

Rule 3335-13-06:

WHEREAS Faculty rule 3335-13-06 supporting the old IPPC policy is now obsolete in light of the new policies; and

WHEREAS The new policies are of particular interest to faculty, staff and students, and should therefore be subject to annual review by the faculty, staff and student members of the Committee on Intellectual Property, Patents, and Copyrights and subject to approval by the University Senate following substantial revision; and

WHEREAS Procedures for appeal of decisions concerning IPPCs are critical for preserving faculty, staff and student rights; and

WHEREAS The revisions to faculty rule 3335-13-06 resulted in greater than 50% change to that rule;

BE IT THEREFORE RESOLVED that the University Senate approve the proposal to rescind and replace rule 3335-13-06 with the following, and respectfully seek approval from the Board of Trustees.

EXISTING RULE: 3335-13-06. Rights to and interests in patentable discoveries and inventions, copyrights, and related materials.

(A) This rule shall apply to all products of university research (where "university research" is as defined in the current university policy on patents and copyrights), defined to be inventions and other legally protectable material arising out of university research, including any discovery, invention, know-how, design, model, work of authorship, and any strain, variety or culture of an organism, or any portion, modification, translation or extension of these items. Products of research will not include works of artistry, academic instruction, or traditional scholarship insofar as these works were not produced in connection with a sponsored program or as a part of a specific university duty or assignment.

(B) The board of trustees deems it in the best interest of the university, its faculty, staff, and students, and in the interest of the promotion of research and development to provide for participation by faculty, staff, and students in the proceeds from products of research conceived or developed by them in the absence of any prior agreements relating to sponsored activities and insofar as allowed by any contract or grant agreements in support of the activity leading to the product of research.

(C) The board of trustees shall establish a policy on patents and copyrights to be administered under the direction of the president of the university through the office of the senior vice president for research. The provisions of the policy shall be subject to review by the faculty committee on patents and copyrights and recommended to the board of trustees by the university senate.

(1) The faculty committee on patents and copyrights shall be composed primarily of members of the faculty and shall elect its own chair. Five members shall be elected by the faculty council in a manner to be determined by the council. One graduate student shall be appointed by the council of graduate students in a manner to be determined by that council. Five members shall be appointed by the president in consultation with the senior vice president for research, the executive vice president and provost, and other appropriate officials of the university. Service on the committee shall be for terms not to exceed three years. An individual may become eligible for committee service again after an absence from the committee of at least one year.

(2) The specific duties of and the procedures for appeals to the committee shall be as described in the policy on patents and copyrights.

(D) Subject to the authority of the president of the university, the senior vice president for research is hereby assigned the responsibility for the acquisition, protection and disposition of rights in products of university research in accord with the policy on patents and copyrights.

(Board approval dates: 4/12/1963, 5/8/1969, 10/4/1985, 4/4/1986, 11/2/1990, 4/4/1997, 12/4/1998, 5/7/2004, 6/6/2014)

NEW RULE: 3335-13-06 Rights to and interests in intellectual property, patents, and copyrights.

(A) The university shall have a policy or policies on intellectual property, patents, and copyrights (hereinafter referred to as “the policy”) to be administered under the direction of the president of the university or his/her designee.

(B) The board of trustees deems it in the best interest of the university, its faculty, staff, and students, and in the interest of the promotion of research and development to provide for participation by faculty, staff, and students in the proceeds from products of research conceived or developed by them as determined by the policy.

(C) The intellectual properties, patents and copyrights committee shall review all changes to the policy. Revisions shall be promulgated through the university policy process and then recommended to faculty council and the university senate.

(1) Membership, duties, and organization of the university senate committee on intellectual property, patents and copyrights shall be in accordance with rule 3335-5-48.19 of the Administrative Code

(2) The policy on intellectual property, patents, and copyrights shall include specific procedures for appeals to the committee on intellectual property, patents and copyrights.

(Board approval dates: 4/12/1963, 5/8/1969, 10/4/1985, 4/4/1986, 11/2/1990, 4/4/1997, 12/4/1998, 5/7/2004, 6/6/2014)