Plymouth State University
Ownership of Intellectual Property (IP) Policy

1.0 The purpose of this policy is to encourage the dissemination of research results, the creation and development of intellectual property for the public benefit, and the recognition of the creators of such intellectual property.

1.1 Definitions
1.1.1 Creator means any PSU faculty, student, staff, and anyone participating in PSU programs, including any visitor or partner who makes or creates IP.
1.1.2 Intellectual Property means patentable inventions, trademarks, copyrightable works, mask works, or tangible research property including data.
1.1.3 IP means Intellectual Property.
1.1.4 IPAC means the Intellectual Property Advisory Committee.
1.1.5 IPO means the Intellectual Property Officer.
1.1.6 PSU means Plymouth State University.
1.1.7 Work for Hire means a copyrightable work prepared within the scope of an employee’s employment or a work specially ordered or commissioned.

1.2 Ownership
1.2.1 Creator Owned IP
- IP not developed with material use of funds or facilities administered by PSU, and
- IP not developed pursuant to a sponsored research agreement, and
- IP not created as a Work for Hire or pursuant to a written agreement with PSU providing for the transfer of ownership of the copyright to PSU.

1.2.2 PSU Owned IP
- IP developed with material use of funds or facilities administered by PSU, or
- IP developed pursuant to a sponsored research agreement, or
- IP created as a Work for Hire or pursuant to a written agreement with PSU providing for the transfer of ownership of the copyright to PSU.
1.3 Material Use of Funds or Facilities
Generally, IP will be considered not to have been developed with material use of PSU funds or facilities if:
- only a minimal amount of unrestricted funds has been used; and
- the IP has been developed outside of the assigned area of research of the Creator under a research assistantship or sponsored project; and
- only a minimal amount of time has been spent using significant PSU facilities or only insignificant facilities and equipment have been utilized (note: use of office, library, machine shop facilities, and of traditional desktop personal computers are examples of facilities and equipment that are not considered significant); and
- the development has been made on the personal, unpaid time of the Creator unrelated to the Creator’s employment responsibilities.

The Intellectual Property Officer shall make the final decision on whether material use of PSU funds or facilities was made.

1.4 Ownership of Student Work
Notwithstanding any other section herein, unless otherwise designated in another PSU policy or agreement, the works of students created in the course of their education, such as theses, dissertations, papers and journal articles shall be considered Creator owned.

1.5 Consulting Agreements
Members of the PSU community must ensure that the terms of their consulting agreements with third parties do not conflict with their duties to PSU. Each individual should make his duties to PSU clear to any third party for whom that individual expects to consult.

1.6 Organization
The Intellectual Property Advisory Committee (IPAC) is empowered to develop IP policies for PSU. The Academic Deans appoint members of the IPAC. The Intellectual Property Officer (IPO) is charged with the implementation and administration of these policies. The IPO is also appointed by the Academic Deans.

1.7 Teaching Materials
Notwithstanding any other section herein, the copyright in copyrightable teaching materials developed by a faculty member shall be owned by the faculty member, who shall decide how such materials should be disseminated.
1.8 Disclosure and Technology Transfer

1.8.1 Disclosure

1.8.1.1 Disclosure to PSU

- PSU is obligated to report promptly to the appropriate federal agency any inventions made during the course of government sponsored research. PSU is also obligated to report inventions to industrial sponsors who sponsor research.

- In order for PSU to comply with its obligations, Creators of IP must report to the IPO any IP created pursuant to a sponsored research agreement or with use of material funds or facilities administered by PSU.

- The form for such reporting is entitled *PSU IP Disclosure*. A copy may be obtained from the IPO.

1.8.1.2 Disclosure to the Public

- A public disclosure of IP (e.g. a conference presentation) before the filing of a patent application may bar PSU from obtaining a patent on the IP. A Creator should not publicly disclose the IP before discussing the IP with the IPO as described in Par. 1.8.2

1.8.2 Technology Transfer

- Upon receipt of a disclosure form, the IPO will discuss the IP with the Creator. A decision will be made by the IPAC whether to pursue a patent or other legal protection for the IP.

- The IPO will decide whether, and how, to pursue the licensing of the IP, including as appropriate, by researching the market, developing a business plan, negotiating terms of licenses and distributing royalties in accordance with this policy.

1.8.3 Royalties

- Net revenues received by PSU for the sale, licensing or other transfer of IP deemed owned by PSU pursuant to this policy will be distributed as follows:
  - 50% to the Creator, and
  - 50% to PSU for support of research and scholarly activity.