

**University of the Cumberland – Intellectual Property Policy**  
**adopted by the Board of Trustees, 1 February 2006**

University of the Cumberland encourages faculty to actively participate in their disciplines and contribute to their fields. The University's Intellectual Property Policy seeks to

- Ensure the rights of individuals to the works and ideas they produce
- Protect the name and rights of the University

**SECTION I. Definitions**

**Creator** - "Creator" refers to the individual who invents, authors, creates, or in any other manner produces intellectual property. In the University's policy, the creator also refers to an individual employed by the University or enrolled in the University.

**Intellectual Property** - "Intellectual property" refers to inventions, processes, creations, or other products that can be copyrighted or patented.

**Copyrighted Materials** - "Copyrighted materials" include a broad range of works that would qualify for protection under the copyright laws of the United States. Samples of works that can be copyrighted are

- Books, journal articles, texts, glossaries, bibliographies, syllabi, study guides, laboratory manuals, and tests
- Lectures, musical or dramatic compositions, and unpublished scripts
- Visual aids such as films, filmstrips, transparencies, and charts
- Live video and audio broadcasts
- Videotapes, DVDs, audio tapes, and audio or video CDs
- Programmed instructional materials
- Computer software

**Patented Materials** - "Patented materials" refer to inventions, processes, creations, or other products that would qualify for protection under the patent laws of the United States.

**SECTION II. Ownership**

The general policy of University of the Cumberland is to grant all rights to intellectual property to the creator or creators with the creator or creators determining how to disseminate the intellectual property and keeping all income derived from the intellectual property. This policy applies to intellectual property developed on- or off-campus; developed during a teaching term, vacation, or faculty fellowship; and developed with normal use of office space, library resources, and computer resources.

Exceptions to the general policy include the following situations:

- **Assigned Tasks** - University of the Cumberland owns intellectual property developed as a result of the performance of assigned University duties.
- **Outside Agreements** - When intellectual property is developed through a sponsored grant or contract with an outside entity, the provisions contained in the grant or contract determine ownership of the intellectual property. If the grant or contract does not address ownership, the general University policy applies.
- **Significant Use of University-Administered Resources** - When the development of intellectual property is significantly assisted by the use of University facilities, resources, and/or personnel; the University is entitled to a share of royalty or other income from the intellectual property. Significant use of University-administered resources does not include resources ordinarily available (e.g., office space, personal office equipment, library) or incidental involvement of students who receive funding from the University.

### **SECTION III. Administration of Policy**

The routine implementation and administration of the policies detailed above is assigned to the university officer to whom an employee is responsible. When either the institution or employee determines that circumstances may require a formal assignment or sharing of intellectual property rights between the employee and the institution, these may include but not be limited to recognition of the use of the University's facilities, resources, and/or personnel; liabilities and responsibilities concerning the use of facilities, resources, and/or personnel; as well as the percentage of royalty income or other compensation to be received by the University and/or the employee. The terms of any agreements concerning intellectual property rights will be negotiated with the creator/s by the appropriate University officer, subject to final review and approval by the President.