



Ohio Administrative Code

Rule 3362-2-11 Copyright, patents and research for university personnel.

Effective: December 19, 2022

(A) Purpose and scope

(1) Shawnee state university is committed to facilitating the dissemination and utilization of the knowledge acquired by research for the public good. The university is also committed to developing existing technologies for licensing and commercialization, and it particularly encourages projects that will contribute to the economic development of the region. In furtherance of such development, the university recognizes the need to protect intellectual property rights of authors and inventors and to include university authors and inventors in the distribution of income derived from its intellectual property.

(2) This rule is applicable to all departments and units of the university and to all university personnel.

(B) Definitions

(1) These definitions apply to all sections of the rule and its procedures.

(a) "University personnel" is defined as university faculty, administration and staff members.

(b) A "copyright work" describes original works of authorship that have been fixed in a tangible medium of expression, including, but not limited to, written materials, dissertations, papers, articles, books, poems, audiovisual materials, videos, audio recordings, architectural drawings, on-line instructional materials, musical compositions, dramatic creations, software, databases, photographs, or sculptures that are likely to be subject to protection under United States copyright law.

(c) "Patentable inventions" describes inventions, discoveries, and manufacturing designs that have been reduced to practice, and are considered novel and likely to be subject to protection under United States patent law.



(d) "Academic works" are works created by faculty members within the scope of their regular faculty appointment, including work created while on paid professional or sabbatical leave. Academic works include, but are not limited to, those works created within the scope of their faculty appointment for research, for teaching, whether for a traditional course, a distance learning course, an online course offering, or some other non-traditional setting, unless such work was specifically created as a work for hire. This interpretation of academic works shall be at least as broad as the definition used in any collective bargaining agreement (CBA) with faculty members, and the university's use of academic works shall be consistent with any requirements or restriction in such CBA.

(e) "Work for hire" or "Work made for hire" is:

(i) A work prepared by university personnel within the scope of his or her employment that does not meet the definition of an academic work as defined by this policy and as further described in the SEA collective bargaining agreement.

(ii) A work directed by or specially ordered or commissioned by the university via a supplemental employment contract or similar agreement. If support for the work is from an outside contractor or sponsor, the intellectual property ownership may be governed by the contractor or sponsorship agreement.

(f) "Significant allocation" is:

The use of university resources (including, but not limited to, facilities, equipment, staff time, supplies, funds, financial support, or release time from assigned duties) over and above the usual salary or resource assignment where the value of the resources comprises more than half of the cost incurred in creating a work.

(C) Copyright work

(1) All rights granted under copyright law for a particular work remain with the authors (creators) of the work.



(2) The university will not have an interest in copyright ownership of university personnel works, including academic work products except in the following instances:

(a) When the work is a work for hire.

(b) When the work is created through a significant allocation of university resources for the express purpose of the creation of that work.

(c) In these instances, copyright ownership of the works in question belongs to the university, unless it expressly waives its rights thereto.

(3) The sharing, use, and sale of copyrights for materials developed for use by multiple faculty teaching different sections of the same course shall be governed by any existing collective bargaining agreement with faculty members.

(D) Patents

(1) The university shall have ownership of patent rights to patentable inventions created by university personnel in direct connection with activities involving a significant allocation of university resources.

(2) The university shall convey patent rights to the inventors in accordance with an underlying procedure to this policy. Such conveyance shall be given in writing upon approval by the provost.

(E) Licensing, royalties and distribution of income

(1) University personnel may be eligible for participation in the distribution of income, as established by an underlying procedure. This eligibility does not apply to works for hire.

(2) If the university grants a copyright or patent license to a commercial entity, the university may seek a reasonable royalty from the licensee. Royalties earned on any intellectual property owned by or assigned to the university will be distributed to university personnel in accordance with a distribution schedule established by an underlying procedure that will include a percentage to the



inventor.

(F) Conflicts of interest and researcher responsibilities

(1) University faculty and staff may not participate in or be directly involved in negotiating external agreements for intellectual property that is owned, assigned to or otherwise controlled by the university.

(2) University personnel who hold positions as operating officers or act in key decision-making capacities in businesses that have or intend to establish commercial or business relationships with the university must disclose such positions to the university.

(G) Procedures

The university will establish procedures in collaboration with appropriate university constituencies, including the shawnee education association, to effectively implement this policy.