

**MARY BALDWIN UNIVERSITY
POLICY ON INTELLECTUAL PROPERTY**

Mary Baldwin University the University

Examples of Patentable Intellectual Property include, without limitation chemicals cell lines systems for detecting levels of chemicals in substances computer programs that perform manufacturing functions.

2.1 Ownership and Use

- a **General Use.** The University acknowledges that one of its primary missions is the production of original works by its faculty, staff, and students, non-employee consultants and independent contractors, and others using its facilities and resources and affirms that this policy aims to encourage such activity. Accordingly, it is the general policy of the University that Intellectual Property shall be the property of the covered author/covered creator. However, the University may claim an interest in Intellectual Property developed under circumstances set forth below.

b **Patentable Intellectual Property**

Responsibility for Disclosure of Patentable Intellectual Property
Publication of the idea embodied in Patentable Intellectual Property bars the filing of a patent application in every country in the world except the United States

research in support of the University's educational mission.
The University

mission. All disclosures of copyrightable works should be made by the covered creator to the Provost. The University may assert ownership rights to Copyrightable Intellectual Property developed under the following circumstances

- Development was funded by an externally sponsored research program or by any third party agreement that allocates rights to the University.
- The covered creator was assigned, directed, or specifically funded by the University to develop the material.
- Development required substantial use of University resources. Substantial use for purposes of this policy means the use of University resources, including funds, facilities, office and/or lab equipment, and/or administrative

intellectual property that arise from the research program to vest in the College, subject to certain retained rights held by the federal government.

e **Agreements regarding Intellectual Property**

Due to the overriding principle underlying this Intellectual Property Policy--the encouragement of creativity and inventiveness, the University reserves the right, to be exercised in its sole discretion, to negotiate a separate written agreement with a covered creator that alters the terms of this policy. Ownership and use of materials developed pursuant to such separate agreement between the University and a covered creator/author will be governed by that agreement. The Provost will be responsible for the negotiation of such agreements.

The Provost is responsible for reviewing contracts between the University and independent contractors or other non-employee consultants to ensure that the University's ownership interest in any Intellectual Property will be protected, and that works from these third parties are commissioned on a work-for-hire basis. Examples include, without limitation curriculum and course materials computer software architecture

If a student's contribution to a work is not addressed above, a student performing work for, and compensated by the University is subject to the provisions governing staff and other non-faculty employees, and his/her work constitutes a work for hire under United States Copyright laws.

As a condition of matriculation, the University reserves the right to make copies of student papers and theses for academic or archival purposes.

A student enrolled in a course may take class notes for personal use, but the student may not disseminate notes or video or audio recordings that he/she makes in class for commercial purposes unless approved by the Provost.

Administration

Provost The Policy on Intellectual Property shall be administered and interpreted by the Provost.

Intellectual Property Adjudication Committee In the event that a dispute arises regarding the application of this policy, the Provost will appoint a three person **ad hoc** Intellectual Property Adjudication Committee the Committee to adjudicate the dispute. The Committee will consist of one member chosen by the Provost, one member chosen by the covered individual(s) involved in the dispute, and the third member chosen by the first two appointees. Committee members will be employees of the College who, in the judgment of the Provost, possess sufficient background and experience to adjudicate the dispute. The Committee will establish its own procedures, subject to Provost approval, and issue a written decision, which will be the final decision of the University.

Dispute Resolution If any party is not satisfied with the decision of the Intellectual Property Adjudication Committee, that party may submit the matter to binding arbitration, to take place on the University campus, according to the then current rules of the American Arbitration Association. The parties will agree on a single arbitrator who has expertise in the field of higher education and intellectual property.

Changes to Policy and Policy Questions The

President has sole authority to approve