



Rowan College of South Jersey

Administrative Procedure: 3203 **INTELLECTUAL PROPERTY**

Intellectual property ownership and the rights associated with it are concepts defined by law. The College encourages the treatment of such property in ways beneficial to the creators of such works, as well as the College and the public. It is the purpose of this policy to encourage, support, and recognize creative research and scholarship as well as the rights and interests of intellectual property creators, the College and the public.

Intellectual property can take a variety of forms including patents, copyrights, and trademarks. All inventions, tangible research results, and artistic, literary and technological works developed by creators while employed at or enrolled in the College, or while utilizing College resources, are subject to this policy and to the state and federal laws governing intellectual property.

Unless superseded through negotiated language between the College and a Board of Trustees' recognized bargaining unit, the following policy shall govern intellectual property developed as described above:

Copyright

1. The Copyright Act provides that copyrights in works of authorship created by an employee in the scope of his or her employment are owned by the employer, absent a written agreement to the contrary. Accordingly, unless otherwise provided in this policy, the copyrights in all works of authorship, including computer software, created by employees of the College in the scope of their employment with the College, shall be owned by the College. These include, for example, the copyrights in course syllabi and course content (such as documents created for online courses).
2. Copyrights in works of authorship created other than by employees of the College in the scope of their employment shall be owned by the authors of such works of authorship, unless the works were created utilizing College funds or resources. These include, for example, the copyrights in books, articles, software and other publications which are created through the personal efforts of faculty, staff or students outside of their assigned areas of responsibility. In the event that any such works are created utilizing College funds or resources, the College and the creator shall enter into an agreement specifying ownership of the copyrights in such works, and the parties' respective rights to commercialize the works.

3. As an exception to the above rules, the College agrees that the copyrights in a limited category of course-related works of authorship shall be owned by the creators of such works. They include, in particular, the copyrights in class notes, study guides and textbooks.

Other Intellectual Property

1. Ownership of all non-copyright intellectual property created by faculty, staff or students of the College shall be governed by agreements entered into between the College and such creators, consistent with applicable law. Such intellectual property includes patents, know-how, trademarks, mask works, tangible research property and any other form or variation of these as defined by applicable law.
2. It is understood that such other intellectual property shall be owned by the College when it is developed by faculty, students and staff using College funds or resources, or pursuant to a sponsored research agreement with the College. Faculty, students and staff developing such other intellectual property shall execute documentation sufficient to confirm the College's ownership, and shall otherwise provide such assistance as the College may reasonably request in protecting and maintaining such other intellectual property.

Other Issues

1. The College may, in its sole discretion, choose to commercialize any intellectual property it owns under this policy. The creators of any such intellectual property shall provide such assistance as the College may reasonably request to assist in commercializing such intellectual property.
2. When it has the right to do so, the College may in its sole discretion "stand aside" in those situations where it believes that it would enhance the transfer of intellectual property to the public and is consistent with the College's obligations to third parties.

Area: Academic Services
Approved: 07/01/19

President's Authorization:



References:

Rowan College of South Jersey Board of Trustees Policy Manual, 3203 *Intellectual Property*

U.S. Code: 15 U.S.C. (Trademarks); 17 U.S.C. (Copyright); 35 U.S.C. (Patents).

Public Law 106-113, 113 Stat. 1501 (1999) American Inventors Protection Act (AIPA)

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