



# REVISED INTELLECTUAL PROPERTY POLICY

## Introduction

This policy on intellectual property acknowledges the critical role that creativity plays in the intellectual fabric and identity of the College.

The purpose of this policy is to

- x ensure that members of the Skidmore community remain free to create and enjoy the benefits of their creations;
- x establish a framework for making intellectual property developed at Skidmore available for the public benefit;
- x encourage the prompt and open dissemination of research results
- x ensure that the College's legal obligations under externally funded grants and third party agreements are met; and
- x articulate those circumstances where the College has a legitimate ownership interest in the creations of its employees and students, to establish procedures for the transfer of ownership of such creations from the creator(s) to the College and for the administration of such assigned intellectual property

## Intellectual Property at Skidmore College

The following policies apply to ownership of patents and copyrights in works invented or created by members of the Skidmore community using College funds, facilities, or other resources.

### 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of authorship" for their intellectual works that are "fixed in any tangible medium of expression," both published and unpublished.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. As defined /TT0 1 Tefin

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## Part B - Patents

### I. Ownership

Skidmore's fundamental practice with regard to patentable intellectual property when no more than routine support has been received remains one in which ownership shall be held by the individual(s) who create(s) the work subject to the exceptions described below in Section II.

### II. Exceptions

A. College Sponsored Materials Skidmore shall own intellectual property rights to institutional works, institutionally commissioned works, or when it provides more than routine support to a project.

Not included in this exception are works created by faculty employees (e.g., student employees) when they are working under the supervision of a faculty member who has received no more than routine support for 2(ot)-2( i)-( 2(a)4(i)b( i)-( 2(a)4(i)()oho ha) -0 0 12 72 543.6 Tm ]-( ))

### III. Procedures for Administration of Invention Disclosures and Patents

#### A. Disclosure and Assignment

Inventions conceived or first reduced to practice using College funds or facilities and for which the College may, pursuant to the principles described herein, have an ownership interest shall be promptly disclosed in writing to the Office of Sponsored Research (acting on behalf of the Office of the DOF/VPAA), Palamountain Hall, Rm. 436, Skidmore College, 815 North Broadway, Saratoga Springs, NY 12866. The creator(s) of the invention shall complete the appropriate Invention Disclosure Form supplied for this purpose. If the College chooses to file a patent application for the invention, to which the College may claim ownership in accordance with the principles described above, the inventor(s) shall execute documents of assignment to convey to the College all of the inventor's interest in the invention owned by the College and shall cooperate and assist the College in all phases of the patent application process. Upon request,

### 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, 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 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 Panel when approved by a majority of its members shall be binding.

The existence of a review panel does not preclude any of the parties from retaining and/or consulting legal counsel.

In the event of disputes between inventors, all claims and disputes are to be settled by binding arbitration, pursuant to the rules of the American Arbitration Association, in the state of New York.

### Part D - Revision to Policy

Skidmore College reserves the right to amend this policy as it deems necessary to achieve programmatic and policy objectives, consistent with the procedures prescribed in the College's Policy on Policies.

### Part E - Effective Date

This policy applies to intellectual property conceived on or subsequent to the date of policy adoption or to any intellectual property interests that arise pursuant to the terms of a Sponsored Project Agreement.