



COLLEGE POLICY

POLICY NUMBER: 3203A
DATE APPROVED: February 29, 2020
POLICY TYPE: Academic & Instruction
POLICY TITLE: Intellectual Property
RESPONSIBLE ASSOC. /VICE PRESIDENT: Provost and VP Administrative Services

POLICY PURPOSE:

Madison College recognizes that commercially valuable Intellectual property arises in the course of teaching and other creative activities conducted by employees, students and guests using Madison College resources and facilities. The purpose of this policy is to define the conditions of ownership, legal protection, development, and licensing of Intellectual Property created or first put into practice by any Madison College employee, student, or guest.

POLICY:

The policy applies to all persons employed by Madison College and any person using college facilities (example: STEM Center) under the supervision of college personnel, including, but not limited to, visiting and part time faculty and guests. No exception to the policy shall be valid unless agreed upon in advance in writing by the President.

There are circumstances where patentable inventions, copyrights, tangible research property, training and technical assistance contracts, material transfer agreements, as well as faculty-directed and/or reviewed student work are owned by the college and circumstances where they are owned by the employee. These are situation-specific and can be found in the accompanying Guidelines and Procedures document.

The Intellectual Property Committee (IPC) will assist in the assessment, management and commercialization of Intellectual Property developed by employees, students, independent contractors and guests. It has specific advisory duties and reports directly to the president, whose decision is final and binding on all parties.

DEFINITIONS:

Author - means any Employee who is the creator of an original expression fixed in a tangible medium from which it can be perceived, reproduced, or otherwise communicated, either directly or with the aid of a machine or device.

Copyright - means an original work of authorship that has been fixed in any tangible medium of expression from which it can be perceived, reproduced, or otherwise communicated, either directly or with the aid of a machine or device. Copyright includes a bundle of rights; the right to make reproductions of the work, the right to distribute copies of it, the right to make derivative works that borrow substantially from a Copyrighted Work, and the right to make public performances or displays of most works.

Course Syllabus - means a summary outline of a course of study, including, but not limited to summaries of intended learning outcomes, learning plans, and other course details.

Copyrighted Work - means any original work of authorship including software and/or designs.

Electronic Course - means an academic course of study, delivered in whole or in part via electronic means, and fixed in any medium capable of display on a computer or electronic media viewing device.

Employee - any individual associated with Madison College who is paid by Madison College for his/her services. Employee includes but is not limited to, faculty members, laboratory assistants, advisors, other support staff, and students working for pay for Madison College or for a third party under Business and Industry Services and/or TTAC.

Extraordinary Resources - resources, including, but not limited to, technical support staff, computer programmers, legal and business counsel, computer hardware and software, and internet access having a commercial value in excess of \$10,000.

Intellectual Property - creations of the human mind for which a set of exclusive rights are recognized under the law. These rights include Patents, Copyrights, Trademarks, Trade secrets, and any other such rights that may be created by law in the future.

Intellectual Property Committee (or IPC) - the group appointed by the President that will advise on the interpretation and implementation of the Policy. Current members (established 2018): Bryan Woodhouse (Admin), Jodi Cooper (FT Faculty), Kevin Mirus (Admin), Teresa Werhane (PSRP), Student Representative – TBA.

Invention - any new or useful process or discovery, art, method, technique, machine, device manufacture, Software, composition of matter, or improvement thereof.

Invention Disclosure - a form that reports and describes an Invention, signed by the Inventor(s).

Inventor - any Employee who makes an Invention; also, any “inventorship entity” comprised of two or more individuals, one or more of whom is an Employee, who jointly make an Invention.

Patent - a grant issued by the U.S. or a foreign patent office that gives the patent owner the right to exclude others from making, using, or selling the Invention within the United States or other geographic territories for a period of years from the date of filing of the patent application.

Licensing Income - all compensation of whatever kind received from the sale, license, or other transfer of Intellectual Property rights by Madison College to a third party. Licensing Income includes, but not limited to, percentage payments, up-front fees, milestone payments, royalties, shares of stock, and any financial or other consideration.

Software - any computer program or database, or part thereof, designed to accomplish a task or allow a user to produce, manage, analyze, or manipulate a product, such as data, text, a physical object or other Software. Software may be protected by Patent, Copyright, or Trade Secret.

Tangible Research Property (or TRP) - the results of creative activity in their physical form, and includes, but is not limited to, data, notes, workbooks, Software, biological organisms, compositions of matter, instruments, machines or devices, drawings, and other property that can be physically distributed. Tangible Research Property may also be Intellectual Property.

Trademark - a word, name, symbol, or device (or any combination) adopted by an organization to identify its goods or services and distinguish them from the goods and services of others.

Trade Secret - information, including a formula, pattern, compilation, program, device, method, technique or process, which derives independent economic value from not being generally known or readily ascertainable by others, and is the subject of reasonable efforts to maintain its secrecy.

Training and Technical Assistance Contracts (or TTAC) - a contract between Madison College and an organization to provide customized training and technical assistance to business and industry in order to foster economic development and the expansion of employment opportunities. A TTAC typically includes a description of the work to be performed, the terms of payment, ownership of intellectual property, publication rights, and other legal assurances.

LINKS TO STATE/FEDERAL REGULATIONS:

[US Copyright Office](#)