

Tuskegee University
Division of Research and Sponsored Programs
Intellectual Property Policy and Guidelines

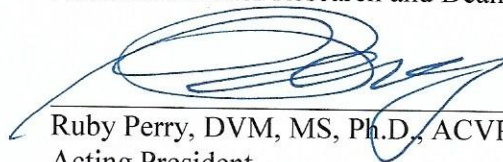
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1. PREAMBLE

Tuskegee University, as an institution of higher learning and intellectual endeavors, has as one of its primary functions the continual search for new knowledge in fields in which the University community is active. The University views research by its faculty and within its own community as an important path to the discovery of knowledge useful to the University and the community it serves. Tuskegee University recognizes and strongly encourages the creativity of its faculty, staff and students in scientific, artistic, and other intellectual pursuits.

Intellectual property refers to creations of the mind: inventions, literary and artistic works, and symbols, names and images used in commerce. Intellectual property rights are like any other property right. They allow creators and owners of patents, trademarks, copyrighted works, or trade secrets to benefit from their own work or investment in the work's creation. It is important, therefore, that there be guidelines to delineate the rights and responsibilities of the University, the individual members of its community, and other interested parties in intellectual property generated within the University community. It is Tuskegee University's desire to ensure that intellectual property rights that it owns or administers, or in which it shares, provide the greatest realizable benefits to the public and the University, and to ensure that the individuals in the community who originate these assets receive equitable recognition, return, and incentives.

To achieve its purpose, Tuskegee University will apply this intellectual property policy in accordance with the following general principles:

- First, intellectual property rights should be exercised for the public benefit for all educational and non-commercial uses, including the widest appropriate dissemination and use.
- Second, intellectual property rights deriving from University support, resources or employment should be managed to derive benefit for Tuskegee University.
- Third, under circumstances defined by this intellectual property policy, University creators of intellectual property may be entitled to financial compensation in the form of an appropriate share of royalties where financial profit is realized by Tuskegee University through the exercise of its rights to that property. In circumstances where there is no financial profit to the University, other forms of recognition may be conferred.

2. OBJECTIVES OF THIS POLICY

In furtherance of these general principles, this policy establishes a framework to encourage the development of inventions and creative works, and to facilitate technology transfer. In doing so, it seeks to strike a balance between the interests of the University, and its faculty, staff and students. The University's policy objectives in this area are:

- To sustain the climate for innovation and invention;

- To provide a framework whereby faculty, staff, and students are stimulated to identify, protect, and develop potentially valuable research results and other creative work, and to engage successfully in technology transfer;
- To promote a better understanding of the various rights which the law gives for the protection of creative effort and thereby stimulate the proper protection of the University's economic investment in that effort;
- To provide incentives for individuals and departments to encourage research and development and to pursue commercially valuable projects;
- To recognize students' rights to intellectual property generated in the course of their study at the University while at the same time asking student researchers, where it is relevant, to assign or license rights to the University in exchange for participation in certain research programs so that the University can properly protect the intellectual property embedded within its research and teaching programs, and can foster the creation of new intellectual property generated through such programs; and
- To protect the rights of faculty, staff, staff, and students with respect to their intellectual achievements.

This policy relies on certain defined terms, including patent and copyright terms-of-art. Section 14 collects these terms, and either gives the term's definition or provides a cross-reference to the policy section that contains the definition.

3. INVENTIONS AND PATENTS

3.1. Scope of Patent Policy

This Section 3 (Inventions and Patents) applies to inventions conceived or reduced to practice by University faculty and staff in the course of their University employment or with the use of University resources, and to inventions conceived or reduced to practice by students in the course of their work as University research assistants or with the use of University resources (collectively, "covered inventions"). This Section 3 (Inventions and Patents) similarly applies to faculty, staff, and students who contribute to the development of such covered inventions. These faculty, staff, and students, together with inventors of covered inventions, are collectively referred to as "contributors."

Inventions that are developed in connection with sponsored research, or that are specifically commissioned by the University, are addressed in Section 5.1 (Sponsored Research) and Section 5.2 (Specifically Commissioned Work), respectively.

3.2. Inventions Disclosures

Contributors to covered inventions shall keep records of all steps directed to the conception, reduction to practice, and improvement of the covered invention, using industry-accepted good practices. In connection with compiling and maintaining such records, contributors must timely and adequately disclose covered inventions to the Office of Grantsmanship and Compliance. Such disclosures shall be in writing and in the format established by the Office

of Grantsmanship and Compliance, and the disclosure must be adequate to allow decision-makers (including the Committee, the Office of Grantsmanship and Compliance, and the Vice President for Research and Sponsored Programs) to determine the applicability of this policy and determine ownership and property interests. The steps in submitting a disclosure can be found at <https://www.tuskegee.edu/research-innovation/technology-transfer>.

After processing an invention disclosure, the Office of Grantsmanship and Compliance will submit the disclosure to the Committee for its consideration under Section 3.3 (Decisions Concerning Patent Applications and Patent Prosecution Costs).

3.3. Decisions concerning Patent Applications and Patent Prosecution Costs

The Committee will timely review, for completeness and substantiation, all inventions disclosures submitted to it by the Office of Grantsmanship and Compliance, and will make recommendations to the Vice President for Research and Sponsored Programs concerning whether or not to file one or more patent applications on each covered invention so disclosed. The Committee shall consider the following factors in making its recommendations:

- The effect on the University's research program;
- The advice of the contributors to the covered invention;
- Whether protection will be of value to the development and subsequent application of the covered invention, especially involving mutually beneficial arrangements for the University and industry;
- Whether there is a possibility of others obtaining protection for commercially valuable intellectual property incorporating the results of work carried out in, and owned by, the University;
- Whether securing patent protection for the covered invention will increase its value as a means to attract support for further research and development at the University and/or to provide royalty and other income to the University, faculty, staff, and any students involved;
- The costs (and/or estimated costs) of prosecuting the patent application and maintaining the patent, and the impact of these costs on the affected department(s) or other affected budgets;
- The likelihood of outside funding for the costs of prosecuting the patent application and maintaining the patent;
- Whether such action is desirable for protecting the University's reputation or maintaining the University's interest in the quality and technical efficiency of production under appropriate research and development licensing or joint venture agreements; and
- Whether such action is desirable in the local, regional, or national interest.

In connection with making its recommendation, the Committee shall consult the relevant University department(s) and the inventor (or inventors) of the covered invention identified in the disclosure.

3.4. Prosecution of Patent Applications

After considering the Committee's recommendation, the Vice President for Research and Sponsored Programs, in consultation with the President and University legal counsel, will determine whether to seek patent protection for the invention at issue, and will take appropriate steps to secure such protection, as applicable. The University is responsible for the costs associated with prosecuting patent applications for such covered inventions and maintaining any resulting patents, unless outside funding is obtained to cover such costs. The University, acting through the Vice President for Research and Sponsored Programs (together with the President, if he or she so desires), has the sole discretion to advance costs associated with prosecution and maintenance, and the sole discretion to decline to continue to advance such costs. The University may seek assistance from patent management firms, patent attorneys, commercial firms, and other appropriate entities or persons in securing or managing covered inventions and any resulting patents.

The University does not give inventors permission to incur costs related to patent prosecution, maintenance, or other activities associated with securing protection for covered inventions, with commercializing such inventions, or with enforcing patents associated with such inventions, unless the University has released the covered invention to the inventor, as provided in Section 3.7 (Release of Patent Rights).

3.5. Ownership of Inventions and Patents

Covered inventions and all intellectual property rights associated with such covered inventions (including trade secrets and copyrights associated the covered inventions) are the property of Tuskegee University, and contributors to a covered invention, to the extent they hold intellectual property rights in the covered invention, assign such intellectual property rights to Tuskegee University or its designee. Contributors shall execute all documents the University deems necessary to secure the University's full intellectual property rights in the covered invention at issue.

3.6. Preservation Of Trade Secrets And Confidential Information Related to Inventions

As a general rule, treating information and technology as trade secrets conflicts with the University's goals of advancing academic freedom and disseminating scientific developments and creative work. Premature disclosure of a covered invention, however, threatens the patentability, or has the potential to significantly reduce the value of the covered invention. Accordingly, to avoid these results contributors to a covered invention shall safeguard as trade secrets, and maintain the confidentiality of, all materials and technology associated with the covered invention until the patent application for such invention is filed, or until the Vice President for Research and Sponsored Programs expressly permits disclosure of such materials or technology.

To balance its commitment to academic freedom with the requirement that covered inventions

remain confidential until the filing of a requisite patent application (either a provisional or non-provisional application), the University has created, and will use, the following process:

Before submitting a manuscript or other materials that embody or may relate to a covered invention for publication or other public dissemination (such as via a conference presentation), contributors shall first provide the Office of Grantsmanship and Compliance with a copy of the materials. The contributors shall provide this copy to the Office of Grantsmanship and Compliance no less than thirty (30) days before their planned submission for publication or other public disclosure. The Office of Grantsmanship and Compliance will timely evaluate the copy to determine whether it contains patentable or potentially patentable subject matter. At the request of the Office of Grantsmanship and Compliance, the contributors will delay publication or other disclosure in order to reasonably enable the preparation and filing of a patent application on patentable subject matter described in the materials.

3.7. Release of Patent Rights

If the University decides not to seek patent protection for a covered invention, or ceases to pay (or cause its designee to pay) prosecution or maintenance costs with respect to a covered invention, the University, upon the inventor's request, will release its ownership rights to the covered invention and execute such documents (at the inventor's expense) as may be necessary to memorialize this release. The release shall apply to all inventors (where more than one inventor is involved), and the inventors shall be responsible for allocating resulting rights and obligations among themselves. The Office of Grantsmanship and Compliance may, in its discretion, choose to provide University assistance to the inventors in pursuing any rights they may have to the covered invention, subject to mutually agreeable terms and conditions relating to such assistance.

Any release of rights under this Section 3.7 (Release of Patent Rights) shall be conditioned on the inventor (i) reimbursing the University for its Covered Costs out of income or other compensation the inventor receives from the covered invention or any associated patents (or, as appropriate, from other inventor resources), and (ii) granting the University a perpetual, royalty-free, irrevocable, sublicensable, and transferable license to practice the patent and its teachings for educational, research, and non-commercial purposes.

4. COPYRIGHTS

4.1. Faculty-Authored Scholarly Works

Under the U.S. copyright law "work for hire" doctrine, the copyright in works created by an author in the course of his or her employment will be owned by the author's employer. Despite this doctrine, in the interests of academic freedom and the broad dissemination of academic and scholarly works, the University does not claim ownership of the copyright in works of scholarship or other works intended for dissemination in traditional, online, or other academic journals or similar publications, to the extent such works do not constitute work associated with covered inventions, sponsored research, or specifically commissioned works (collectively, "scholarly works"). The faculty author of a scholarly work shall retain ownership of the copyright in such scholarly work, and shall be free to publish and otherwise disseminate the work.

4.2. Course Materials Authored by Faculty

The term “Course Materials” refers to work authored by a faculty member during the course of his or her employment or with use of University resources, other than scholarly works. Course Materials include works that embody the general subject matter of a course and its syllabus, written objectives, general topics and themes, learning resources (including assigned or suggested reading), exam and test questions, and information about grading and evaluation. The University retains the copyright in Course Materials, as works made for hire under the U.S. Copyright Act. These rights, however, do not prevent faculty members from using the concepts, ideas, and other elements of Course Materials in their work outside the University, provided the faculty member does not seek to exercise the University’s copyright in these Course Materials. Because development of Course Materials is a central aspect of the work for which faculty members are compensated, in exercising the copyright in, or otherwise commercializing or using Course Materials, the University will not provide the faculty author or authors of such Materials with royalties or other additional compensation.

The copyright in student contributions to, or other student input used in, Course Materials shall similarly be owned by the University, where the student acts as a research assistant or otherwise.

4.3. Work Authored by University Staff

Works authored by University staff in the course of their employment are works for hire under the Copyright Act, and the University will retain ownership of the copyright in such works, unless the Vice President for Research and Sponsored Programs determines otherwise.

4.4. Work Authored by Students

The term “student work” means any work a student authors in connection with his or her relationship with the University other than, as applicable, work connected with covered inventions, sponsored research, Course Materials, or specifically commissioned work. The University does not claim ownership of the copyright in student work and, as between the University and the student, the student shall own the copyright in all student work that he or she authors.

4.5. University Archives

University Archives contain the collective memory of an institution and those involved with it. They hold unique documents and records that are vital for helping people connect with and understand their identities within the context of the University, its work, and its connection to community. Archivists’ mission is to preserve these records’ authenticity, reliability, and integrity. Archivists are also committed to making these records accessible to everyone, while maintaining institutional control. Copyright law assists the work of archivists in two basic activities: in preserving unique records and in making those records accessible to users.

The University reserves all rights in works in which the University holds the copyright, and researchers must obtain permission from the Tuskegee University Archives to publish, exhibit, display or otherwise exercise the copyright in items, or parts thereof, contained in the University Archives’ collections. For more information, please contact the University

Archives staff at archives@tuskegee.edu.

4.6. Copyright Registrations

The author of a work that constitutes or includes Course Materials will inform the Committee if he or she believes that applying to register the copyright in such Course Materials is warranted. The Committee, after consideration, will make a recommendation to the Vice President for Research and Sponsored Programs as to such an application for registration, on the understanding that such applications are generally low cost matters that do not require the assistance of legal counsel, and that such applications are not necessary for a claim of copyright ownership (although a registration is necessary, for example, for copyright enforcement).

4.7. Additional Copyright Information

Due to the importance of copyrighted work in connection with the University's core educational goals, the University makes available additional information on copyright and, for more information on copyright, please visit: <http://tuskegee.libguides.com/c.php?g=492900>

5. EXCEPTIONS TO STANDARD ALLOCATIONS OF OWNERSHIP

5.1. Sponsored Research

There are instances in which faculty and students agree to engage in research or other work sponsored by a third party or government grant. In projects sponsored by third parties, the University will enter into an agreement with the sponsoring entity. This agreement will govern the intellectual property rights of the sponsor, the University, and the University's faculty, staff, and students who participate in the project. Similarly, in work funded by a government grant, the terms of the grant will govern the parties' intellectual property rights and, as a rule, the terms of the grant will be consistent with the intellectual property rights set out in this policy.

Agreements between Tuskegee University and outside grantors or sponsors that involve activities likely to give rise to intellectual property rights (each a "sponsored research agreement") shall state clearly the obligations and rights of the parties, and the procedures to be followed in the event such rights arise. The University is free to negotiate the terms of all sponsored research agreements, including terms regarding the disposition of and compensation for intellectual property rights. In such negotiations, the Vice President for Research and Sponsored Programs, in his or her discretion, may consider the factors outlined in Section 3.3 (Decisions Concerning Prosecution of Patent Applications) and may consult with the inventors and others. Faculty, staff, and students shall not independently seek to negotiate the terms of a sponsored research agreement, and all such agreements must be pre-cleared in writing by the Vice President for Research and Sponsored Programs.

Where a sponsored research agreement involves the creation or exchange of trade secrets or other confidential information, the University will endeavor to retain publication rights similar to those set out in Section 3.6 (Preservation of Trade Secrets and Confidential Information Related to Inventions), and to retain rights to practice intellectual property governed by the agreement for educational, research, and other non-commercial uses.

If an invention is conceived or reduced to practice under a sponsored research agreement, but rights to the invention are not governed by the agreement, the invention shall be considered the property of Tuskegee University in accordance with Section 3.5 (Ownership of Inventions and Patents).

5.2. Specifically Commissioned Work

There are also instances where the University specifically commissions faculty members, staff, or students to produce copyrighted work or to engage in research activities that may result in the conception or reduction to practice of patentable subject matter. In these instances, the agreement defining the specifically commissioned work or the research (collectively, “specifically commissioned work”) will govern the intellectual property rights of participating faculty, staff, and students, and will override any contrary allocation of ownership rights that may be specified in this policy. Unless otherwise expressly agreed in this governing agreement, all participants in the project will transfer their intellectual property rights to the University in exchange for the compensation or other benefits specified in the governing agreement. Project participants shall execute the documents the University deems necessary to memorialize this transfer.

5.3. Independently Created Work

Faculty members and staff retain patent rights to, and the copyright in, inventions and other materials, including academic research, that they create outside the scope of their employment at Tuskegee University, unless the work (i) is created with reliance on University resources, (ii) is connected with sponsored research or specifically commissioned work, or (iii) constitutes Course Materials. A factual determination of rights based on the general scope of employment, including regular or specially assigned duties and sources of support, will be made by the Committee.

Moreover, unless there is an agreement otherwise, work authored by a faculty member (other than Course Materials) while on approved sabbatical, professional leave, or special leave will be considered specifically commissioned work for purposes of this policy and subject for all purposes to Section 5.2 (Specifically Commissioned Work).

Students retain patent rights to inventions they develop other than covered inventions. Students similarly retain the copyright in works they author, as provided under Section 4.4 (Work Authored by Students).

6. THE UNIVERSITY’S EXERCISE AND COMMERCIALIZATION OF INTELLECTUAL PROPERTY RIGHTS

Tuskegee University may exercise its intellectual property rights for its own benefit and, where applicable, for public benefit through license, sale, assignment, or such other means to achieve the purposes set out in this policy. All licenses and other dispositions of the University’s intellectual property rights shall be made solely in the name of the University, and administered solely by the University.

Similar to its rights with respect to sponsored research agreements, the University is free to negotiate the terms of all agreements regarding the commercialization or other disposition of

its intellectual property rights, and faculty, staff, and students shall not independently seek to negotiate the terms of any such agreements. The University shall be entitled, in its discretion, to determine the amount of Royalties or other consideration it will receive in exchange for the license or other disposition of its intellectual property rights, and shall be entitled, in its discretion, to determine that it will not receive consideration in exchange for such rights.

The Vice President for Research and Sponsored Programs shall keep the individuals who receive Net Royalties under this policy reasonably informed of the status of payments and other relevant aspects of such agreements, as reasonably determined by the Vice President for Research and Sponsored Programs.

7. ROYALTY DISTRIBUTION

After its recovery of the Covered Costs it has incurred to date (and retention of a reasonable reserve for expected Covered Costs), the University shall pay to the inventor fifty percent (50%) of any and all Net Royalties it receives from the licensing, sale, or other disposition of the invention at issue. Where more than one inventor is entitled to Net Royalties with respect to a particular invention, the University shall pay each inventor a pro rata share of the total Net Royalties, unless the inventors agree otherwise, and inform the University in a mutually signed writing of their agreed-upon allocation of such Net Royalties.

The University shall pay Net Royalties on a semi-annual basis, within 45 days of the end of the six-month period during which the University received Royalty payments. For the purposes of this Section 7 (Royalty Distribution), the semi-annual periods end June 30 and December 31. Any payments made to an inventor under this Section 7 (Royalty Distribution) will be accompanied by an accounting of the Royalties earned and the costs deducted from such Royalties, in such detail as the Vice President for Research and Sponsored Programs reasonably determines.

8. UNIVERSITY TRADEMARKS

Tuskegee University owns and protects its trademarks and other symbols of its excellence in academics, research, outreach, business, the arts, and athletics ("University Trademarks"). The University does not permit faculty, staff, students, or others to use or display University Trademarks without express written permission, and does not permit the development or use of trademarks or other identifiers that are confusingly similar to the University Trademarks. By way of example (and not limitation), no party receiving a license or transfer of intellectual property from Tuskegee University under this policy may use University Trademarks, Tuskegee University's name, or the names of University faculty, staff, or students in connection with advertising or promotion of the intellectual property at issue without having secured the express written consent of the University or its designee.

For information regarding the use of University Trademarks, and procedures for licensing these Trademarks in connection with merchandising or otherwise, contact OCPRM at 334-724-4649 or reference the Licensing and Trademarks section of the Visual Identity and Communications Policies Manual <https://www.tuskegee.edu/Content/Uploads/Tuskegee/files/OCPRM/Brand-Standards-Manual.pdf>

9. RECORD KEEPING AND ANNUAL REPORTS

The Office of Grantsmanship and Compliance shall maintain records of Covered Costs, Royalties, agreements, and other documents related to intellectual property under this policy.

The Assistant Director of Grantsmanship and Compliance will prepare records of inventions disclosures submitted under this policy, and of its deliberations under this policy. The Committee shall similarly prepare records of its actions and deliberations under this policy, and timely submit these records to the Assistant Director of Grantsmanship and Compliance. The Assistant Director of Grantsmanship and Compliance shall make an annual report of its deliberations and actions, as well as those of the Committee, to the President through the Vice President for Research and Sponsored Programs.

10. POLICY ADMINISTRATION

The Vice President for Research and Sponsored Programs, will be responsible for the implementation and administration of this policy. Decisions by the Committee and the Office of Grantsmanship and Compliance, as applicable under this policy, shall be reviewable by the Vice President for Research and Sponsored Programs, and decisions by the Vice President for Research and Sponsored Programs shall be reviewable by the President, whose decision shall be final.

11. RESOLUTION OF DISPUTES

Any controversy or claim arising out of or relating to this policy shall be resolved by the Vice President for Research and Sponsored Programs in consultation with University legal counsel, or settled in accordance with the Policy for Responding to Allegations of Scientific Misconduct, as applicable. See:

<https://www.tuskegee.edu/Content/Uploads/Tuskegee/images/Research%20and%20Grad%20Studies/Responding%20to%20Allegations%20of%20Scientific%20Misconduct%20USE%20THIS%20ONE.pdf> .

12. RELATIONSHIP TO THE UNIVERSITY'S EDUCATIONAL MISSION

The implementation of this policy is subordinate to the University's graduate and undergraduate education, research, and service missions, as determined by the Vice President for Research and Sponsored Programs in consultation with the President.

13. MODIFICATIONS TO THIS POLICY

The management of patent and copyright processes in a university setting is a complex, highly specialized endeavor. The allocation of financial benefits between inventors, authors, other contributors to intellectual property assets, and the University is a similarly complex endeavor. Accordingly, this policy will be subject to ongoing reviews and possible future modification by the University.

14. DEFINITIONS

Bayh-Dole Act. In 1980, the Bayh-Dole Act (PL 96-517, Patent and Trademark Act Amendments of 1980) created a uniform patent policy among the many federal agencies funding research. As a result of this law, universities retain ownership to inventions made under federally funded research, if certain conditions are met. This policy is designed, in part, to meet these conditions.

Committee. The term “Committee” has the same meaning as the term “Intellectual Property Committee.”

Contributor. The term “contributor” has the meaning provided in Section 3.1 (Scope of Patent Policy).

Copyright. Copyright is a form of protection provided by U.S. law to the authors of "original works of authorship" fixed in any tangible medium of expression. The manner and medium of fixation are virtually unlimited. Creative expression may be captured in words, numbers, notes, sounds, pictures, or any other graphic or symbolic media. The subject matter of copyright is extremely broad, including literary, dramatic, musical, artistic, audiovisual, and architectural works. Copyright protection is available to both published and unpublished works.

Covered Costs. The term “Covered Costs” means out-of-pocket costs or expenses incurred by the University in connection with (i) the prosecution, maintenance, or enforcement of the intellectual property rights at issue, (ii) the licensing of these intellectual property rights, and (iii) other activities attributable to the commercialization or management of these intellectual property rights.

Covered invention. The term “covered invention” has the meaning provided in Section 3.1 (Scope of Patent Policy). For the avoidance of doubt, the term “covered invention” excludes inventions that constitute specifically commissioned work or that are governed by a sponsored research agreement. Such inventions are governed by Section 5.1 (Sponsored Research) and Section 5.2 (Specifically Commissioned Work), respectively.

Faculty or faculty member. The term “faculty” or “faculty member” means full-time and part time faculty members, visiting faculty members, and adjunct faculty members.

Intellectual Property (IP). Intellectual Property refers to creations of the mind. This can include inventions (typically covered by patents and/or trade secret law), creative works, software, music and movies (typically covered by copyrights), and brand names (typically covered by trademarks). IP differs from tangible assets, such as cars, computers, or land.

Intellectual Property Committee. The committee established and defined at <https://www.tuskegee.edu/research-and-graduate-studies/intellectual-property-committee>.

Inventor. An individual who makes an inventive contribution to patentable subject matter, as defined by the U.S. Patent Act.

Invention. An invention is a novel, useful, and non-obvious idea or other patentable (or potentially patentable) subject matter relating to processes, machines, manufactures, and compositions of matter, all as defined in the U.S. Patent Act. It may cover such things as new

or improved devices, systems, circuits, chemical compounds, mixtures, etc. It is probable that an invention has been made when something new and useful has been conceived or reduced to practice, or when unusual, unexpected, or nonobvious results have been obtained and can be exploited. An invention can be made solely or jointly with others as co-inventors.

Net Royalties. Net Royalties are Royalties less Covered Costs.

Patents. A U.S. patent is a grant issued by the U.S. Government giving an inventor the right to exclude all others from making, engaging others to make, using, offering to sell, or selling products or processes that embody the invention within, or importing such products into, the United States, its territories and possessions, generally for a period of 20 years. When a patent application is filed, the U.S. Patent Office reviews it to ascertain if the invention is new, useful, and non-obvious and, if appropriate, grants a patent -- usually two to five years later. Other countries also grant similar patents. Not all patents are necessarily valuable or impervious to challenge.

Patentable subject matter. This term has the same meaning, for purposes of this policy, as "invention."

Resources. When this term is used in connection with "University," please refer to the definition of "University resources."

Royalties. Royalties are the gross royalties, fees, payments, equity securities and other sums received by the University in consideration of licenses or other rights granted or transferred to third parties in connection with an invention and/or rights under a patent or patent application with respect to such invention. The term "Royalties" does not include government funding, research funding from a sponsor, or financial gifts supporting research.

Specifically commissioned work. The term "specifically commissioned work" has the meaning provided in Section 5.2 (Specifically Commissioned Work).

Sponsored research agreement. The term "sponsored research agreement" has the meaning provided in Section 5.1 (Sponsored Research).

Trademarks. A trademark is a type of intellectual property consisting of a recognizable sign, design, or expression which identifies products or services from a particular source and distinguishes them from those originating from others sources. Trademarks used to identify services are usually called service marks. The trademark owner can be an individual, business organization, or any legal entity. A trademark may be located on a package, a label, a voucher, or on the product itself. For the sake of corporate identity, trademarks are often displayed on company buildings.

Trade Secrets. Trade secrets consist of non-public information and can include a formula, pattern, compilation, program, device, method, technique, or process. To meet the most common definition of a trade secret, the information or technology must be used in business, and provide an opportunity to obtain an economic or other advantage over competitors, and be the subject of reasonable efforts to preserve its confidentiality.

University resources. The term "University resources" is used broadly and includes, but is

not limited to, advisory time and services of faculty and other staff members, equipment (by way of illustration only, recording equipment, cameras, computers, machinery and tools), materials (such as tapes, film, canvas, and generally any other physical substances), or funds furnished to an individual, whether as a fellowship or other stipend to enable the individual to create the invention, or as a subsidy for expenses related to making the invention. The term "University resources" does not include minor, incidental use of such resources, as determined by the Vice President for Research and Sponsored Programs.

Vice President for Research and Sponsored Programs. The term "Vice President for Research and Sponsored Programs" means the individual holding this office, or his or her designee.