

Shawnee State University

AREA:	ACADEMIC AFFAIRS	POLICY NO.:	2.10
		ADMIN. CODE:	3362-2-11
		PAGE NO.:	1 OF 5
SUBJECT:	ADMINISTRATION OF INVENTIONS, DISCOVERIES, AND PATENTS	EFFECTIVE DATE:	6/18/93
		RECOMMENDED BY:	A.L. Addington
		APPROVED BY:	

1.0 GENERAL

- 1.1 Research is recognized as an integral part of the educational process to generate new knowledge, to encourage the spirit of inquiry, and to develop scientists, engineers, and other scholars. As a result of such research, new discoveries and inventions (hereinafter collectively referred to as "inventions") may be made by faculty members, staff, and students of the University, which could have material commercial value or potential as revenue producers and which could contribute significantly to scientific, technological, social, and cultural progress. Such inventions may qualify for patent protection. Patents are created by the Constitution and the laws of the United States to recognize the ownership of inventions by individuals in return for publication of the inventions by issued patents and ultimate dedication to the public after the limited period for which the law grants patent protection.
- 1.2 The faculty members, staff, and students of the University are encouraged to evaluate the results of their research activities in terms of potential commercial value and the public interest, as well as for scholarly significance.

2.0 BASIC OBJECTIVES

The basic objectives of Shawnee State University's Policy on Inventions, Discoveries, and Patents (hereinafter referred to as "Policy") are:

- 2.1 To comply with the public policy of the State of Ohio with respect to the University's right to, and interest in inventions, including patents thereon, mandated by **Section 3345.14 of the Ohio Revised Code**.
- 2.2 To make inventions developed in the course of University research available in the public interest under conditions that will promote their effective development and utilization.
- 2.3 To assure that inventions developed in the course of University research will not be used to the detriment of the public interest by the unnecessary exclusion of any qualified user or otherwise.

- 2.4 To provide adequate recognition and incentive to inventors and discoverers (hereinafter collectively referred to as "inventors") by assuring them an equitable share in any proceeds from their inventions, since, unlike normal commercial practice, University salary scales are not based on the expectation by the University of income from inventions.
- 2.5 To advance and encourage research within the University with the proceeds accruing to the University from inventions which are developed in the course of research supported by funds or facilities of, or administered by, the University.
- 2.6 To recognize the entitlement of any outside sponsor of research conducted by the University to share in the proceeds resulting from inventions developed in the course of such research by making reasonable provisions for the granting of limited patent rights to such sponsor, consistent with the University's other objectives above outlined.

3.0 ADMINISTRATION OF THE PATENT POLICY

- 3.1 The Board of Trustees shall be responsible for the general supervision of this policy, "Inventions, Discoveries, and Patents."
- 3.2 An "IDP [Inventions, Discoveries, and Patents]" Committee (one faculty member representing each college, the appropriate Dean/Vice President, and the Provost or his/her designee, hereinafter referred to as the "Committee") chaired by the Provost or his/her designee shall review and make recommendations to the President and the Board of Trustees with respect to:
 - 3.2.1 The management of inventions subject to this Policy, including their processing, development, patenting, and exploitation in accordance with the objectives of this Policy and the best interest of the University. Such recommendations shall be made with all reasonable promptness after an invention is brought to the Committee's attention.
 - 3.2.2 The adoption of regulations and procedures appropriate to implement this Policy; and
 - 3.2.3 The employment of any independent consultants or patent management agents necessary to assist in perfecting or evaluating inventions and securing adequate patent protection.

4.0 OBLIGATION OF UNIVERSITY FACULTY, STAFF, AND STUDENTS; REPORTS AND PROCEDURES

All faculty members, staff, and students, in consideration of their affiliation with the University and the approval of this Policy by the University Faculty Assembly and Trustees of the University, agree to handle all inventions, and patents resulting therefrom, which are developed from research or investigation supported by, or conducted in any facility of the University as follows:

- 4.1 A faculty member, staff member, or student shall promptly report and refer any such invention in writing to the Provost or his designee in such form and detail and with such supporting information as the Provost shall from time to time, by general announcement, request.
- 4.2 When an invention is referred to the Provost, she or he will see to it that the invention together with all necessary supporting information is submitted to the Committee. The Committee will review the merits of the invention and make recommendations to the President and Board of Trustees for the management of the invention including its development, patenting, and exploitation.
- 4.3 After consultation with the inventor(s), the Committee may suggest that the University return the invention to the inventor(s) to manage on his or her own initiative, *subject to the policies of any external sponsor who may have an interest.*
- 4.4 The determination of the Board of Trustees with respect to the management of any invention submitted hereunder shall be binding upon the inventor(s) and the inventor(s) shall execute all documents appropriate for such management.

5.0 RIGHTS TO INVENTIONS AND PATENTS; DISTRIBUTION OF FINANCIAL RETURNS

- 5.1 All rights with respect to inventions resulting from research activities of faculty members, staff, or students of the University which are supported **entirely or predominantly** by University resources or facilities shall be assigned to and controlled by the University. Unless in exceptional cases, the Board of Trustees, upon the recommendation of the Committee, awards a large percentage of the net financial returns to the inventor(s), the inventor(s) shall receive fifty percent (50%) of the net financial returns from the exploitation of the invention and the assignment, licensing, or other exploitation of patent and other rights pertaining thereto. *In the event the patent is assigned to any outside patent management organization (such as a research/development corporation) the inventor(s) would receive 50% of net revenues received by the University.*

- 5.2 All rights with respect to inventions resulting from research activities of faculty members, staff, or students which are supported, but **less than predominantly** supported, by University resources or facilities shall be assigned to and controlled by the University. The Committee shall recommend to the President and Board of Trustees the appropriate percentage of the net financial returns from exploitation of the invention, and the assignment, licensing, or other exploitation of patent and other rights pertaining thereto, to be paid to the inventor(s). In no case shall the inventor(s) receive less than fifty percent (50%) of such net financial returns.
- 5.3 All rights with respect to inventions resulting from the personal and independent research activities of University faculty members, staff, or students, unsupported by University resources or facilities shall be the sole property of the inventor(s). *The inventor(s) may assign such inventions to the University under the terms and conditions of Section 5.2.*
- 5.4 Inventions resulting from research carried on by a student in fulfillment of requirements for an academic degree, including the preparation of a thesis or dissertation, shall be construed as having resulted from research activities predominantly supported by University resources and facilities and shall be subject to the provisions of Section 5.1.
- 5.5 At the request of the Committee, the appropriate University department chairperson or dean shall investigate and report to the Committee upon the extent to which University facilities and resources were used to support research activities resulting in an invention referred to the Provost in accordance with the Policy.
- 5.6 Determination of net financial returns as used in this Policy shall be made and reported by the University in accordance with generally accepted accounting principles.
- 5.7 All rights to inventions resulting from sponsored research grants, contracts, fellowships, or other such special arrangements, shall be controlled by the terms of those grants, contracts, fellowships, or special arrangements. Faculty members, staff, and students accepting sponsored research grants shall execute such agreements as will enable the University to conform with the mandatory requirements of the sponsoring agencies and shall abide by the provisions of such agreements and Section 6 of this Policy.
- 5.8 Reasonable diligence will be exercised by the University to ensure the expeditious development, patenting, and exploitation of such inventions.

- 5.9 The University may within 180 days of the date of an inventor's submission of an adequate disclosure of an invention to the University, elect not to exercise its rights with respect to an invention subject to this Policy. In such event, the University shall promptly notify the inventor(s) in writing of its election. Thereafter, in response to a written request by the inventor(s), the University shall relinquish, reassign, or otherwise transfer all rights with respect to such invention to the inventor(s), *subject to the rights and policies of any external sponsor*.

6.0 SPONSORED RESEARCH

- 6.1 When the University and a third party (hereafter referred to as "outside sponsor") enter into an agreement for research to be conducted with funds or facilities provided in whole or in part by such outside sponsor, any faculty, staff member, or student who conducts such research, utilizing such funds or facilities, may be required by the University to enter into an agreement assigning all rights to inventions arising from such research to the University or the outside sponsor or both.
- 6.2 No agreement, respecting the assignment, licensing, or other exploitation of any patent or other rights to any invention developed in the course of research supported by funds or utilizing facilities administered by the University pursuant to an agreement with an outside sponsor, may be entered into by any faculty, staff member or student without the written consent of the University. Such consent shall be given or withheld in accordance with the objectives set forth in this Policy by the Board of Trustees after consideration of the recommendation of the Committee.

7.0 ADVISORY ARBITRATION

- 7.1 If a dispute should arise between an inventor(s) and the University with respect to the application or interpretation of the provisions of this Policy, the dispute shall be submitted to arbitration in accordance with the rules and regulations of the American Arbitration Association. The award of such arbitrators shall be advisory only and not binding upon the inventor(s) or the University, unless specifically agreed to by the parties.