



PHILADELPHIA UNIVERSITY

INTELLECTUAL PROPERTY POLICY

**Patent Policy**

Approved by the faculty on April 11, 2001

Section IV.I revised April 5, 2016; Approved by Shared Governance Committee

**Copyright Policy**

Approved by the Faculty on February 19, 2002

PHILADELPHIA UNIVERSITY  
PATENT POLICY  
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I. PURPOSE AND OBJECTIVES

Philadelphia University (the “University”) is committed to teaching, research and the pursuit and expansion of knowledge. The University recognizes that, during the course of teaching and research, potentially patentable devices, methods, products, processes, improvements or other discoveries (collectively, “Inventions”) may be conceived and developed. The University desires, with this Patent Policy, to ensure that any Inventions resulting from the research and scholarship pursued at the University are developed, disseminated, marketed and commercialized for the mutual benefit of the inventor, the University and the public.

The University has developed this Patent Policy in order to:

- Foster an environment of research, teaching and learning among the University’s faculty and students;
- Facilitate the development and use of research and scholarship in ways that are consistent with and in support of the mission of the University;
- Serve the public interest by providing a process by which Inventions may be made readily available to the public; and
- Ensure that the rights, interests, and responsibilities of both the University and the inventor are fairly and uniformly determined.

This Policy is not intended to preclude faculty, staff or students from submitting inventions owned by such individuals (as determined pursuant to Article III hereof) to the University for possible patenting and commercial exploitation and management under terms mutually agreeable between such individual and the University.

For purposes of this Patent Policy, “University Employees” will include (a) all faculty, staff and other persons receiving compensation from the University for services rendered, whether full time or part time, and (b) students, research assistants and graduate assistants, whether compensated or not.

II. DISCLOSURE

University Employees shall promptly furnish to the Philadelphia University Intellectual Property Subcommittee (“the Subcommittee”) a report of any and all inventions for which Philadelphia University could reasonably claim ownership (“Disclosure”). See Section III for explanation of

ownership. Employees shall submit disclosures at the time that the inventions are conceived or first actually reduced to practice, whichever is earlier. Disclosures shall be in writing, shall be dated and shall be signed by each individual or entity that participated in the development, creation or discovery of the Invention.

### III. OWNERSHIP OF INVENTIONS

1. Subject to Article III, Sections 3 and 4 below, University Employees shall be entitled to own all right, title and interest in and to any Inventions which are developed (a) entirely on their own time, (b) outside the scope of their employment with the University (or otherwise having nothing to do with University matters in the case of students, research assistants and graduate assistants), and (c) which involve only incidental use of University resources. "Incidental use" of University resources is use that is customary or usual within the Employee's appointment and academic assignments. For example, the use of assigned office, computer, photocopier, telephone, office supplies, and secretarial assistance in the ordinary support of his or her teaching, scholarly activities and service activities is considered to be incidental. University Employees may make such nominal use of University resources and devote office time in carrying out a range of professional activities, some of which may involve income-generating projects.

University Employees have an obligation to notify their supervisor when they believe that their work will involve more than Incidental use. If any dispute should arise over the ownership of an Invention, the University Employee shall be responsible for demonstrating to the Subcommittee that the Invention meets all of the elements set forth above.

When a University Employee owns an Invention, the University shall not assume any responsibility for any costs, expenses or liabilities relating to patent prosecution, maintenance, enforcement or licensing with respect to the Invention.

Any University Employee who is entitled to all or any part of the ownership interest in an Invention may petition the Subcommittee to accept, on behalf of the University, the assignment of that ownership interest and the responsibilities associated with that ownership interest. The Subcommittee is under no obligation to accept any such assignment, but shall evaluate the University Employee's petition in view of the objectives of this policy and the University.

2. Subject to Article III, Sections 3 and 4 below, the University shall be entitled to own all right, title and interest in and to any and all Inventions that do not meet all of the elements set forth in Article III, Section 1. above. University Employees shall, upon request, assign to the University all of their right, title and interest in and to any such Inventions and shall make known and available to the University all documentation and other materials related to the same, but failure of the University Employees to make such assignments shall not limit the University's rights in such Inventions.

The University shall assume all responsibility for all costs, expenses and liabilities relating to patent prosecution, maintenance, enforcement and licensing with respect to such Inventions.

As provided in Article IV, Sections 2 and 3 of this Patent Policy, the University may elect to waive its ownership interest and transfer it to the University Employee. Where such a waiver occurs, the University shall incur no further costs or expenses and shall assume no liabilities relating to such Invention.

3. The ownership of Inventions arising from research financed by the United States government and its commissions, agencies and other administrative, legislative and judicial bodies (“Government Inventions”) will be governed by the terms of the applicable grant or contract. Within thirty (30) days of the Disclosure to the University of a Government Invention, the University shall report the Government Invention to the appropriate government agency for definition of the government’s rights and interests. In cases where the government claims no patent or other ownership rights in a Government Invention, or waives such rights, the University’s Patent Policy will govern the ownership of such Government Invention, subject to such limitations as the government may impose by contract, law, rule, regulation or otherwise.
4. Inventions resulting from research or other work sponsored by non-governmental agencies shall be governed by the terms of the research agreement entered into in connection therewith, and if there is no such agreement, by the University’s Patent Policy.
5. All disputes relating to the ownership of an Invention shall be resolved by the Subcommittee.

#### IV. PHILADELPHIA UNIVERSITY INTELLECTUAL PROPERTY SUBCOMMITTEE OF THE UNIVERSITY ACADEMIC RESOURCES COMMITTEE

1. The Subcommittee shall be responsible for all aspects of this Patent Policy to the extent set forth herein. The Subcommittee shall consist of the following individuals:
  - One faculty member from the College of Architecture and the Built Environment
  - One faculty member from the College of Science, Health, and the Liberal Arts
  - One faculty member from the Kanbar College of Design, Engineering and Commerce
  - One representative (faculty or staff) from the School of Continuing and Professional Studies
  - One representative from the UARC
  - One representative from the Provost Office
  - Three student representatives (one from each college with at least one undergraduate and at least one graduate)
  - The Vice President for Innovation
  - The Vice President for Finance

Faculty representing each College shall be a full-time faculty (i.e., tenured, tenure-track or professional practice or professional practice-track) and shall be selected by the Executive or Academic Dean. The representative from the School of Continuing and Professional Studies may be a faculty, either full time or adjunct, or a staff member and will be selected by the

Academic Dean. There shall be no limit on successive or cumulative terms. A Subcommittee Chair will be elected by the members of the Subcommittee. The Subcommittee will review the policy for currency and best practices every six years.

The Subcommittee will meet on an ad hoc basis when it is determined by the Subcommittee Chair or by a majority of the members of the Subcommittee that there are matters that require deliberation.

2. Upon the Subcommittee's receipt of a Disclosure from or on behalf of a University Employee, the Patent Policy Chair shall promptly disseminate a copy of such Disclosure to all members of the Subcommittee and convene a meeting of the Subcommittee. The Subcommittee will conduct a thorough evaluation of the Invention disclosed by the University Employee, either through an internal review or by referral to an external party, in the sole discretion of the Subcommittee. Following the completion of the evaluation process and the acceptance of the resulting report by the Subcommittee, the Subcommittee shall notify the University Employee in writing whether or not the University intends to claim ownership of the Invention in the name of the University. The Subcommittee will complete its evaluation process within three (3) months of the Subcommittee's receipt of the Disclosure. In the event that difficulties arise, a time extension can be mutually agreed upon by the Subcommittee and the inventor. The Subcommittee will complete its work as quickly as possible. In the event that the Subcommittee does not complete the evaluation process within such three (3) months or within the mutually agreed upon extended period, as the case may be, and such failure continues for thirty (30) days from notice of such failure by the person delivering the Disclosure, then the Subcommittee shall be deemed to have waived the University's right to claim ownership.
3. If the Subcommittee elects to claim ownership of the Invention in the name of the University, the University may, at such time and in its sole discretion, prepare, file and prosecute a patent application with respect to such Invention or take such other action as it deems necessary or desirable in connection therewith. In the event the University elects not to file and prosecute a patent for any reason whatsoever or fails to begin such process within thirty (30) days of making its determination of ownership pursuant to Section 2 of this Article IV, then the University shall have been deemed to have waived its ownership of such Invention and shall, upon request, assign its rights in such Invention to such University Employee.
4. If the Subcommittee determines, in its sole discretion, that the University should not or is not entitled to claim ownership of the Invention, the University Employee shall then be free to dispose of the Invention in his or her discretion. At the University Employee's request, the University shall assign to such University Employee all of its right, title and interest in and to any such Invention.
5. If the Subcommittee elects to claim ownership of the Invention in the name of the University, the Subcommittee shall seek to maximize the public utility of such Invention. To this end, the Subcommittee, for and on behalf of the University, may enter into one or more exclusive or non-exclusive license, sale or other agreements, in its sole discretion.

6. University Employees may appeal any decision of the Subcommittee to the President of the University.
7. Notwithstanding anything to the contrary, if the Subcommittee desires to file a patent application or otherwise take any action in connection with an Invention which involves anything other than an incidental expense to the University, such action shall require approval in writing of the President of the University upon recommendation from the Subcommittee.

## V. INCOME DISTRIBUTION

1. All income derived from Inventions determined to be owned by the University Employee pursuant to Article IV shall belong to the University Employee.
2. All income derived from Inventions determined to be owned by the University pursuant to Article IV shall be distributed in accordance with the following procedure:
  - The University shall first deduct any costs and expenses incurred by it or on its behalf in connection with the patenting, licensing and marketing of the Invention. Documentation of these expenses will be made available to the University employee at his/her request. Any such costs or expenses incurred by the University Employee with the prior written approval of the University will also be deducted and paid to the University Employee. The resulting income following these deductions shall be referred to as “Net Income”.
  - From the Net Income, the Subcommittee shall deduct and withdraw 20% of the funds for future operations and unrecovered marketing costs (the “Patent Fund Charge”).
  - The sum remaining after the removal of the Patent Fund Charge shall be referred to as the “Divisible Income”. The Divisible Income shall be divided in the following manner: (a) the University Employee will receive 50% of the first \$100,000 of Divisible Income and 25% of the excess Divisible Income over \$100,000, and (b) the remainder of the Divisible Income shall be distributed by the University in accordance with the following schedule:
    - 10% to the University Employee’s research or academic program, whichever the Employee chooses
    - 30% to the University Employee’s School at the University;
    - 30% to the University’s Office of Academic Affairs; and
    - 30% to the general fund of the University.

PHILADELPHIA UNIVERSITY  
COPYRIGHT POLICY  
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I. INTRODUCTION

Philadelphia University (the “University”) desires to contribute to the vast body of public knowledge through the research and scholarship of its faculty and staff. Everyone associated with the University is encouraged to engage in the free exchange and expression of ideas, to explore new frontiers of scholarship and to expand the boundaries of knowledge. This Copyright Policy of the University is intended to promote these goals.

For purposes of this Copyright Policy, “University Employees” will include (a) all faculty, whether full time or part time, and (b) students, research assistants and graduate assistants, whether compensated or not. The term “Author”, as used in this Copyright Policy, shall refer to the individual creator of a work.

II. WORKS PROTECTED BY COPYRIGHT LAW

United States copyright law protects original works of authorship fixed in a tangible medium of expression. Copyrighted material includes, but is not limited to, books, articles, lecture notes, music, movies, computer software, artwork and other literary works. Copyright law does not protect ideas, facts, processes, methods of operation, concepts or principles, although it does protect the original expression of particular ideas, facts and concepts.

Copyright law affords the copyright owner the exclusive right to do and to authorize others to do the following five things: (a) reproduce the copyrighted work; (b) make derivative works based upon the original copyrighted work; (c) distribute copies of the copyrighted work; (d) in the case of literary, musical, dramatic and choreographed works and motion pictures and other audiovisual works, to perform the copyrighted work publicly; and (e) in the case of literary, musical, dramatic and choreographed works and pictorial, graphic and sculptural works, to display the copyrighted work publicly (collectively, the “Exclusive Rights”).

III. COEXISTENCE WITH THE PATENT POLICY

This Copyright Policy deals only with the use and ownership of copyrightable materials. Methods, products, processes and other inventions that are potentially patentable are covered by the University’s Invention and Patent Policy (the “Patent Policy”).

#### IV. OWNERSHIP OF COPYRIGHTABLE MATERIAL

A. Ownership by University Employees. Generally, in the non-academic arena, any copyrightable works that are created by an employee in the furtherance of his or her employment are owned, as a matter of law, by his or her employer. In the academic arena, however, it is customary for colleges, universities and other educational institutions to relinquish any claims that they may have in and to the works created by their faculty. Under this Copyright Policy, except in those circumstances described in Article IV, Paragraphs B and C hereof, the University hereby relinquishes all claims of ownership to the copyright in and to any works created by University Employees, and hereby assigns, transfers and conveys any copyright in and to those works to their respective Authors.

B. Ownership by the University. Where the University commissions a copyrightable work to be created by a University Employee, and the University and the University Employee producing the work agree in writing that the copyright to such work is to be owned by the University and/or that the copyright to such work is assigned and transferred to the University, the University will own the copyright in and to such work.

C. Ownership by Third Parties. Where the copyrightable work results from a grant or other financing provided by or through any public or private sources, including the United States or any state or local government, the ownership of such works will be governed by the terms of the applicable grant or contract under which the financing was provided. If there is no such document, or if such document does not address the issue of ownership, then the ownership of the copyrightable work shall be determined in accordance with the terms of this Copyright Policy.

#### V. CONTROL OVER COPYRIGHTABLE WORKS

A. Where the University Relinquishes Copyright Ownership. In cases where the University relinquishes copyright ownership of a work in favor of the Author, as described in Article IV, Paragraph A of this Copyright Policy, the Author shall have all rights thereto including the Exclusive Rights associated with the copyright ownership in such work and the right to commercialize the copyrighted work.

B. Where the University Retains Copyright Ownership. In cases where the University retains copyright ownership of a work, as described in Article IV, Paragraph B of this Copyright Policy, the University shall be entitled to exercise any and all of the Exclusive Rights associated with the ownership of such copyrighted work, including the right to commercialize the copyrighted work. Should the University receive any royalties or other payments on account of its commercialization of the copyrighted work, it shall distribute such royalties in accordance with the royalty payment schedule set forth in the Patent Policy, unless the University and the Author agree to a different arrangement in the writing between the University and the Author.

C. This Copyright Policy is not intended to diminish the long-standing tradition at the University for University Employees to share and disseminate their works, ideas and

scholarship with and among their colleagues. This sharing of knowledge is understood by all University Employees to be an integral part of the University's mission and should continue to be encouraged.

D. Disputes. If a dispute should arise between the University and any University Employee with respect to the ownership of the copyright in a work, or with respect to whether a work is copyrightable or patentable, such dispute shall be presented to and resolved by the Intellectual Property Subcommittee in accordance with the procedures set forth in the Patent Policy.