

Intellectual Property

Introduction

Villanova University's faculty, staff, and students are regularly involved in scholarly activities that stem from the core teaching, learning, research, and service missions of the University. While the primary focus of such efforts is the advancement of the University mission, the products of scholarship often have broader applications to and benefits for the individuals involved, to the University, and to society. By establishing a policy on Intellectual Property, Villanova University seeks to support the activities of the faculty, staff, and students in identifying, protecting, and administering Intellectual Property matters and defining the rights and responsibilities of all involved.

Intellectual Property is created when something new is conceived and developed or when a non-obvious result, which can be applied to some useful purpose, has been discovered using existing knowledge.

The purpose of this document is to provide a policy framework under which Villanova University will manage the Intellectual Property of the University community. This policy statement does not and cannot provide all the necessary specific details that are required to administer issues of Intellectual Property for the entire University and, therefore, it is anticipated that this policy may be modified periodically and/or tailored to fit the facts and circumstances of a particular case.

This policy shall apply to all persons in the employ of Villanova University in any capacity and to all students enrolled in Villanova University. Furthermore, this policy applies to all Intellectual Property created by Villanova University faculty, staff and students.

Patents

A patent is a grant by the government, acting through the Patent Office, of exclusive right to an invention or discovery of a process, machine, manufacture or composition of matter for a limited time. Generally three conditions should be met for the granting of a patent: the invention or discovery should be new, useful, and unobvious.

Copyrights

Copyright protection:

Copyright protection does not extend to any idea, procedure, process, system, concept, principle or discovery. A copyright protects the forms of expression and not the ideas that are expressed. For example, the University might own the copyright to media prepared specifically for the delivery of a University course. The faculty member(s) who created the content might also copyright another non-derivative work based on the same ideas. Thus the faculty and University are afforded the opportunity to work together to copyright different expressions of the same ideas for different purposes.

Ownership:

In general, all copyrightable Intellectual Property developed by employees of the University while functioning in the capacity of employee or using University property, equipment, or resources belongs to the University, subject to the provisions described below. In order of precedence, copyright ownership of Intellectual Property shall be specified as follows:

Sponsored Projects Agreements

The University may negotiate and sign Sponsored Project Agreements including contracts and grants between external sponsors such as corporations, government agencies or foundations and the University, that specify completely or partially the ownership of Intellectual Property created as a result of specific sponsored projects. This category includes ownership requirements that result from a government funding source by operation of law (e.g., laws pertaining to Intellectual Property created using federal funds). All individuals working on a project under a Sponsored Project Agreement shall be notified in advance of the terms of ownership under the agreement for any Intellectual Property which may be created on behalf of the University while working on the project.

University Sponsored Works

The University may initiate and fund specific projects that produce Intellectual Property and shall own the Intellectual Property created as a result of such projects. In particular, the University shall own Intellectual Property created by University employees and students who were assigned or employed specifically to produce a particular piece of Intellectual Property, or whose normal assignments and employment encompass activities that would lead to the production of intellectual property. The financial terms or other terms of support for University Sponsored Works can vary from project to project.

Rights in Academic Works:

Traditional Academic Rights:

Villanova University has historically waived any copyright interest it legally possesses to traditional academic works created by the faculty. Examples include class notes and syllabi, books and articles, works of fiction and nonfiction, poems and dramatic works, musical and choreographic works, and pictorial, graphic, and sculptural works. Villanova University has also waived any copyright interest it may legally have to works created by students. The University reserves the right to assert its legal interest in such works from time to time.

Electronic Courses:

The emergence of new technologies in teaching, research, and creative activity requires a new paradigm for copyright ownership and interests. When a department or college decides to offer a course or program by electronic means (satellite, streaming video, web based text, CD Rom, etc.) for distribution to students on or off campus, it shall normally be undertaken as a University Sponsored Work with the University owning the copyright to the electronic media used to deliver it.

Teaching Materials:

Creators of reusable teaching and classroom materials for Villanova courses, such as curriculum guides, problem sets, exercise solutions, laboratory manuals etc., shall own these materials unless they are subject to a prior agreement governing their ownership. In all cases the University shall have a non-exclusive, royalty-free, perpetual, irrevocable license to use, display, copy, distribute, modify and prepare derivative works of such materials for internal University use.

Consulting Agreements:

Intellectual Property created by Villanova employees who consult with external entities (corporations, businesses, government agencies, foundations, etc.) without making substantial use of University funds, resources or facilities, and while abiding by University policies on consulting, is presumed retained by the external entity or the individuals as specified by the terms of the consulting agreement.

Independent Projects:

Any Intellectual Property created by a University employee that is not part of the creator's employment responsibilities and that is developed on his/her own time without making use of University funds, resources or facilities shall be owned by the creator. When a student creates Intellectual Property independently, using only resources available in common to all students such Intellectual Property is owned by the student. However, Intellectual Property created by a student(s) when working for pay or academic credit, or voluntarily working on faculty projects or University Sponsored Works is subject to the ownership principles stated above.

Using Copyrighted Materials:

All creators shall be responsible for securing permissions or licenses from owners before reproducing, distributing, making a derivative work, or displaying copyrighted works. It should be assumed that any material being used is copyrighted unless permission is expressly granted within the material or it is clearly in the public domain. Whether a particular use constitutes "fair use" is determined by U.S. Copyright Law.

Intellectual Property Policy Board

The Intellectual Property Policy Board (IPPB) serves as an advisory committee to the Vice President for Academic Affairs (VPAA) on intellectual property issues. The IPPB advises the VPAA regarding (i) the application, interpretation, implementation and administration of this policy, (ii) the modification or development of policy and procedure and (iii) the resolution of disputes (e.g., concerning ownership of specific intellectual property). The VPAA will review proposed amendments to this policy after consulting with the IPPB. The membership of the IPPB consists of the Assistant Vice President of Academic Affairs for Research and Sponsored Projects, who serves as chair; an Associate or Deputy General Counsel; the Chief Information Officer; one dean selected by the VPAA; and one full-time faculty member from each of the colleges of the University. The VPAA shall select the college faculty representatives after consulting with the Committee on Faculty. If appropriate, the chair of the IPPB should inform the graduate and undergraduate student governments of an IPPB meeting, and they may choose to send a non-voting observer to the meeting.