

INTELLECTUAL PROPERTY POLICY
Pacific University
Adopted by Board of Trustees 5/18/2007

I. PATENTS

The patent policy of the University establishes guidelines for inventions, improvements, and discoveries resulting from the work of University faculty, administrators, staff, students, research assistants, research associates, visiting scholars, and anyone employed by the University. This policy applies to all inventions, improvements and discoveries, whether patentable or not, which are conceived or reduced to practice through research and development supported by University-owned or administered funds, equipment, facilities, materials, or services. The policy covers three different categories of inventions:

1. *Discoveries or inventions that are subject to the terms of sponsored projects or other agreements between the University and a third party.* These inventions shall be disposed of in accordance with the terms of the applicable agreement. Most agreements will provide that the University will own the inventions and will grant certain license rights to the sponsor.
2. *Discoveries or inventions that involve the use of funds, materials, or facilities administered by the University but that do not involve University obligations to a third party.* These inventions shall be the property of the University.
3. *Discoveries or inventions that do not involve either University obligations to a third party or the use of funds, materials, or facilities administered by the University.* These inventions shall be the property of the inventor.

Any discovery or invention covered under this policy must be disclosed promptly to the Provost by means of an Invention Disclosure Form that is available from the Provost's office. After this form is submitted, the University or its designate will make an evaluation in order to decide whether to apply for a patent. The University will notify the inventor in writing in a timely manner of its final decision. If it fails to do so within six months of receiving a properly executed disclosure, or if it decides not to pursue a patent application, the invention will become the property of the inventor subject to the rights of any outside sponsor, if applicable.

Inventors wishing to request an exception to this policy or to challenge a patent decision by the University may appeal to the University Provost. The Provost will appoint an ad hoc committee of three members mutually acceptable to the inventor and the Provost, including at least one faculty member and one member of the administration. The committee will prepare a report of its findings and make a recommendation to the Provost. The decision of the University Provost, which is to be explained in writing, will be final.

When inventions are the property of the University, and to recognize the inventor's meritorious services and to encourage research, the University will share the proceeds from patents with the inventor. The inventor or inventors will receive a net royalty to be distributed as follows:

- Net royalties between \$0.00-\$100,000: 50% of the net royalties will be distributed to the inventor(s) and 50% will be retained by the University
- Net royalties between \$101,000 and \$200,000: 45% of the net royalties will be distributed to the inventor(s) and 55% will be retained by the University
- Net royalties over \$201,000: 40% of the net royalties will be distributed to the inventor(s), and 60% will be retained by the University.

Net royalties are defined as the total proceeds the University receives from marketing and selling the invention less expenses incurred by the University, including patent and/or litigation costs, consulting and professional fees, commissions paid to others, travel expenses, telephone and reproduction costs, and any other identifiable expenses. The University's share will be maintained in separate accounts dedicated to the support of research. Forty percent of the university's share will go to a restricted account within the sponsoring college which the College Dean may use to support research activities.

II. COPYRIGHTS

When a University employee is the creator of a copyrightable work, all rights in copyright shall remain with the creator except in the following circumstances:

1. The work is a work-for-hire by the University. A work-for-hire is defined as a work prepared by an employee within the scope of his or her employment. The University shall own all rights in a work-for-hire unless the University Provost has relinquished them in writing. Works of scholarship and works prepared for teaching shall not be included in this category. Typically, a faculty member's work, as defined by the University Handbook, belongs to the faculty member and does not fit the work for hire description.
2. The work has been commissioned by the University. The University shall own all rights in a work it has commissioned provided that the parties so agree in writing.
3. The work has been developed in the course of or pursuant to a sponsored project or other agreement between the University and a third party. The terms of the applicable third-party agreement shall govern the disposition of rights in copyright.
4. The work is covered by other terms specified in a written agreement between the creator and the University. When the work has been developed with monetary support from the University, but is not covered

by points 1 and 2 above, the University may require a written agreement specifying the disposition of rights in copyright.

Any creator who wishes to request an exception to this policy or to challenge a copyright decision by the University may appeal to the University Provost. The Provost will appoint an ad hoc committee of three members mutually acceptable to the creator and the Provost, including at least one faculty member and one member of the administration. The committee will prepare a report of its findings and make a recommendation to the Provost. The decision of the University Provost, which is to be explained in writing, will be final.