



Overview of Clark Intellectual Property Policy Revision Process, Key Policy Changes, and Significant Policy Areas

Ad Hoc Committee on Intellectual Property (IP) Policy

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Clark's IP policy was last changed in 2000. Clark's new IP policy is effective as of September 1, 2015.¹

Please note this document is meant to accompany Clark's new IP policy and provide information on the process that led to its formulation and on some of the key changes.

Where can I find a copy of the new policy?

The policy can be found on Clark's website at the following link:
<http://www.clarku.edu/offices/research/compliance/property.cfm>

What was the process for revising the policy?

In January 2015, Provost Baird formed an ad hoc committee of faculty and staff and charged them to provide recommendations on a revised policy. The committee membership included a technology transfer advisor who Clark hired for his expertise in technology transfer and also because he is overseeing the IP policy revision process at WPI.

A draft policy was developed, edited, and revised, and shared with various committees and individuals around campus. Students, faculty, and staff were invited to open fora to provide input.

The policies of several universities also were reviewed. In addition, the group has considered how other schools split their royalty income.

¹ Any agreements between Clark University and any of its faculty, staff and/or students with respect to Intellectual Property that were effective prior to this latest Intellectual Property Policy will continue to be governed and administered under the provisions of the previous policy.

Are there any guiding principles or goals of the new policy?

The intent of the policy is to be clear, transparent, flexible, and supportive of the efforts of those generating intellectual property as Clark moves to expand upon its efforts in innovation and entrepreneurship.

What are the key changes and additions?

- 1) Much of the existing policy is the same, but has been updated to make it more complete based on experiences of other institutions over the past 15 years since the last policy was written.
- 2) The process of how intellectual property is managed and where to go for assistance is described.
- 3) Who is covered under the policy is defined.
- 4) How equity is handled is addressed.
- 5) Management of student IP is included.
- 6) How instructional materials, including online course materials, are managed as intellectual property is included.
- 7) Copyright and software IP is now addressed.
- 8) Oversight and appeal processes are included.

IP Ownership of Scholarship and Research

How is IP ownership of research and scholarship typically addressed by other universities and at Clark?

With many traditional forms of faculty-developed scholarship and research, the IP generated belongs to the faculty member (i.e. scholarly publications, journal articles, research bulletins, books, works of art and music, non-patentable software, etc.).

There are exceptions and restrictions to this general principle which include:

- IP developed with significant use of University resources
- IP developed under expressed assignment/commission
- IP developed with administrative/archival accountability requirements
- IP developed under circumstances imposing other use restrictions such as:
 - Externally funded grants
 - Other legal agreements
 - Joint ownership
 - Use of materials from other institutions
 - Use of University trademarks
 - Use of materials owned by another individual

How may the net royalty income distribution change at Clark?

No change to the net royalty income distribution has been proposed at this time, but for clarification of the current process, we are renaming the Provost’s Office share as a “Designated Fund” for (i) direct support of the licensing of patents and research development and (ii) in the case of royalties from teaching material, for curriculum development and instructional technology, as well as (iii) any purpose appropriate to the mission of the University.

Net Royalty Income Distribution

	Inventor’s Share	Inventor’s Research or Creative Activity	Inventor’s Department/ Unit	Designated Fund	University Operating Budget
Distribution	30%	15%	15%	25%	15%

Note that the current policy allows for the first \$2,000 of income from a patent, copyright or other IP to go to the holder.

IP Ownership of Instructional Materials

How may ownership of Instructional Materials be handled in the new policy?

With many forms of faculty or staff-developed instructional materials, IP ownership traditionally rests with the developer (i.e. course syllabi, lecture notes, PowerPoint or other digital presentations, assignments, exams, etc.).

However where instructional materials are developed with significant use of Clark resources or under express assignment/commission, the IP is owned by the University.

This may occur in cases where there is:

- Use of specialized facilities, hardware, software, equipment or supplies owned by Clark
- More than nominal or incidental use of Clark staff and students in the development of the material
- Significant use of professional staff time, including from ITS or CETL, in developing technology-enhanced course materials
- Provision of dedicated technical assistance

- Digital productions, reproductions or other recordings made at the University's expense.

IP Ownership of Student Work

How is student IP addressed under the new policy?

Student IP was not addressed in the old policy. The new policy:

- Defines when a student assigns IP to Clark vs owning it outright themselves
- Encourages a spirit of entrepreneurship rather than stifling it
- Defines when a student must assign IP to Clark due to other contractual obligations

It articulates the University's general policy that Clark students shall have ownership rights to IP developed by them independently.

Some exceptions and restrictions to this general policy may include:

- IP developed with significant use of University resources
- IP developed using Clark funds. Financial aid as tuition assistance will not be considered Clark funds for the purposes of IP ownership unless the assistance is in the form of employment at Clark or is charged against a grant, contract or other agreement with an external funding source.
- IP developed as part of a directed study, directed research, dissertation, thesis, etc.
- IP developed under circumstances imposing other use restrictions such as:
 - Externally funded grants
 - Other legal agreements
 - Joint ownership
 - Use of materials from other institutions
 - Use of University trademarks
 - Use of materials owned by another individual

Sections 2.3.2 and 2.4.5 of the Policy provide guidance on what may and may not constitute significant use of Clark resources. We anticipate that most student work generating IP will not utilize significant Clark resources and therefore may not be assignable to Clark under that exception to individual ownership. Given that the totality of circumstances and resource use associated with research and intellectual endeavors will vary, it is not possible to specifically define what constitutes significant use in all situations, therefore any project-specific questions may be addressed to the Provost or his/her designee regarding IP ownership.

Where IP ownership rests with the University, students would be eligible for the inventor's share of the net royalty income distribution noted above for faculty.