

Intellectual Property Committee Practices

(September 12, 2005)

Committee consensus:

These are working guidelines for inventors representing actions and consensus of committee practices in areas of Policy 13000 which are ambiguous or not addressed. Provision for committee reasonable interpretation of the guidelines is specified in Section 2.4.A.8 of Policy 13000.

Practices:

1. Consulting, unpaid sabbaticals, unpaid summer activities {not using university resources} – IP should be disclosed but ownership will not be presumed University owned if investigator has complied with all other university policies and procedures concerning leave and consulting. For paid sabbaticals and unauthorized leave/consulting, presumption is for university ownership of IP developed by faculty.
2. The IPC shall meet to address policy and major decisions concerning intellectual property at Virginia Tech. Although monthly meetings will be scheduled, meetings will be conducted only when an issue or issues are to be presented to the committee. To that end, the committee stipulates that all disclosures assigned to the University by the inventors will be automatically accepted and will require no discussion or further action by the committee. Disputes or questions concerning ownership will be brought to the full committee for action.
3. Interpretation: digital works of scholarship such as electronic textbooks or digital text supplements, or open source software not intended to generate royalties should be included in those creations considered traditional academic scholarship. Generally, results of traditional scholarship are generally not disclosed to the IP committee. However, if the author/inventor is not sure of nature of their work, disclosure to the committee is advised.
4. Software in the form of code and other formats intended for licensing and royalty income should be submitted to the IP committee evaluation. In most, but not all, of these instances the licensed software may be considered novel results of research which must be individually evaluated by the committee].
5. As a guideline significant use of university resources should be considered use of all resources, including faculty, staff, student time, exceeding \$ 10,000]. Further note: The policy as written places no qualifiers on the use of university resources that will trigger university ownership. That is, the term significant use is not mentioned in the policy.

However section 2.4.A.6 sets \$10,000 as a lower limit for student disclosures and the committee interprets that amount to also apply to other disclosures

6. The existing policy gives the university through the Associate Vice President for Research and Interdisciplinary Programs the right to negotiate licensing/ownership agreements with sponsoring agencies, within federal and state laws, prior to actual discovery of the novel finding as part of the sponsored research agreement. Generally, consideration of these rights being assigned to private industries will be contingent on the amount of financial support provided to the project and to agreement of the inventors. If sponsored funding for the project does not meet the full cost of the research, the university is making significant financial contributions to the project and will generally retain its right to ownership of the inventions.

7. Normally, classified employees assigned to a project leading to a disclosure and patent are not eligible for revenue sharing, even though they may be one of the inventors. However, the committee does recognize the importance of these individuals to successful research projects and that creative input to the project may arise outside the main assignment on the project. The committee will accept revenue sharing to classified employees if their immediate supervisor and the next level supervisor attest to the fact that the inventive contributions were outside expectations of the assigned responsibility and if the position description for that employee is consistent with that decision.

8. Originators are required to give approval for deals which are not direct cash, ie. Stock or part ownership in companies.

9. Any stipulations on rights of sponsors agreed to by the university in contracts or other sponsored agreements prior to disclosure of the IP will be transmitted to VTIP at time of assignment and VTIP will be obligated to honor those university agreements.