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Policies

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University Policies, Procedures, and Guidelines

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INTELLECTUAL PROPERTY

The Board of Trustees of Illinois State University has approved a policy which is intended to facilitate the useful application of knowledge, research, and other creative activity and which encourages and supports efforts of employees and students in developing products, inventions, and other forms of intellectual property.

While recognizing that the Board retains certain rights and interests to intellectual property under Federal and State law, the Board has directed Illinois State University to develop policies and procedures to appropriately assert these rights and provide supportive services.

In compliance with and in response to this directive, and in furtherance of the Board of Trustees' intent to encourage all forms of intellectual creativity, Illinois State University has developed the following set of policies and procedures pertaining to intellectual property.

Policy on Patents

Patents are granted for the invention of new, useful, and nonobvious processes, machines, manufactures, and compositions of matter and any improvements thereof.

A. Ownership:

Any invention (a) created by employees or students of the University within the scope of their duties at the University, or (b) created in whole or part through the use of University facilities or resources, or (c) created as a result of efforts carried on by, or under the direction of any employees, students, or others using University facilities or resources, or (d) for which the cost of creation has been paid in whole or in part from University funds or funds under the control of, or administered by, the University or an agent of the University, belongs to the University.

Ownership of inventions may be further qualified through sponsored research agreements. Such agreements may convey ownership in an invention that results from a sponsored activity to the sponsor if (a) a reservation of ownership is set

B. Disclosure:

Any invention, at the time it is recognized, shall be fully disclosed to the University in accordance with accepted University procedures. The disclosure shall identify the inventor(s), describe the invention, and describe the circumstances under which the invention was created.

Confidentiality shall be maintained in association with all inventions and applications for patent protection shall be filed by the inventor(s) or a third party only with the written consent of the University. Any publication or presentation, scholarly or otherwise, or any use of inventions or information describing inventions, is prohibited until written authorization allowing disclosure or use has been granted by the University. Permission to disclose an invention ordinarily will be granted to the inventor(s) in writing by the President of the University within ninety days (90 days) after disclosure of the invention. However, the University may extend this ninety-day period for reasons determined by the President.

This disclosure process and confidentiality requirement must be observed even in cases where there is some question regarding ownership.

C. Disposition:

The final responsibility for the determination of ownership and the disposition of inventions rests with the President of the University. A determination concerning disposition shall be given prompt consideration in a manner which is in the best interest of the University, the inventor(s), sponsor(s), and the public. The President may direct that an invention be (a) retained and further developed for and by the University, or (b) released to the inventor(s), or (c) released to an involved sponsor, or (d) released jointly to a sponsor and inventor(s). In the event the University retains ownership, it shall endeavor to obtain a patent, market the invention, and defend the patent.

The President may designate another person(s) to represent him/her and to act in his/her behalf in these matters.

D. Invention Revenues:

The University shall pursue, in its sole discretion, the generation of revenue from University retained inventions. Any such revenue shall first be used to reimburse the University for all payments or obligations directly attributable to the protection and promotion/commercialization of an invention, including the use of an external firm or intermediary. The revenue remaining after such deductions is defined as net revenue. Net revenue shall be divided between the inventor(s) and the University. Each shall receive fifty percent (50%) of those funds.

E. Inventor(s) Obligations:

The inventor(s) of a University retained invention shall supply all information and execute all papers necessary for the protection and promotion of the invention.

Policy on Copyrights

Copyright protection is extended to original works fixed in any tangible medium of expression including literary matters, dramatic works and materials, films, videotapes, recordings, musical compositions, visual arts, tests and other measurement devices, computer software and other computer technology, graphic and applied art, and compilations of facts/data.

A. Ownership:

Ownership in copyrightable works, as defined above, produced by University employees or students shall remain with the originator except in the following situations where such rights of ownership are reserved by the University: (a) works expressly commissioned through written contract with the University, or (b) an external agreement requiring the University to hold or transfer ownership, or (c) works created as a specific written requirement of employment or assignment with the University.

B. Disclosure:

All works for which the University has copyright interests as defined in Paragraph A, shall be promptly and fully disclosed by the originator.

C. Disposition:

The final responsibility for the determination of the disposition of University copyrights rests with the President of the University. The President may direct that any University copyright be (a) retained and used for and by the University, or (b) released to the originator, or (c) released to an involved sponsor, or (d) released jointly to a sponsor and originator.

The President may designate another person(s) to represent him/her and to act in his/her behalf in these matters.

D. Copyright Revenues

The University may pursue the generation of revenue from University owned copyrights. Revenue sharing and distribution shall be governed by contract arrangements.

E. Originator Obligation:

The originator(s) of a University-owned copyright is obligated to produce all information and submittals necessary for registrations and the defense of the copyright, and all examples of the work.

Policy on Trademarks

The University shall own all trademarks associated with the University, its name, its activities, and its slogans.

B. Disposition:

The University shall register and manage the use and application of its trademarks.

C. Protection and Promotion:

The University or its designated agent shall assume full responsibility for the protection and promotion of University trademarks.

Administrative Policy on Intellectual Property

Illinois State University shall provide an adequate administrative structure to support the needs of its intellectual property interest. The administration of trademarks is the responsibility of the Office of the President. A structure shall be organized within the Office of the Associate Vice President for Research and Dean of Graduate Studies for the administration of patents and copyrights, and shall include:

A. Patent and Copyright Officer:

The Vice President for University Advancement shall designate a person to serve as the University's Patent and Copyright Officer. This officer shall provide expertise and administrative management for the University's patents and copyrights. The Patent and Copyright Officer shall receive all disclosures of patents or University owned copyrights (as defined in Paragraphs A and B under Patents and Copyrights of the ISU Copyright Policy) from the faculty or others, facilitate the evaluation of same and convey the disclosure and its evaluation to the President for appropriate action. This position shall be responsible for securing legal counsel to obtain patent protection and for such other matters as may be required in support of the ISU Patent or Copyright Program. The Patent and Copyright Officer shall exercise such authority as may be required to register copyrights on behalf of the University. As appropriate, this officer shall select third parties and have executed such agreements as may be required to market and license patents and copyrights owned by Illinois State University.

B. Intellectual Property Committee:

The President of the University shall appoint an Intellectual Property Committee. This Committee shall include the Associate Vice President for Research and Dean of Graduate Studies, the Patent and Copyright Officer, and five members of the faculty. The faculty representatives shall be recommended to the President by the College Deans. Each Dean shall recommend three faculty nominees from his/her college. The appointments made during the year 1990 will be as follows: College of Arts and Sciences--one year, College of Applied Science and Technology--two years, College of Business--three years, College of Education--two years, the College of Fine Arts--one year. Appointments made after the first year will be

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President all matters of policy pertaining to the Intellectual Property activities of Illinois State University. This Committee shall exercise general oversight regarding Intellectual Property and shall be advisory to the Associate Vice President for Research and Dean of Graduate Studies in these matters.

D. Amendment of the Intellectual Property Policy:

Illinois State University reserves the right to amend this Intellectual Property Policy statement at any time without notice, while preserving any rights vested prior to such amendment(s).

Links:

Statutory basis:

Initiating body:	
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