

# Grand Valley State University

## Intellectual Property

### **Rights in published material, inventions and secret processes**

Grand Valley State University seeks to promote the public good through excellence in teaching, active scholarship, and service. In the course of these activities, faculty, staff, and students create Intellectual Property that may be eligible for copyright, patent, and other forms of legal protection. In order to reinforce the fairness of mutual commitment and in the spirit of academic freedom, the University recognizes the rich and varied products of individual scholarship, in all its manifestations, are rightly the property of the Creator except as otherwise defined by this policy. The University also recognizes that Intellectual Property should remain available for the benefit of the entire University community and that the Creators shall not use Intellectual Property in conflict or competition with the University. Therefore, the Grand Valley State University community seeks to establish an environment in which the creation of Intellectual Property is suitably recognized as an academic achievement and in which the benefits of intellectual property to the creators, the university community, and the general public are optimized.

### **Ownership**

All Intellectual Property shall be owned by its Creators when such Intellectual Property is not considered:

- 1) work made for hire;
- 2) expressly assigned or commissioned by the University;
- 3) grant or contract funded through the University; or
- 4) to require more than nominal use of University resources.

Irrespective of ownership, Creators shall disclose promptly and with full disclosure, in the manner prescribed by the university in order to protect confidentiality of the Intellectual Property, to the Finance and Administration Office any Intellectual Property discovered or created as a result of:

- 1) work made for hire;
- 2) expressly assigned or commissioned by the University;
- 3) grant or contract funded through the University; or
- 4) more than nominal use of University resources.

The President or designee by written agreement is authorized to make exceptions to this paragraph.

### **Right to use**

In the event the Intellectual Property is owned by the Creator but involved University resources in the discovery or creation of the Intellectual Property, the University will retain a non-exclusive license to use the Intellectual Property within the University provided attribution is given to the Creator(s) of the Intellectual Property. In the event the Creator leaves the employ of the University, the University shall be able to modify the Intellectual Property for use within the University.

### **Commercial Application**

Three options for the commercialization of a technology are noted below. The option will be chosen by Creator(s) and the Finance and Administration Office jointly, prior to the expenditure of substantial University resources. The option chosen should be that which best serves the mission of the University, including the objectives of this policy, and which is consistent with the available technology transfer resources of the University. The following options for commercialization are available:

- 1). Licensing Third Parties. The University may license or assign Intellectual Property to external entities for further development and commercialization in exchange for a return on resulting

revenues. The University and Creator shall divide the return on resulting revenues using one of the two formulas as follows:

- A). The University and the Creator divide the gross revenue 70% to the University and 30% to the Creator but the University assumes the expenses related to legal protection, marketing and commercialization and licensing and other transactional expenses related to the Intellectual property; or,
  - B). The University and the Creator divide the net revenue 50% to the University and 50% to the Creator but the University first recovers its expenses related to legal protection, marketing and commercialization and licensing and other transactional expenses related to the Intellectual property. If the University decides not to protect or license the Intellectual Property, or subsequently decides to not pursue commercialization of the Intellectual Property it may be reassigned to the Creator(s), upon request, in accordance with option 3 below.
- 2). Licensing Business Entities in which a Creator holds an ownership or management interest. The University or an affiliated entity may enter into license agreements with business entities in which the Creator holds an ownership interest. The terms may include royalty payment, equity interest, or a combination thereof.
  - 3). Reassignment of ownership to Creator. The University may reassign ownership of Intellectual Property to Creator(s) who elects to market and protect the Intellectual Property. The return to the University for a reassignment of ownership will be ten percent (10%) of the net revenue generated by the Intellectual Property.

#### **Definitions**

- 1). "Creator" shall mean a faculty or staff member who invents, discovers or creates Intellectual Property using University resources.
- 2). "Intellectual Property" shall mean Academic Works and Technical Works.
- 3). "Academic Works" shall mean Intellectual Properties that are artistic, scholarly, instructional or entertainment in nature and are not Technical Works. Academic Works include instructional materials, books, journal articles, written reports of research to the extent that they do not contain Technical Works, creative writings, manuscripts, music and art work.
- 4). "Technical Works" shall mean Intellectual Properties that are generally of a scientific, engineering or technical nature such as patentable or unpatentable inventions, devices, machines, processes, methods, invented or manufactured substances, and computer software.
- 5). "Nominal Use of University Resources" shall mean use that is customary or usual within the faculty, staff and student's appointment and assignment such as the use of an assigned office, computer, computing network, photocopier or similar reproduction device, telephone or similar telecommunication device, and office supplies in the ordinary support of his or her teaching, scholarly activities and service.

(Source: GVSU Administrative Manual, Chapter 2)

**Contact: Office of University Counsel**  
Phone: (616) 331-2067