

**JACKSONVILLE STATE UNIVERSITY**  
**Manual of Policies and Procedures**

**POLICY NUMBER: II:05:03**

**DATE: September 6, 1988**

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**SUBJECT: Intellectual Property**

**APPROVED: Dr. Don C. Killingsworth, Jr., President**

**PURPOSE**

This policy is intended to support Jacksonville State University (the "University" or "JSU") in creating, disseminating, and utilizing new knowledge, materials, or technologies to serve the public good. It provides guidelines on the property rights of the University and its employees, students, or other University affiliates based on the conception, development, ownership, and protection of intellectual property.

**POLICY**

This policy serves to protect the intellectual property rights of JSU and all JSU-affiliated intellectual property creators under U.S. copyright and patent laws as well as all related statutes and legislation.

**Scope**

This policy applies to all colleges, schools, departments, units, and all individuals at JSU, including but not limited to faculty, staff, students, and others participating in University programs, who are engaged in work that is supported by the University, who are engaged in work utilizing University Resources, or who are engaged in projects sponsored by the University or a third party contracted with the University.

**Definitions**

1. **Creator:** Any University-affiliated individual or group of individuals who make, conceive, reduce to practice, author, or otherwise make a substantive intellectual contribution to the creation of intellectual property. Typically, the term Creator includes staff, faculty, students, consultants, contractors, and other compensated visitors to the University. Creator also includes the definition of "inventor" used in U.S. patent law for patentable

inventions and the definition of "author" used in the U.S. Copyright Act for copy written works of authorship.

2. **Intellectual Property:** Broadly defined, intellectual property includes inventions, discoveries, processes, materials, copyrightable works, original data, and other creative or artistic works which have value. Intellectual property includes that which is protectable by statute or legislation, such as patents, patent applications, continuations or divisional applications and patents resulting therefrom, registered or unregistered copyrights, registered or unregistered trademarks, and trade secrets.
3. **Customarily Provided University Resources:** When determining ownership and rights of intellectual property, "customarily provided university resources" includes office space; ordinary use of library facilities and resources; ordinary access to computers, networks, printers, scanners, copiers, and similar resources; salary; or other resources usually and customarily provided to similarly situated Creators.
4. **Extraordinary University Resources:** Resources over and above Customarily Provided University Resources, including but not limited to facilities, equipment, staff time, supplies, funds, financial support, or release time from assigned duties, where the value of the resources is specified and comprises more than half the cost incurred in creating the work.
5. **Work Product:** The physical embodiments of Intellectual Property, for example, inventions, models, machines, devices, designs, apparatus, technology, instrumentation, circuits, computer programs and visualizations, biological materials, chemicals, other compositions of matter, plants, and records of research, experimental results, works of authorship, artistic creations, sound recordings, musical compositions, or other such embodiments.

### **Creator Owned Intellectual Property and Work Product**

**Independent Works:** The University makes no claims to Intellectual Property or Work Product when the Creator has not received any University support nor utilized any University resources during the creation of such Intellectual Property or Work Product. All rights granted under copyright or patent laws for such work remain with the Creators of Independent Works.

**Works Supported by Customarily Provided University Resources:** In cases where the Intellectual Property or Work Product is produced using only Customarily Provided University Resources, the Creator shall retain all intellectual property rights in and to the Work Product. However, in such cases, the University has the right to share in any royalties or other income derived from the Work Product, until the University has been reimbursed for the total

cost of the University-provided support where such amount is to be determined by accepted accounting principles and procedures.

**Traditional Academic Works:** The University recognizes the academic tradition that faculty own their academic, scholarly, and educational works resulting from their research, teaching, and writing, including the copyright interests therein ("traditional academic products"). Such traditional academic products include, but are not limited to, journal articles, books, texts, survey instruments, reviews, films, slide programs, charts, pictorials, graphics, visual aids, video and audio files, programed instruction materials, class notes, presentations, creative works such as novels, poems or short stories, dramatic works, works of art including paintings and sculptures, and musical compositions. The faculty member Creator shall retain ownership in all traditional academic products, except in the following situations:

- (i) the traditional academic product is supported by a direct allocation of funds through the University; or
- (ii) the traditional academic product is commissioned by the University; or
- (iii) the Creator uses Extraordinary University Resources in creation of the traditional academic product; or
- (iv) the traditional academic product is otherwise subject to contractual obligations involving the University.

**Student Works:** Unless one of the exceptions below apply, student Creators own the copyrights in their theses and dissertations and in Work Product created to fulfill a course requirement. Unless one of the exceptions below apply, Work Product developed as part of a group project or assignment will be jointly owned by the collaborators, unless subject to a prior written agreement between the collaborators. Student Creators will not own the rights to the Intellectual Property or the Work Product if:

- (i) it was created in the course of rendering compensated services to the University; or
- (ii) it was part of sponsored research or a sponsored project; or
- (iii) it was created under an agreement requiring the University and/or the student to assign rights to the University or a third party; or
- (iv) it was created using pre-existing Intellectual Property belonging to the University or third party with whom the university has a contract allocating such Intellectual Property rights.

## **University Owned Intellectual Property and Work Product**

**Work for Hire:** Work Product created by non-faculty, employee Creators, are works-made-for-hire pursuant to the Copyright Laws of the United States and are owned by the University.

**Use of Extraordinary University Resources:** When Intellectual Property is conceived or developed or Work Product generated by a Creator through the support of Extraordinary University Resources, the University will own the Work Product and the Intellectual Property.

**Commissioned Work:** The University will own the Intellectual Property and any Work Product produced by any work directed by or specifically commissioned by the University under a supplemental employment contract or similar agreement.

**Sponsored Research Agreements:** Ownership of Intellectual Property or Work Product developed in the course of or pursuant to a sponsored-research agreement or other agreement will be determined according to the terms of such agreement.

## **Disclosure of Intellectual Property and Work Product**

All Creators have a duty to timely disclose such Intellectual Property and Work Product to the University by reporting such development or creation to the University Counsel and the Office of the Vice Provost.

## **RESPONSIBILITY**

The Provost and Senior Vice President for Academic Affairs is responsible for this Policy.

## **EVALUATION**

This Policy will be reviewed at least once every five (5) years.