



National University of Health Sciences General Policies

Title: **Intellectual Property**

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Date Adopted: **04/01/08**

Date(s) Revised:

James Hinterstein

President

3-17-09

Date

POLICY STATEMENT

Except when there is a prior written agreement, or as described below, National University of Health Services (NUHS) owns all intellectual property developed or created by faculty or students in its employ, or by persons who significantly utilize University resources (e.g., facilities, equipment, funding) to develop or create intellectual property. The term "significant" is meant to include situations where original creative product is added through professional services or staff. Participation of students directly in the development, or indirectly through use and feedback that substantively influences development constitutes significant use of University resources. The term significant is not meant to include ordinary use of University offices, libraries or office equipment. The Vice President for Academic Services will make the determination as to whether significant use exists if a question arises in a particular case. Where feasible, this determination will be made at the beginning of the project. As owner of the intellectual property, the University has the right to develop, sell, or license the property. Revenue and royalties from the development, sale, or license, after University expenses, generally are distributed as follows: 50% for the creator, 50% for the University. If the University declines to assert ownership of the intellectual property, or does not begin development of the property within one year of expressed knowledge by the University of the intellectual property, then ownership reverts to the creator if the creator so requests in writing and the University agrees in writing.

Procedures

Exceptions: The University does not claim ownership of books, articles, monographs, poems, stories, paintings, sculptures, musical compositions, and computer software created or developed by students, faculty, or persons using University resources or facilities, unless they were developed pursuant to a specific contract with the University. The University does not claim ownership of course materials developed for use within the normal teaching assignment of the faculty member, except for syllabi and grade books, which are necessary for record keeping and accreditation purposes.

The University jointly owns with the creator previously used course materials that are included in courses developed under contract with the University and outside the normal teaching assignment of the faculty member. The University and the creator each retain the right to use, sell, or license course materials that are newly created for courses developed under contract with the University and outside the normal teaching assignment of the faculty member, unless prohibited by the contract.

Establishing Ownership: When intellectual property that may be subject to University ownership is created, the creator must notify the Vice President for Academic Services in writing. If the University does not, by written notice addressed to the creator, assert ownership within 60 days, the University forfeits all claim of rights to the intellectual property and ownership reverts to the creator. By written notification to the creator, the University can extend the deadline for asserting ownership for another 60 days.

Definitions:

Intellectual Property, for purposes of this policy, shall consist of the following:

Copyrightable Material – includes original works of authorship fixed in any tangible medium of expression, now known or later developed, from which they can be perceived, reproduced, or otherwise communicated, either directly or with the aid of a machine or device. Works of authorship include, but are not limited to the categories listed in 17 USC 102(a).

Copyrightable material excludes inventions or inventive concepts as defined by the NUHS Patent Policy, thus where copyrightable work, such as certain computer software, is also patentable, the University Patent Policy will apply, notwithstanding any inconsistent provisions in this policy.

Trademarked Materials – such as words, names, symbols or logos, domain names, trade dress and slogans or any combination of words which has been adopted by the University to identify itself and to distinguish itself and its sponsorship from others.