

The University of West Alabama

# **Intellectual Property Policies and Procedures**

*Approved by Faculty Senate January 15, 2000*

*Revised December 7, 2012*

*Revised September 13, 2016*

*Approved*



## I. Introduction

The University of West Alabama (UWA) is a public, state-supported, institution of higher education that believes in creating an intellectual environment whereby creative efforts and innovations are supported and encouraged. In accordance with the University's mission, faculty are "committed to providing leadership and fostering positive growth throughout West Alabama through **research** and public service, with primary emphasis on that which meets the educational, social, cultural, and economic needs of the region." In pursuit of this research mission, UWA faculty, staff and students are encouraged to continue searching for new knowledge in fields in which the university community is active. In view of the far-reaching research interests across campus, it is inevitable that new discoveries and inventions will be made. It is important, therefore, that there be guidelines for intellectual property, and delineating rights, responsibilities and obligations of the University, the inventor, and other interested parties. It is the intent of the University of West Alabama to ensure that intellectual property rights, which it owns, administers, or shares provide reasonable benefits, recognitions, returns and incentives that are equitable to all parties involved.<sup>1</sup>

This document is intended to serve as an overview of intellectual property matters of interest to UWA personnel (faculty, staff, students, fellows, and persons with "adjunct" appointments).

C. **Invention**-Any Intellectual Property that reasonable appears to qualify for protection under United States patent law or other protective statutes in or outside the United States, whether or not patentable, or which appears to be commercially viable.

D.

I. **Trademark-** A trademark includes any word, name, symbol, device, or combination, that is used in commerce to identify and distinguish the goods of one manufacturer or seller from those manufactured or sold by others, and also to indicate the source of the

ownership of intellectual property. The Research Integrity Advisory Board will be a standing University committee composed of ten members, including representation from both faculty and staff, and will include one representative from Risk Management and one representative of the Comptroller's Office. The UWA Director of Research Integrity will serve as Chair of the Research Integrity Advisory Board. The Research Integrity Advisory Board shall meet as often as necessary. The Research Integrity Advisory Board shall make recommendations on University policies and procedures pertaining to intellectual property to the President and faculty/staff for action; review all intellectual property policy matters submitted to the Research Integrity Advisory Board for compliance with University policies, and contractual or grant-based obligations; and ne>5005102grant

University, or (2) which is made by an employee of the University and which

- I. As further consideration for the assignment of rights set forth herein, and after a deduction of all University costs incurred in the patenting process and protection of patent rights, including but not limited to attorneys' fees and associated patent costs, the University agrees to pay annually to the inventor, his heirs and assigns, a percentage of the royalties, fees, or other financial returns received by the University from such invention according to the distribution scale below:

| <b>Gross Income of Intellectual Property</b> | <b>UWA</b> | <b>Faculty Member(s)</b> |
|--|------------|--------------------------|
| \$100,000 or less                            | 0%         | 100%                     |
| \$100,001-\$250,000                          | 30%        | 70%                      |

and responsible fiscal management. This Policy is written with the intention of promoting excellent, innovative research by identifying and protecting the rights of the University, its personnel, and the public. This University of West Alabama Copyright Policy identifies the copyrightable materials to which UWA will exercise its rights and establishes procedures for determining and protecting those rights. Ownership of materials not described in this policy can be assumed to belong to the creator.

- A. Copyright is a form of protection provided by the laws of the United States to the authors of “original works of authorship.” This includes literary, dramatic, musical, artistic, and certain other intellectual works as well as computer software. This protection is available to both published and unpublished works. The Copyright Act generally gives the owner of copyright the exclusive right to conduct and authorize various acts, including reproduction, public performance and making derivative works. Copyright protection is automatically secured when a work is fixed into a tangible medium such as a book, software code, video, etc.
- B. Although copyrightable works do not require a copyright notice, we do recommend that you use one. The notice should contain all of the following three elements: the symbol © (or the word “Copyright,” or the abbreviation “Copr.”); the year of first publication of the work; and the name of the owner. Additional information may be added afterwards to clarify origination of the work.
- C. A copyright owner has the exclusive right to do and authorize any of the following with the copyrighted work:

produce. This tradition reflects the University's commitment to encourage members of the University community to write and to publish what they wish.

The University disclaims any ownership interest in the copyright of works created by faculty, staff, postdoctoral fellows and postdoctoral associates and students, whether in traditional or nontraditional forms, except in the following cases:

*Supervised Works:*

The University will own the copyright to works created

- (i) by student employees in the course of their assigned duties of employment, including duties as teaching or research assistants, or
- (ii) by faculty members, staff members or postdoctoral fellows or associates as part of an assigned task where the University
  - (a) specifically assigns an individual

award or externally sponsored program. If the agreement is silent on copyright ownership, then the creator of the work will have full ownership