

INTELLECTUAL PROPERTY

Reporting and Ownership Policies Regarding Intellectual Property, Copyrighted or Invented Material

1. Employees and students of Temple College are encouraged to publish and copyright, invent and patent materials and objects of their own creation that will contribute to the advancement of knowledge. It is the desire of the College to encourage this and to protect the interest of its personnel and students in relation to disclosure of scientific and technological developments, including inventions, discoveries, trade secrets, computer software and original works of art and ideas that may have monetary value. It is also the responsibility of the College to ensure that public funds and property are not improperly used for personal gain. The author, creator, or inventor is free to benefit from royalties and monies accruing from such publication or invention subject to the following guidelines:
 - a. All classes of intellectual property; scientific, artistic, and technological developments; materials or objects created on the employee's or student's own time, and without the use of College facilities, equipment, materials or support, shall be the sole property of the creator. In all cases where an employee or student copyrights, patents, or enters into an agreement involving trade secrets stemming from professional work on his own time and not involving College facilities, equipment, materials, or support, the employee is to report such action to the Provost/Vice President, Academic Affairs and Student Services within 60 calendar days of entering into the agreement or filing for copyright or patent. The creator has full authority to grant licenses as long as the creator maintains control over the copyright, patent or trade agreement.
 - b. Materials or objects created by employees or students at College expense or on College time or using College facilities or equipment shall be the property of the College. The College, in return for unrestricted license to use and reproduce original works without royalty payment, shall transfer to the creator of that work full ownership of any present or subsequent copyright or patent in accordance with the following paragraph.
 - c. In the event that materials or objects are sold to entities outside the College, all income will go to the College until all developmental expenditures incurred by the College for the project, including stipends paid to the developer (over and above contract salary), prorated support staff salaries, supplies, and other expenses related to the creation of the materials or objects, are recovered. These costs will be determined at the end of the development period. The Vice President, Administrative Services will determine the costs to be recovered by the

College. In the event the employee or student disagrees with the Vice President's assessment, the employee or student may appeal his case to the President, who will have final determination in the matter. Once the College costs have been recovered, any additional revenues stemming from this project will be distributed by the Business Office to the developer(s) or creator(s).

- d. The College will ensure equity and management participation on the part of the inventor or inventors in business entities that utilize technology created at Temple College or at any consortium of which Temple College becomes a part.
 - e. No College employee or student shall realize a profit from materials sold exclusively to Temple College students.
 - f. When instructional material developed by an employee at Temple College is to be sold in the College bookstore for a profit by the employee, the material must be approved by the Temple College Curriculum Committee.
2. Any College employee, student or member of the general public who intends to create any materials or objects developed wholly or partially using College time, equipment, materials, or facilities and who intends to copyright, patent, or otherwise merchandise those materials or objects will inform the appropriate Vice President at least 30 calendar days before filing final application for copyright, patent, trade secret agreement or marketing agreement. The Vice President will then initiate within five (5) working days an institutional review of intended scientific, creative, or technological disclosures, including consideration of ownership and appropriate legal protection.

This review will be conducted by an ad-hoc committee determined by the appropriate Vice President.

- a. An ad-hoc committee will be appointed.
- b. The committee will present its recommendation to the employee and to the Vice President within 15 working days of its appointment.
- c. The Vice President will submit the committee findings and recommendation to the President within 5 working days of receipt of the Committee report.
- d. Should the employee, student or member of the general public disagree with the findings and recommendation, they may file a counter proposal with the President within 10 working days of receipt of the determination.
- e. The President will present his/her recommendation, and all related documentation to the Board of Trustees at its next regular meeting, provided that the Board meeting is at least 10 working days after receipt of the report and (where appropriate) of the counter proposal from the employee.

- f. The Temple College Board of Trustees will have final determination on the issues under review.

Personnel of divisions or units whose function is to produce educational materials may not realize a profit from the sale of these materials. In the case of any materials produced exclusively by these units, copyrights, patents, and licensing will be held by Temple College. Agreements in which research is supported by grants or contracts from outside sources, which are usually subject to copyright or patent policies of the grantor or contractor, will take precedence over the general policy of the College.