

UNIVERSITY OF DENVER POLICY MANUAL INTELLECTUAL PROPERTY		
<u>Responsible Department:</u> Research and Graduate Education		<u>Recommended By:</u> Vice Provost C Ca/P <</ /TT5 utn08MCID 4ner(14 (at)-16 (e))TJ ET Q 65.64 64<</ /6 9/28/2018

I. INTRODUCTION

- A. This policy reflects the following goals:
 - 1. To facilitate and celebrate innovation within the University community;
 - 2. To enhance the University’s reputation and visibility; and
 - 3. To contribute to the public good through economic development.

- B. This policy applies to:
 - 1. All University trustees, officers, faculty, visiting faculty, staff, Students, postdoctoral fellows, research fellows, and individuals providing services to the University as contractors, visitors, and volunteers; and
 - 2. Persons unaffiliated with or not employed by the University who participate in University research projects.

II. POLICY OVERVIEW

Rights in Intellectual Property made or created by University faculty, students, staff, and others participating in University research programs, including visiting researchers, are as follows:

- A. In keeping with the academic traditions of the University where the Creator retains ownership to scholarly works, the Creator retains full ownership rights to the following Intellectual Property developed while affiliated with the University, regardless

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- 2. Pantomimes, and choreographic works;
- 3. Pictorial, graphic, and sculptural works;
- 4. Motion pictures and other similar audio-visual works,

- 5. Educational courseware and software (this does not include other types of software or databases)

In consideration of this relinquishment of potential Intellectual Property ownership rights, the University retains a perpetual, royalty-free right to use,

in the Intellectual Property and is expected to cooperate as needed to enable and support University efforts to (1) file patent applications, file trademark applications, register copyrights, and execute option or license agreements, and (2) pursue any other method to assert and protect ownership rights. In exchange for the Creator's cooperation, the Creator will receive a share of Income generated by the Intellectual Property, as provided below.

- E. When the University has ownership rights in Intellectual Property, any Income received as a result of the commercial development of the Intellectual Property will be divided and distributed in one-third shares to each of the following:
1. The Creator;
 2. The University department or division that supported the development of the Intellectual Property; and
 3. The University's Office of Intellectual Property and Technology Transfer.
- Unless otherwise agreed in writing, the Creator's one third share of Income will be divided evenly among the University associated-individuals who created the Intellectual Property.

IV. GENERAL POLICY PROVISIONS

- A. Application of This Policy. As a condition of their employment, enrollment or participation in University programs, or their use of funds, space, staff or facilities, all employees of the University, whether appointed, non-appointed, full or part-time, and all faculty shall be bound by this Policy, unless stated otherwise in a written agreement between such person and the University. Faculty shall be included within the term "employee." This Policy shall also apply to all students of the University in whatever program or status.
- B. Patent Matters. The Patent Policy of the University, which is separately stated and incorporated herein by this reference, governs all matters pertaining to Intellectual Property created by University faculty, employees or students giving rise to patent rights, and sharing of income from commercial exploitation of those rights. The Patent Committee shall report to and be responsible to the Intellectual Property Committee.
- C. General Statement Regarding Non-Patent Matters. The University acknowledges the right of faculty, staff and students to generate a Work and its associated Intellectual Property in their ordinary daily pursuits to which they have sole ownership. This general statement of ownership is qualified by the Patent Policy of the University, the policy regarding substantial University assistance set forth below, and by the "work for hire" doctrine under U. S. copyright law.
- D. Substantial University Assistance. The following guidelines shall be used to determine whether "substantial University assistance" is involved in the creation of a Work, thereby making the Work and its associated Intellectual Property the sole and exclusive property of the University:

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1. General Rule. To qualify as "substantial University asl Un.002(4)Tj /CS0 c-8 (c/CS06 (.),c-8 (10

credentials.

4. If No Agreement is Reached.

- a. Anticipatory Situations. In the case of a proposed project involving substantial University assistance (not yet commenced), either the University or the Creator(s) shall have the ability to decline to go forward with the project. In such circumstances, the University may also decline to permit University resources (beyond those normally provided) to be used by Creator(s).
- b. Previously Commenced or Completed Projects. If a Work and the

UNIVERSITY: One-Third

For the purposes of this Policy, "Net income" shall mean the sum of any royalties, license fees or other receipts, minus administrative, marketing, licensing, legal, equipment, materials, contract services, travel, and any other appropriate related

Creator(s) hereunder. The University reserves the right to pursue multiple forms of legal

general public. Substantial University Assistance involves more than (1) receiving normal and customary compensation or student financial aid; and (2) normal and customary access to library resources, office space, office computers, the University's computer and telecommunications network, or office staff or support.

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