

### 3.2.14

#### **Governance and Administration: Intellectual property rights**

The institution's policies are clear concerning ownership of materials, compensation, copyright issues, and the use of revenue derived from the creation and production of all intellectual property. These policies apply to students, faculty, and staff.

#### **Judgment**

Compliance      Partial Compliance      Non-Compliance      Not Applicable

#### **Narrative**

Tennessee Tech University (TTU), as a constituent member of the Tennessee Board of Regents (TBR),

The rules adopted regarding income distribution between TTU and TTU inventors or authors are as follows: 50 percent to the inventors or authors, 20 percent to the department of the inventors or authors, 10 percent to the colleges of the inventors or authors, and 20 percent to the Office of Research and Economic Development. The portion of the net income TTU retains from royalties and any other intellectual property-related income is used by TTU for the enhancement of research and instructional programs. The funds may be used for other purposes if specifically approved by the Chancellor of the TBR System.

### **Procedures Governing the Use of Intellectual Property**

The TTU Intellectual Property Advisory Committee (IPAC) is a University standing Committee. The Committee includes faculty members and students. The Associate Vice President for Research and Economic Development serves as the Executive Officer. IPAC is authorized to seek outside assistance in preparing its recommendations. Any compensated assistance obtained from private legal counsel must be approved in advance by the Attorney General of the State of Tennessee. IPAC will also generally advise the President in all matters related to this policy [3].

TBR policy, which is referenced in TTU Policy 732 on Intellectual Property, articulates the policies and procedures pertaining to the use of intellectual property such as commercialization and royalty income sharing. The TTU policy includes the administrative responsibilities of the authors and inventors with regard to disclosure, and a flowchart of the process and procedures from disclosure through licensing and commercialization. Shown in evidentiary document [4] is an example of some of the forms faculty are required to complete in relation to invention disclosures. The policy also includes the administrative responsibilities of the IPAC with regard to its composition; evaluation of ownership, patentability, and/or commercial potential of the invention or work; patentability evaluation; recommendations as to ownership of the intellectual property, whether patent protection should be sought, and whether to seek commercialization opportunities; and recommendations to the University President.

For those inventions or works in which TTU is deemed to have an ownership interest, following a decision by the University President to seek patent protection, copyright registration, and/or commercialization of the intellectual property, IPAC will arrange to have those activities undertaken. All direct costs associated with those activities are borne by TTU.

The policy governing the use of intellectual property is to facilitate the utilization of these inventions and works for the benefit of the faculty, TTU, TBR, sponsors, and the public, and to provide for an equitable sharing of income earned from successful commercialization.

### **Resolution of Emerging Issues and Disputes Regarding Intellectual Property**

Resolution of issues and disputes on intellectual property policies and procedures is in concert with TBR Policy 5:01:06:00, and restated in TTU Policy 732 on Intellectual Property. Issues and disputes are first brought before IPAC for resolution, and any appeals are made to the University President. Further appeals are made to the Chancellor of the TBR. Decisions of the TBR Chancellor shall be binding. Issues related to conflict of interest in intellectual property are resolved by the Conflict of Interest Committee using the procedures articulated in TTU Policy 735 on Conflict of Interest [5]. An example of the forms required by faculty to be completed concerning conflict of interest is found in evidentiary document [6].

### **Dissemination of TTU Intellectual Property Policies**

Information regarding dissemination of TTU policies on intellectual property is available through links in the website of the Office of Research and Economic Development (ORED). In addition, the website provides information to inventors and authors regarding pathways from disclosure to technical and commercial evaluation of the intellectual property and to licensing and commercialization [7]. Another evidence that policies are appropriately published and apply to faculty, staff, and students is the nonenabling disclosures of intellectual property in the TTU Intellectual Property portfolio posted on the ORED website [8].

### **Faculty, Staff and Students being Informed about Intellectual Property Policies and Procedures**

IPAC is composed of representatives of faculty, staff, and students who participate in all matters and decisions related to intellectual property. Information on