of the state of Michigan; and (c) safeguard the current and potential financial assets of the University" (Intellectual Property Rights).

The university is not interested in owning every item to which it has a technical right. If the item is not named in Section V.E.2., was not a "work for hire", and is not connected with a third party agreement, it is very likely that the university will agree to assign ownership rights to the creator if there is no commercial potential to the item. In instances where ownership of course materials remains with the university, ownership of those materials does not preclude the university's responsibility to consult with departments and other relevant bodies as described in the University curricular process and/or labor agreements.

I hope this memorandum clarifies some issues in the IPR policy, and I recognize that as time goes on, it is quite likely that other clarifications will need to be issued. If you have questions about the policy or if you would like to discuss your intellectual property rights, please do not hesitate to call Dr. James Hageman, Assistant Vice President for Research.

c: Assistant Vice President for Research



# INTELLECTUAL PROPERTY RIGHTS

## I. Introduction

Central Michigan University is committed to providing: "an atmosphere conducive to scholarship, research, and creative activity. Students, faculty, and staff are encouraged to engage in the scholarly pursuit of knowledge, artistic production, and applied research. . . ."<sup>1</sup> Although not the original intent, the results of such pursuits on the part of students, faculty, and staff may lead to the development of intellectual property that may be patented, copyrighted, or otherwise have commercial value. It is the purpose of this intellectual property rights policy to inform all employees and students of Central Michigan University of their rights and responsibilities whenever the results of their research or creative endeavors are patentable, copyrightable, or commercially marketable. The University recognizes the need to balance a number of diverse interests in such matters; thus, this policy reflects its commitment to (a) encourage, support, and motivate students, faculty, and staff in the creation of new knowledge and new applications of existing knowledge; (b) protect the interests of the public, especially the taxpayers of the state of Michigan; and (c) safeguard the current and potential financial assets of the University.

The Assistant Vice President for Research is responsible for the interpretation and implementation of the provisions contained in this policy. Appeals and disputes will be resolved by the Intellectual Property Rights Committee, as described in [Section X](#).

## II. Exclusions

II.A. If any portion of this policy conflicts with any labor agreement signed by the University, the provisions of the labor agreement will prevail.

II.B. If any portion of this policy conflicts with a signed agreement between the University and a creator (or a person who assists in the creation of intellectual property) or between the University and an external funding agency, the terms of the signed agreement will prevail.

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<sup>1</sup>Central Michigan University Mission Statement, adopted by the Board of Trustees, October 7, 1994.

### **III. Persons Covered by the Policy**

This policy applies to all full-time and part-time CMU faculty, staff, and administrators including those employed through the College of Extended Learning; postdoctoral appointees and graduate and undergraduate students, working with or without monetary compensation on any project under the direction and control of the University; and anyone using university facilities or conducting activities under the supervision of university personnel.

Contracts and subcontracts will generally include language that determines the ownership of intellectual property that is developed by those working under the terms of the contract or subcontract. This is also true for those hired as independent contractors.

### **IV. Products Covered by the Policy**

The policy covers **all intellectual property** including anything that is patentable, copyrightable, or otherwise marketable. This includes, but is not limited to, inventions, books, articles, study guides, syllabi, workbooks or manuals, bibliographies, instructional packages, tests, video or audio recordings, films, slides, transparencies, charts, other graphic materials, photographic or similar visual materials, film strips, multi-media materials, three-dimensional materials, exhibits, and computer software.

### **V. Ownership Rights**

The ownership of intellectual property will normally be determined by the Assistant Vice President for Research, or designee, following the principles set forth in this policy. When there is a disagreement regarding ownership, the matter will be resolved by the Intellectual Property Rights Committee ([see Section X](#)).

#### **V.A. Ownership retained by creator<sup>2,3,4</sup>**

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<sup>2</sup>Throughout this policy, the term "creator" is used to refer to the person or persons who developed the intellectual property.

<sup>3</sup>Students--specifically unpaid students--have different rights than employees. Students' rights are discussed separately in [Section V.D](#).

<sup>4</sup>Under certain very specific circumstances, the University requires creators who are university

- V.A.1. When intellectual property is developed on the employee's own initiative, outside the scope of his/her university responsibilities, and without any reliance on university support or university resources, the University will not claim ownership rights for that intellectual property. Where the intellectual property bears a reasonable relationship to the person's employment responsibilities at the University, it will be the employee's burden to show that the intellectual property was developed according to these criteria.
  
- V.A.2. Employees have personal ownership of books, journal articles, other written reports of research, creative works of fiction, textbooks, tests, course-related materials, slides, transparencies, bibliographies, music, and art work that were not created as "works for hire," as described in [Section V.B.1](#). See [Section V.E](#) for additional information on the ownership of research data and course-related materials.
  - V.A.2.a. Where appropriate, the creator shall acknowledge in writing the support of Central Michigan University in producing the work.
  
  - V.A.2.b. Multimedia materials, video and audio recordings, films, and other works that are created with substantial use of university support and resources are intentionally omitted from the examples listed in [Section V.A.2](#). Their ownership is discussed in [Section V.B.4](#).
  
  - V.A.2.c. Inventions, other patentable property, and software are specifically excluded from the list of items in [Section V.A.2](#). Their ownership is discussed in [Section V.B.3](#).
  
  - V.A.2.d. If the items listed in [Section V.A.2](#) result in royalties or other income for the employee, he/she must repay

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employees and who have ownership of intellectual property rights to return a portion of their royalties to the University. See [Section IX.A](#) (page 11) for details.

the University from royalty or other support payments for the following:

- V.A.2.d.(1) normally stocked consumable materials (beyond a nominal amount), materials purchased specifically for the project, and staff services provided by a department or college or any other campus unit that assisted in the development of the intellectual property;
- V.A.2.d.(2) funds supporting any aspect of the project, such as travel, student assistants, materials purchased, provided by a department or college or by any other unit of the University;
- V.A.2.d.(3) the full amount of all *grant funds* provided by a university committee, such as FRCE and FTPD<sup>5</sup>.

These payments, which are to be made to the unit that incurred the expense, are due after the creator recovers his/her out-of-pocket expenses but before the creator realizes any *profit*.

V.A.3. When intellectual property not specifically discussed in this policy is developed with reliance on less than substantial university support or university resources, the University will not claim ownership rights for that intellectual property. "Substantial support" is defined in [Section V.B.4.a](#).

## **V.B. Ownership rests with the University**

V.B.1. Intellectual property rights are owned by the University and **income is not shared** with the creator(s) when the property is considered a "work for hire." A work for hire is a work prepared by an employee within the scope of his or her employment. If, for example, an employee is specifically assigned to write, create or otherwise develop the intellectual property, OR the property is produced by a university employee (including a student paid

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<sup>5</sup>Repayment of normal salary is not expected, even when the salary was provided by a sabbatical leave or Research Professor award.

as an employee) as the result of a direct work assignment to meet specific objectives or as an assigned university duty, then it is a work for hire. As described in [Section V.A.2](#), however, the University relinquishes its rights to scholarly works, even if they are works for hire, when they are books, journal articles, other written reports of research, creative works of fiction, textbooks, tests, course-related materials, slides, transparencies, bibliographies, music, and art work that were created by faculty in the normal course of their conducting research or carrying out their teaching assignment. See [Section V.E](#) for clarification of the ownership of research data, reports of research, and course-related materials.

V.B.2. Intellectual property rights are owned by the University when the property is offered to the University in the form of a gift or grant or under the terms of an agreement, AND the University agrees to accept the property. The distribution of any income accruing from the property will be determined by the terms of the acceptance agreement.

V.B.3. Intellectual property rights for inventions, other patentable products and software will be owned by the University. **Income** attributable to the intellectual property **will be shared** according to the provisions of [Section IX.B](#).

V.B.4. Intellectual property which is not covered elsewhere in this policy and is developed with substantial university support will be owned by the University. **Income** attributable to the intellectual property **will be shared** according to the provisions of [Section IX.B](#).

V.B.4.a. Substantial university support includes, but is not limited to, use of university facilities (other than one's own office) and university-owned equipment (including multimedia equipment and video taping equipment); other staff salaries and effort; and computing and graphic services.

## V.C. Ownership determined by third party agreements

V.C.1. Whenever there is a possibility that an externally funded project will result in intellectual property, the ownership of that property will be

determined prior to the University accepting the award.

V.C.2. If the funding agency is a federal or state agency, then the standard practices of that agency will determine ownership rights. The university's ownership rights vis à vis all other sponsors will be determined by written agreement.

V.C.3. The other provisions of this policy will determine the employee's ownership or income rights vis à vis the University.

#### **V.D. Student ownership issues**

V.D.1. When intellectual property is developed by students, not paid for their work, the University will not claim ownership rights for that intellectual property, unless one of the following conditions is met:

V.D.1.a. there is a signed agreement between the student and the University, which provides the University with exclusive or shared intellectual property rights; or

V.D.1.b. student used university resources beyond those normally provided to students in their program; or

V.D.1.c. the student's work was part of a larger work for which the University owns all or part of the intellectual property rights, and the student was clearly told before he/she began the work that he/she would not own any of the intellectual property rights in the project.

#### **V.E. Materials developed by faculty and teaching-PAs in conjunction with their teaching and research responsibilities.<sup>6</sup>**

V.E.1. The University will not assert ownership of:

V.E.1.a. Lecture notes, course outlines, hand-outs, class exercises, class tests, etc. developed by faculty and teaching-PAs for use in

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<sup>6</sup>It is difficult to describe precisely what scholarly works are solely owned by the creator, especially with regard to research data and course-related materials. Examples are given to clarify the

their own teaching activities or on their own initiative because they believe that the students' education will be improved as a result of these efforts, even if the materials have commercial value for use in other classes and at other universities.

V.E.1.b. research data or written reports of research that are developed on one's own initiative because one is pursuing one's research work, provided the research is not covered by Section [V.B](#) or [V.C](#) of this policy. **However**, where the University may own all or part of the intellectual property rights for inventions, software, or other patentable products, the author and the University must consult before publication of the written reports so that the rights of both the author and the University may be protected.

V.E.2. The University will assert ownership of:

V.E.2.a. master course syllabi that are submitted through the curricular process.

V.E.2.b. course outlines, class tests, etc., that are developed in response to a specific assignment beyond that of preparing to teach one's own classes, as, for example, course-related materials that were developed specifically to benefit teaching activities of more than the individual who developed the materials. If a faculty member is assigned to develop the course outline for a multi-section course, or if a faculty member is assigned to develop a series of structured lessons for use in a self-paced course and it is initially made clear to the faculty member that these materials are for use by anyone who is responsible for the course, then the University owns the materials, can adapt and change them, and can continue to use the materials even if the faculty member no longer teaches the course or leaves CMU.

V.E.2.c. instructional materials developed at the request of the College of Extended Learning when the individual is paid for the

development.

V.E.3. Ownership of the intellectual property rights is not to be confused with the University's right of access to materials. The University reserves the right to review all materials used in the teaching of a course or in the conduct of or resulting from research at the University. These materials must be made available upon request and at no cost to the University when the University needs access to these materials in fulfilling its institutional responsibilities. When the University requires access to the materials, it will, to the best of its ability, do nothing that will impair the commercial value of the materials to the employees.

## **VI. Transferring Ownership Rights**

### **V.1.A. Copyrightable property**

VI.A.1. If the University determines that it does not wish to retain the ownership of copyrightable materials, it may elect to place the materials in the public domain, assign the ownership rights to an outside party, or offer the rights to the creator, unless a third party agreement prevents such an assignment. Any transfer of ownership must be in writing, signed for the University by the Assistant Vice President for Research, the Provost, or the President.

VI.A.2. If the copyright is assigned to the creator, the University may require that the University be allowed to use the copyrighted materials without charge.

VI.A.3. If the copyright is assigned to an outside party, the University may enter into an agreement which sells the copyright, licenses the copyright, or gives the copyright to the third party. It may require that the University be allowed to use the copyrighted materials without charge.

VI.A.4. If the transfer of the copyright to a third party results in revenue for the University, the principles of this policy will determine **if** and **how** those revenues will be shared with the creator.

## **VI.B. Patentable property**

VI.B.1. If the University determines that it does not wish to patent, license, or otherwise market an invention, the University will offer the intellectual property rights to the creator, unless a third party agreement prevents such an offer.

VI.B.2. A mutually agreeable written agreement will determine the terms of the ownership transfer. For the University, the agreement must be signed by the Assistant Vice President for Research, the Provost, or the President.

## **VII. Responsibilities of Inventors and Authors**

### **VII.A. Disclosure responsibilities**

#### **VII.A.1. Ownership retained by creator**

VII.A.1.a. If there will be no royalties or other income resulting from the intellectual property and if it is absolutely unambiguous that, under the terms of this policy, the ownership of the intellectual property will be retained by the creator, there is no obligation to report to the University the development of intellectual property.

VII.A.1.b. Prior to filing any patent or copyright applications and prior to signing any agreements that will produce royalties or other income in regards to intellectual property, the creator must notify the Assistant Vice President for Research, or designee, even if the creator believes he/she has sole rights to the intellectual property.<sup>7</sup> No agreements should be signed until the Assistant Vice President for Research, or designee, provides written confirmation that the property is not owned by the University.

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<sup>7</sup>The items listed in [Section V.A.2](#) are specifically excluded from this provision.

## **VII.A.2. Ownership rests with the University**

VII.A.2.a. For **potentially patentable products**: as soon as the inventor recognizes that there is a possibility of a patentable product or discovery, and before disclosing it to any party outside the University, the creator must notify the Office of Research and Sponsored Programs (ORSP) about the product. ORSP will work with the inventor to protect the commercial value of the intellectual property.

VII.A.2.b. For intellectual property **not subject to patent law**: if there is any possibility that the University will own the intellectual property rights, the creator is encouraged to discuss the idea with the Assistant Vice President for Research, or designee, when the creator first recognizes that the intellectual property will be developed.

VII.A.2.c. If funding was provided by an external agency that requires notification when intellectual property is developed, ORSP is responsible for notifying the agency. The project director<sup>8</sup> will assist ORSP by providing the necessary information and completing any required forms.

## **V.II.A.3. Ownership determined by third party agreement**

ORSP should be consulted for assistance in determining the appropriate disclosure procedures for intellectual property developed pursuant to a grant or contract with an external entity.

## **VII.B. Other responsibilities**

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<sup>8</sup>If the project director is not the creator, the project director and creator will jointly assist ORSP.

VII.B.1. When the University owns the intellectual property rights, each creator is expected to work cooperatively with the University and with anyone to whom the University designates the right to evaluate or commercialize the intellectual property.

VII.B.2. When the University does not have an ownership interest in the intellectual property, the name of the University shall not be used in connection with the property without prior written permission from the Assistant Vice President for Research, except as specified below:

VII.B.2.a. copyrightable materials may indicate that the author is an employee of the University; and

VII.B.2.b. where appropriate, the creator shall acknowledge in writing the support of Central Michigan University in producing the work, as stated in [Section V.A.2.a.](#)

### **VIII. Control of the Intellectual Property Owned by the University**

The Assistant Vice President for Research is responsible for decisions regarding the patenting, copyrighting, licensing, loaning, selling or otherwise controlling the marketing or disposition of intellectual property that is owned in whole or in part by the University. When the creator is entitled to a share of the earnings, the Assistant Vice President for Research, or designee, will consult with the creator prior to finalizing any decisions. If the creator objects to the decision, he/she has the right to appeal the decision to the Intellectual Property Rights Committee (see [Section X](#), . No irrevocable actions regarding the intellectual property will be taken while a decision is being appealed.

#### **VIII.A. Copyrightable property**

VIII.A.1. The University will determine, in consultation with the creator, whether to file an application with the U.S. Copyright Office. If a copyright is pursued, the author is expected to cooperate in filing the necessary paperwork which will be provided by the Office of Research and Sponsored Programs. All costs will be paid by the University.

VIII.A.2. The University will develop and approve agreements about the assignment of copyright and the publishing and/or marketing of the work. The

creator may not enter into any agreements to publish or otherwise market the intellectual property, but he/she is encouraged to advise the Assistant Vice President for Research, or designee, on the best outlets for the copyrightable material.

### **VIII.B. Patentable property**

VIII.B.1. The University, through the Assistant Vice President for Research, will determine whether to pursue a domestic and/or foreign patent, and if so, through what means. He/she will also make decisions relating to the licensing and marketing of patentable products.

VIII.B.1.a. The inventor will advise the Assistant Vice President for Research on the best course of action.

VIII.B.1.b. The Assistant Vice President for Research is encouraged to consult others including the Intellectual Property Rights Committee, before determining the best course of action.

VIII.B.2. If the University wishes to file for a patent or for an evaluation for a patent, the inventor will cooperate by completing all of the necessary paperwork. All costs will be paid by the University.

## **IX. Sharing of Royalties or Other Income**

### **IXA. Ownership retained by creator**

IX.A.1. Neither the University nor any of its employees should benefit financially from the sale of materials that are developed solely for sale to Central Michigan University students (e.g., course packs);

IX.A.2. It is understood that royalties will accrue from materials that are developed for sale to an audience broader than just Central Michigan University students. However, university employees may not retain the royalties from the sale of these materials to Central Michigan University students if either of the following conditions are met:

IX.A.2.a. students purchased the materials in conjunction

with a course taught by the employee who will earn the royalties, or

IX.A.2.b. the employee who will earn the royalties was involved in selecting the materials that students are expected to purchase.

IX.A.3. Royalties accruing from the sale of materials to Central Michigan University students, as described in [Section IX.A.2](#), will be given to the employee's dean's office.

IX.A.3.a. The Office of Research and Sponsored Programs will assist in estimating the dollar value of royalties that are covered by this provision. ORSP will use information from the local bookstores and the creator to develop the estimate.

IX.A.3.b. These funds should be used directly or indirectly to encourage and support more research and creative endeavors within the college.

## **IX.B. Ownership rests with the University**

IX.B.1. [Sections V.B.3](#) and [4](#) delineate the circumstances under which the University will share with the creator the royalties and other income that result from intellectual property owned by the University.

IX.B.2. Royalties and other income will first be used to reimburse documented expenses in the following order:

IX.B.2.a. direct costs paid by the University in conjunction with  
(a) processing of patent or copyright application,  
(b) marketing or licensing the intellectual property, or  
(c) related legal costs;

IX.B.2.b. documented out-of-pocket costs paid by the creator;

IX.B.2.c. costs associated with the use of equipment, materials, and staff services of any of the various campus units that assisted in the development of the materials; costs will be determined by the normal fee schedule of the unit providing the support;

IX.B.2.d. funds, supplies, or services provided to the project by a department or college, or by any other unit of the University, including committees such as FRCE and FTPD; normal salary, even that provided by sabbatical or a Research Professor award, need not be repaid;

IX.B.3. After expenditures are reimbursed, the royalties and other income will be disbursed as described in the table on the following page.

**Distribution of Royalties for  
Intellectual Property Owned by University<sup>9</sup>**

	Creator	College <sup>10</sup>	ORSP	General Fund
The first \$5,000	100%			
The portion between \$5,001 -- \$50,000	60%	20%	20%	
The portion between \$50,001 -- \$100,000	50%	20%	20%	10%
The portion over \$100,000	25%	15%	15%	45%

IX.B.4. In the event of multiple creators, the allocation of the creators' share of the royalties will be determined by them, preferably when the research or creative work is first undertaken. If they cannot agree on the distribution, the money shall be deposited into a university account until such time as the creators agree on a written distribution

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<sup>9</sup>This table shows the distribution of royalties only in those cases where the University owns the intellectual property rights and royalties will be shared with the creator.

<sup>10</sup>If the creator does not report to a college dean, then the administrative unit most comparable to the college will receive this share of the royalties.

plan or a dispute resolution mechanism resolves the issue.

IX.B.5. The royalties given to the "College" (or comparable administrative unit) and to "ORSP" should be used directly or indirectly to encourage and support more research and creative endeavors.

IX.B.6. Note: If an infringement suit or claim of patent invalidity is brought against the University during the life of a patent, the income distribution attributable to that patent may be halted pending settlement of the suit. Similarly if there is a legal challenge to the validity of a copyright, income distribution may be halted pending settlement of the suit.

## **X. Intellectual Property Rights Committee**

X.A. The Intellectual Property Rights Committee is a 5-person standing committee, advised by the University Counsel. All members of the committee are voting members and decisions will be determined by majority vote. The committee will include:

X.A.1. the Assistant Vice President for Academic Administration who will serve as committee chair,

X.A.2. the Associate Vice President for Business and Finance, and

X.A.3. three persons appointed to 3-year terms by the President, with at least two of the persons being faculty members.

X.B. The Intellectual Property Rights Committee is responsible for resolving any disputes in the application and interpretation of the provisions of this policy, including but not limited to, disagreements regarding (a) ownership of intellectual property rights, (b) transfer of intellectual property rights, and (c) marketing of intellectual property. The Intellectual Property Rights Committee may also intervene when individuals or campus offices that deal with patenting, copyrighting, or commercializing intellectual property are not making decisions or filing paperwork in a timely fashion.

X.C. Any party within the University with a vested interest in the decisions relating to the intellectual property may request that an issue be reviewed by the Intellectual Property Rights Committee. The request must be submitted in writing to the chair of the Committee with a copy sent to the Assistant Vice President for Research and the creator.

X.D. Decisions of the Intellectual Property Rights Committee may be appealed in writing to the President who has final authority for resolving the issues.

Approval by CMU Board of Trustees December 6, 1996