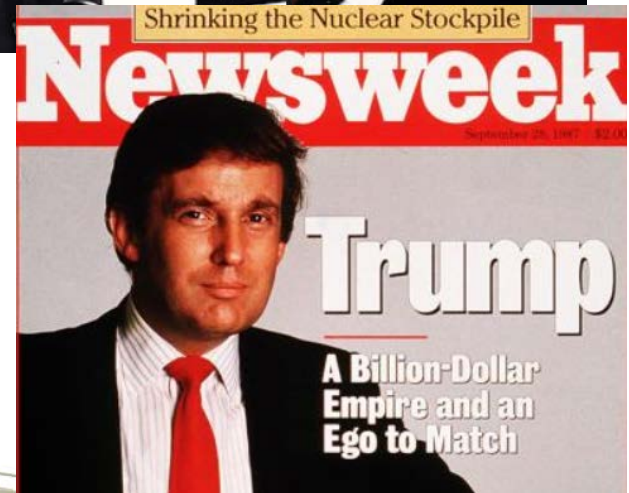


REVISED INTELLECTUAL PROPERTY POLICY

GUY RUB, CHAIR, IPPC

OSU CURRENT IP POLICY

- The IP policy remained mostly unchanged for the last 30 years.
- Failed attempts to revise the policy in the last 1990s and in the early 2000s.



1987: Macintosh II

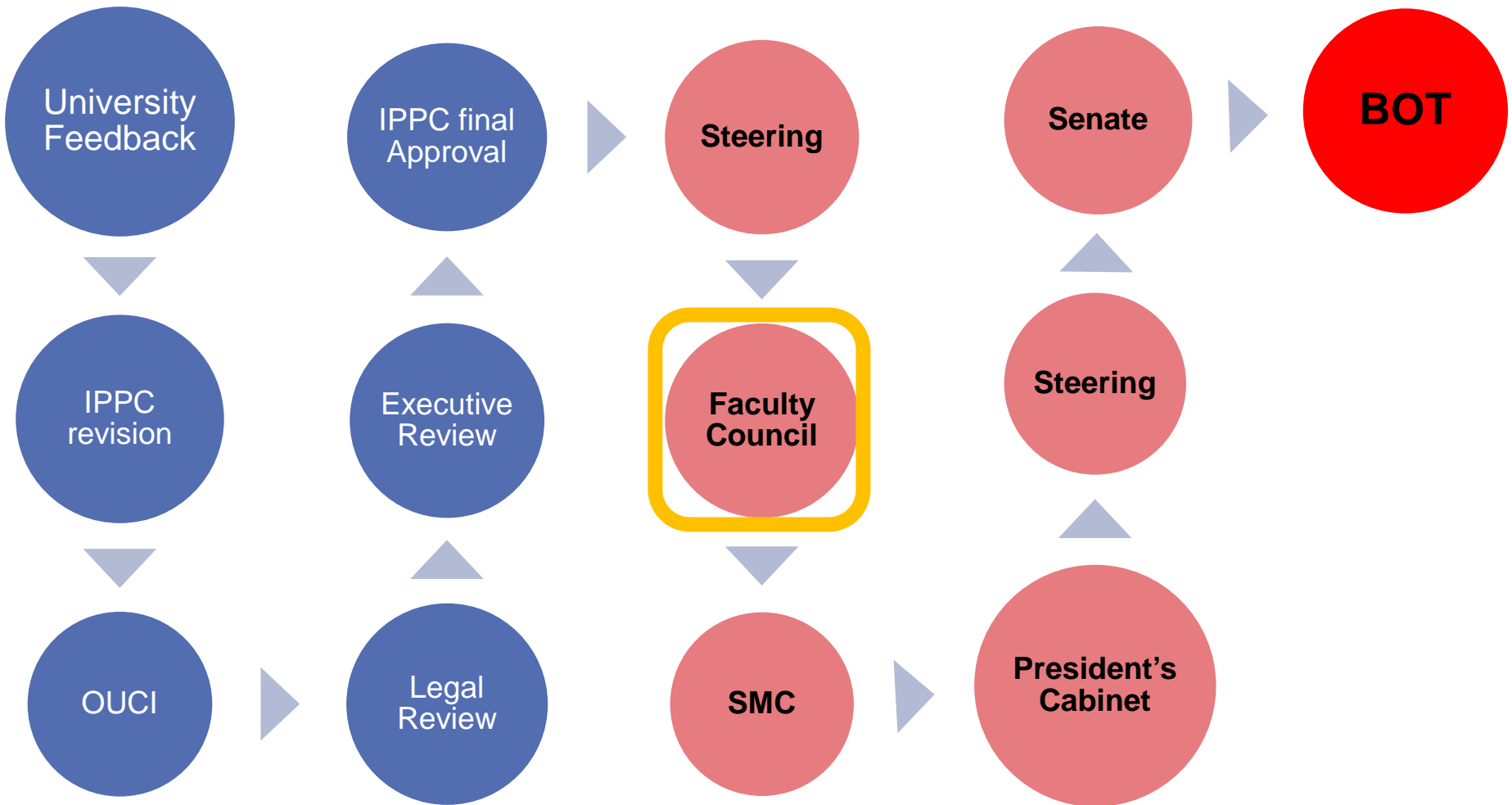
CHALLENGES

- **Intellectual property is the heart of a research university**
- **Universities are unique but they are subject to increased budget constraints**
- **Competing viewpoints, especially on ownership and commercialization**
- **A very large public institute with diverse stakeholders, both within and outside of the university**
- **Fast moving technology**

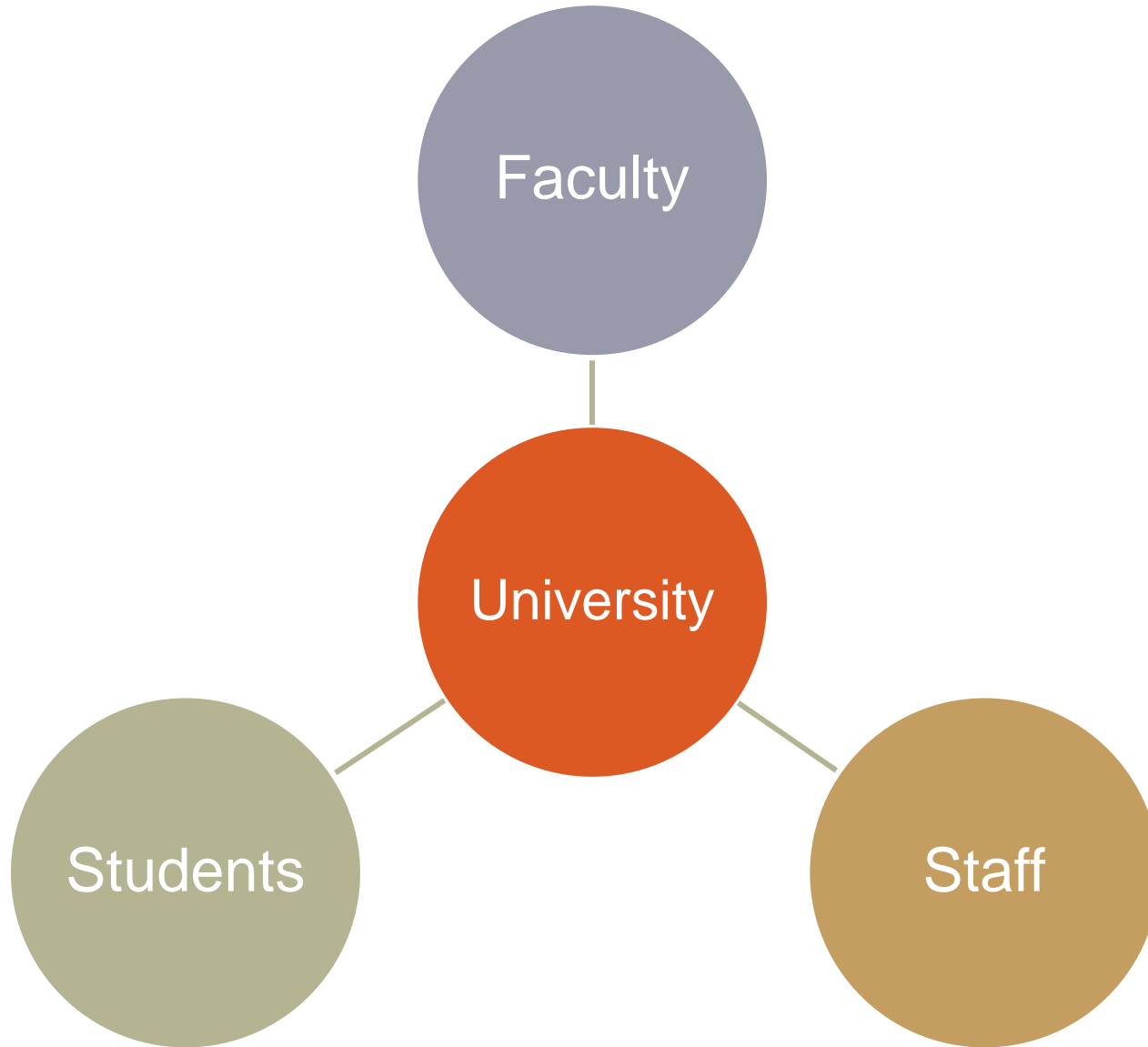
THE CURRENT REVISION PROCESS

- **Conducted since 2014 by the Committee on Intellectual Property, Patent, and Copyright:**
 - Eight faculty members (currently from Earth Sciences, Engineering, Music, Health and Rehabilitation Sciences, Sociology, Math, and Law)
 - A student elected by the CGS
 - Senior VP for Research
 - VP, Economic and Corporate Engagement (Matt McNair)
 - With observers from TCO, Legal Affairs, and OOR
- **The current draft was approved unanimously by IPPC.**

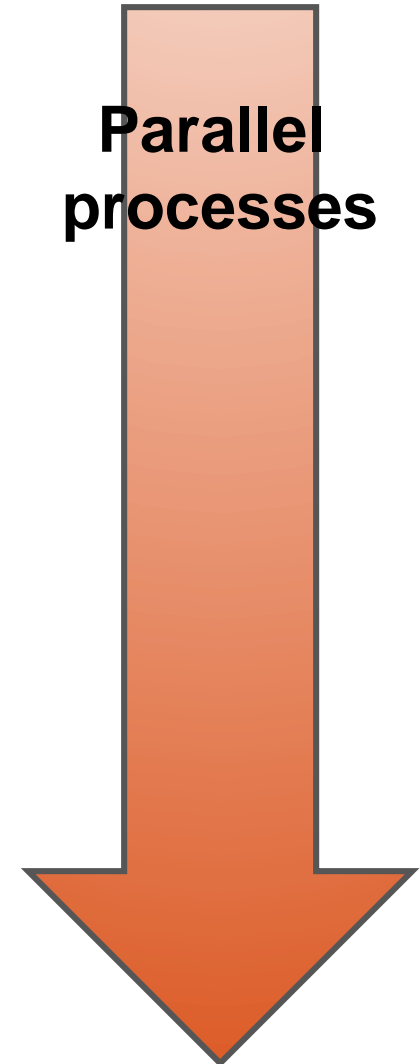
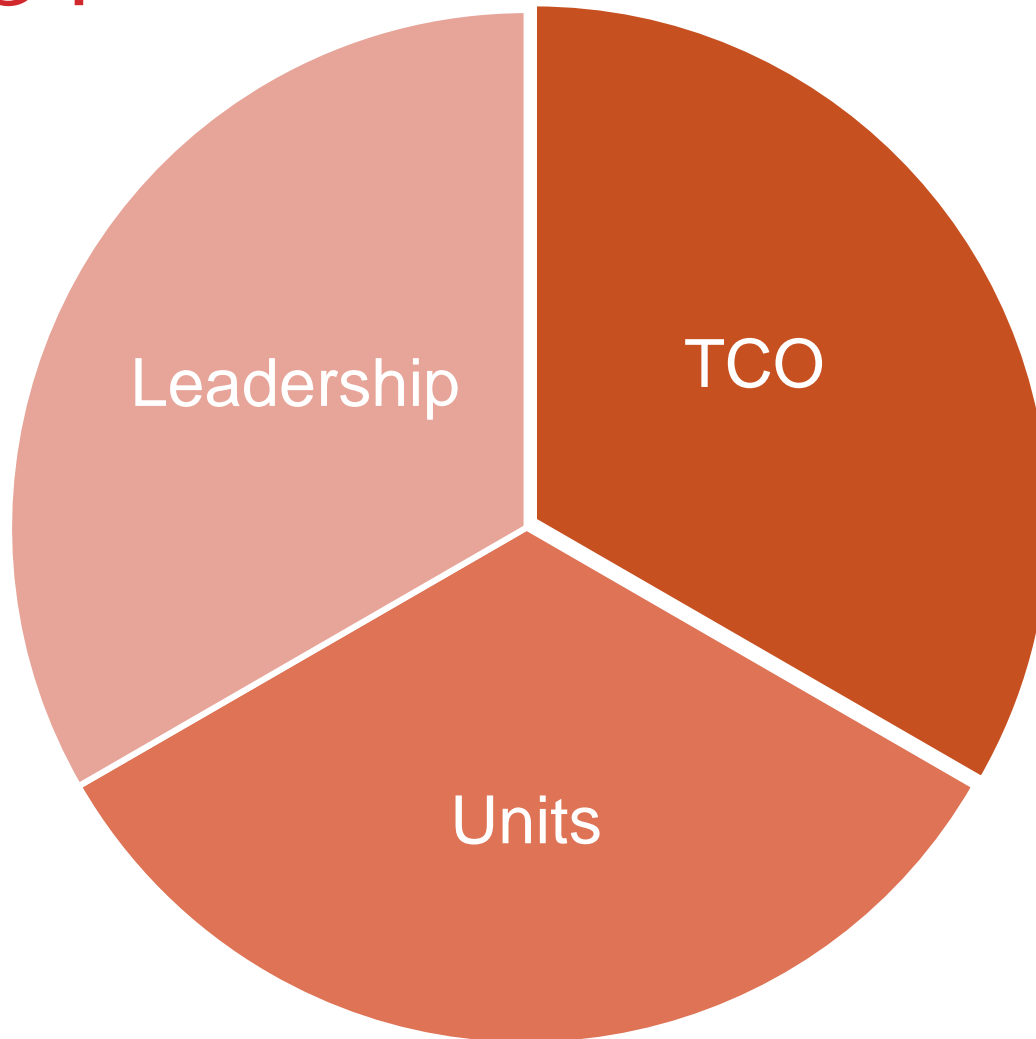
2017-18 PROCESS



SCOPE OF THE POLICY



MAINLY OUTSIDE OF THIS POLICY



MAIN PROVISIONS

- Copyright for traditional works (non-software)**
- Rights in patents and inventions**
- Rights in software**

COPYRIGHT FOR TRADITIONAL WORKS (NON-SOFTWARE)

- “Scholarly Works,” “Instructional Works,” and “Artistic Works” belong to the faculty-creator:
 - Unrelated to the “resources used” or the faculty members “assignments”
 - A license back of instructional work:
 - If “used for the teaching of others”, then the license is permanent. Otherwise, it is just for one year.
 - Subject to conflicting contracts

RIGHTS IN PATENTS AND INVENTIONS

- With minor exceptions, rights in inventions and patents belong to the university
- Streamlining the commercialization process:
 - Mandatory periodic updates
 - Ability to get assignment back in extreme cases
 - Dispute mechanism through IPPC
- A slightly more generous royalty sharing scheme

ROYALTIES CALCULATION

- Royalties are paid from the **net** proceeds, after reimbursement of **direct** patent expenses to those* who paid for commercialization (TCO/Units).
- **First \$100,000:**
 - 50% to the creator
 - 50% to those who paid for commercialization
- **Above \$100,000:**
 - 1/3 to the creator
 - 1/3 to the university (TCO)
 - 1/3 to the creator's colleges

RIGHTS IN SOFTWARE

- **Software is not treated differently with respect to patent rights**
- **For copyright, the faculty-creator have the following rights:**
 - An exclusive right to use or authorize the use of the software for scholarly, instructional, or artistic use
 - A right to permit other use, as long as it is non-commercial for the faculty member. The goal is to allow distribution through GPL and similar platforms
 - Right for a share of the royalties in other forms of commercialization

RIGHTS OF STAFF

- **With respect to patents, the rights are the same as faculty.**
- **With respect to copyright, the rights typically belong to the university. Units, however, can request the TCO a different treatment of those who “set [their] own agenda.”**
- **Post-docs and instructors of record are treated like faculty.**

RIGHTS OF STUDENTS

- **Subject to certain exceptions, students own their intellectual creations.**
- **Main exceptions for inventions:**
 - Created as part of sponsored research.
 - If the course syllabus set forth other arrangements.
 - The university gets a broad license for out-of-class inventions.