FACULTY MEETING
May 14, 2014

MOTION

Motion: The IP Policy Working Group moves that the Faculty endorse the Intellectual Property Policy (attached).

Rationale: The purpose of this policy is to: (a) Promote the creativity of the entire College community and to reflect the contributions of inventor(s) and the institution in the determination of the rights of ownership, use, and the distribution of equity interest; (b) Ensure that discoveries, inventions, and other creations generated by the Skidmore College community, are utilized in ways most likely to benefit the public; (c) Assist the Skidmore community in properly disclosing their scholarly work, in complying with applicable laws and formal agreements, and in gaining the protection available under US law; and (d) Sustain and enhance the College's ability to engage in sponsored research and scholarship, funded by federal, state and private sponsors who require that policies and procedures exist for the management of intellectual property interests.

Federal Compliance Context: U.S. Federal Law (37 CFR Section 401) mandates that all recipients of federal grants or contracts must: (1) have intellectual property policies in place regarding the ownership of derivative intellectual property and that such polices require employees to disclose all such inventions; (2) report the details of inventions and patents that have been made through federal grants or contracts; (3) notify the federal sponsor that it will retain ownership of the invention and take steps to commercialize the invention or request permission to transfer title to a third party; and (4) provide a nonexclusive, nontransferable, irrevocable, paid-up license for the government to practice or have the invention practiced on its behalf throughout the world.   The above requirements are also stipulated in Notices of Grant Award, contract terms and in the award policies of each agency.

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Definitions

Author is defined as a person who creates a copyrighted work.

Community members are defined to be the President, members of the President's cabinet, faculty, staff and students.

Copyright is defined as a form of protection the law provides to the authors of "original works of authorship" for their intellectual works that are "fixed in any tangible medium of expression," both published and unpublished. Examples of works which are eligible for copyright protection include: books; periodicals; software; musical or dramatic works; pictorial or other artistic works; and audiovisual works. Copyright includes a bundle of rights: The right to reproduce the copyrighted work; the right to distribute copies of it; the right to prepare derivative works based upon the copyrighted work; and the right to make public performances or displays of most copyrighted works.

Institutional Works is defined as works created by non faculty employees (either staff or student employees) within the scope of their employment.

Institutionally Commissioned Work as used in Part B.II.A is defined as work that the College specifically commissions its employee(s) to create or produce outside their regular scope of employment. Institutionally Commissioned Work does not include works

Routine support is defined as whatever resources are regularly provided to that sort of person in that department at that time. Examples of routine support include office or laboratory space and equipment, secretarial and clerical services, divisional travel grants, access to generally available and departmental computer and network facilities, software, and support, sabbatical leaves, start up funds at the time of hire (e.g., one time funding to help a newly hired science faculty set up a laboratory does count as routine support because it is regularly provided in science departments at this time), grants for endowed chairs, fellowships, and other grants from the Faculty Development Committee or other similarly constituted intramural grant committees.

Costly, exceptional, individually dedicated

However, the College has the right to protect its good name, and therefore retains a right of approval for the dissemination

When

days following receipt of a complete and fully executed copy of the Invention Disclosure. The actual time required will be dependent on considerations, such as the complexity of the invention and the need to secure outside counsel.

C.   Proceeds

Income distribution for patents owned by the College shall be as follows: All administrative and legal expenses incurred in connection with the patent will be deducted from the gross income. After these deductions, the income will be divided 50% to the inventor(s), with the other 50% divided between a research account in the Office of Sponsored Research, and the College.

Skidmore anticipates that a portion of its proceeds will be used to support education or research.

Part C   Resolution of Disputes

Disputes concerning application of this policy shall be resolved by a review panel of three members of the Skidmore community: a representative of the creator(s), a person designated by the DOF/VPAA, and a third person selected by the two other members.

The review panel may request meetings with relevant individuals and may review additional materials necessary to understand the issues on which there is disagreement. Such materials may include, but are not limited to appropriate financial information, sponsored project agreements, human or animal protocols, laboratory notebooks, presentation materials and manuscripts or other relevant materials. The Review Panel will prepare written findings of fact and a ruling, based on their review. Such findings and the ruling will be provided to the creator(s), the DOF/VPAA, and the President.   The findings of the Review