

**Virginia Polytechnic Institute and State University  
Intellectual Property Committee Meeting  
September 19, 2012, 12:00-1:00 p.m.  
325 Burruss Hall**

**FULL COMMITTEE**

The Intellectual Property Committee met September 19, 2012.

The following members were present: Bill Knocke (Chair), John Burton, Laurie Coble, Mark Coburn, Robert Harvey, John Jelesko, X.J. Meng, Joe Merola, Ken Miller, Peggy Quesenberry, Steve Sheetz. Monica Rich attended and recorded the minutes. (Minutes were transcribed by Shelly Key).

Invited guest members present: Steve Capaldo, Mike Miller, Kristen Mittelman, Masoud Safdari, Tomalei Vess.

Those members/guests not in attendance: Robert Broadwater, Kay Heidbreder, and Robert Walters.

**Call to Order**

Bill Knocke called the meeting to order at 12:07 p.m. and introductions were made. John Burton will attend the IPC meetings through the fall for Barbara Lockee who is on research leave.

**Approval of Minutes**

The minutes from the last meeting held April 18, 2012 were approved electronically on May 14, 2012.

**Old Business**

At the last meeting in the prior academic year, the committee discussed some proposed changes to the language for policy 13000 as well as reviewed an update on the proposed online IP educational materials. Bill Knocke expressed appreciation to the many committee members who provided feedback on the online materials over the summer. The final version of the online instructional module has been received and Bill will be working with others in the Office of Research who handle the OVPR website to see that the information is up and posted. Once that has been done, we will be getting out notifications through the OVPR "brown sheet" newsletter, the CARS/CAGS group, and other means to let the VT community know of this new educational resource.

## **New Business**

The primary role for the meeting was discussion about where the committee wanted to focus its efforts during the fall. Consensus was that much of that effort, as outlined in the attached agenda, would relate to coming to closure on the committee's discussion of Policy 13000 and movement of a revised policy into Governance review.

## **Final Steps in Updating Policy 13000 and Movement into Governance Review**

1. Consideration of Issues related to IP Generated by UG and Unfunded G Students – Tomalei Vess

Tomalei provided a summary of information from peer institutions regarding intellectual property and undergraduates (attached). Georgia Tech seems to be the most comprehensive with the best language. At Georgia Tech, any academic appointment for students, faculty, and staff involves signing an agreement to assign IP rights to Georgia Tech. Even if a student is not formally employed on funding at Georgia Tech, individual faculty can require their students to sign an IP agreement and the form then goes through their version of OVPR. For any funded research project, the student must sign an IP agreement. Georgia Tech also was felt to have good, appropriate language on copyrighted materials. The IP policy at Georgia Tech was not only in the faculty handbook, but also in the student catalog. At a number of universities, students or non-paid individuals don't have to sign an IP agreement but do, however, have to sign that they know the IP policy—a statement of awareness.

The committee also discussed processes and agreements that need to be in place for visiting scholars, non-employees and non-students.

**Action Item:** Tomalei agreed to bring proposed language on the issue of IP generated by UG and unfunded G students to the next committee meeting for consideration in relation to the updating of Policy 13000.

2. IP Discussion of Inclusion of Faculty Time in Calculation of University Resources Utilization – Steve Capaldo

Steve stated that as a result of being a public institution in the Commonwealth, we are allowed a great freedom in drafting our IP policy. At Virginia Tech, students can't get course credit and get paid. Laurie Coble mentioned that the standard policy at VBI is that faculty members want UG students doing research work with VBI faculty first to pursue course credit for their efforts; if not course credit the second preference would be that they get paid for their work. The third option, if resources aren't available and the student cannot get course credit, would be a mentoring situation.

### 3. Ownership of Commissioned Works -- Steve Capaldo

Virginia Tech is moving into a new era in our initiatives with the upcoming opening of the Center for the Arts as well as the creation of the Institute for Creativity, Arts and Technology (ICAT). The Center especially is reaching out to artists/famous people (e.g. Celine Dion) who will create commissioned works on behalf of VT and/or the Center. Questions arise as to the ultimate ownership of such works. Steve believes strongly that a revised Policy 13000 must address this important issue. Kristen Mittelman pointed out that ownership needs to be spelled out in any contractual agreement, not in an IP policy. Steve stated it would be beneficial to have a policy to refer to when negotiating terms.

**Action Item:** Bill Knocke will contact Ruth Waalkes and Ben Knapp with the Center and ICTA respectively to invite them to attend the next IPC meeting to speak on activities that relate to the IP issues that Steve described and bring in some examples of IP policies addressing this issue from other peer institutions.

#### **Next Meeting Date**

The next IPC meeting is scheduled for October 17, 2012.

#### **Adjournment**

There being no further new business, the meeting adjourned at 1:06 p.m.

Respectfully Submitted,

Shelly Key  
Administrative Support to the IP Committee

**Intellectual Property Committee Meeting  
September 19<sup>th</sup>, 2012, 12:00 – 1:00 p.m.  
325 Burruss Conference Room**

**AGENDA ITEMS**

- 1. Call to Order, Introductions and Approval of Agenda**
- 2. Brief Review of April 18<sup>th</sup> Meeting Minutes**
- 3. Discussion of IPC Activities for Fall 2012**
  - a. Final Steps in Updating Policy 13000 and Movement into Governance Review –**
    - i. Consideration of Issues Related to IP Generated by UG and Unfunded G Students (Tomalei Vess)**
    - ii. IP Discussion of Inclusion of Faculty Time in Calculation of University Resources Utilization (Steve Capaldo)**
    - iii. Ownership of Commissioned Works (Steve Capaldo)**
    - iv. Visiting Scholars and IP (Mark Coburn)**
  - b. Rollout of new Online IP Educational Module Through OVPR**
  - c. IPC Guidelines Document – Will Follow Updating of Policy 13000**
  - d. Other items?**
- 4. Next Scheduled Meeting Date – Wednesday, October 17<sup>th</sup>**
- 5. Adjourn**

**Summary: Intellectual Property and Undergraduates**  
**VT Intellectual Property Committee**  
**12 September 2012**

**Cornell**

1. All with University appointment with academic title, including students on fellowship, payroll, or training grant sign Invention and Related Property Rights Acknowledgment form, [http://www.research.cornell.edu/VPR/Policies/Inventions\\_guidance.html](http://www.research.cornell.edu/VPR/Policies/Inventions_guidance.html). The Vice Provost for Research may also require some non-academic positions to sign the form. The start of the University appointment, whether paid or unpaid, is conditioned on the completion and submission of this form.

*Key language:*

- invention/discovery made in furtherance of my University responsibilities and/or with the use of University resources
- University resources defined: facilities, equipment, personnel, tangible research materials, information not freely available to the public, funds (from the university or externally funded grant, contract or other type of award or gift to the university)

**Georgia Tech**

1. IP Policy applies to full and part-time faculty, staff and students. Faculty/Staff and Student Intellectual Property Agreement forms can be found under Hiring Forms at <http://www.ohr.gatech.edu/forms>.
2. Students required to sign assigning rights to the university under the conditions below and information on this requirement in General Catalogue ([http://www.facultyhandbook.gatech.edu/section 50](http://www.facultyhandbook.gatech.edu/section_50) and Student Handbook). Conditions when students are required to sign an Intellectual Property Agreement form are:
  - When working on research funded by entity other than GA Tech
  - When employed by GA Tech
  - When required by the Office of the Provost. This may be recommended by faculty member directing the research.
3. Copyrighted materials created by a student in furtherance or in connection with studies or activities during matriculation: students grants GA Tech non-exclusive royalty free license to copy, display, distribute, perform, and make derivative works for GA Tech purposes only.
4. Ownership belongs to the university when IP developed as a part of university effort associated with discipline and position, in education, research, or service. If university provides a portion of the resources, unless those resources are free to the public, IP belongs to the university.

Textbooks and related supplementary material, books, journal articles when part of the general obligation to produce scholarly or creative works do not fall under this. Creation of computer software may or may not be assigned as above.

5. Ownership belongs to the individual only a) when there is no use of university resources, b) IP not prepared in accordance with GA Tech grant/contract, and c) IP developed is not a part of a specific institutional assignment.

**North Carolina State University**

1. Policy applies to patentable inventions created as part of a) university research, b) activities within scope of employment with or in official association with NCSU, and c) activities that use university

resources (time, facilities, staff, materials, non-public information, or funds used by the university). Undergraduates participating in research as employees or otherwise are specifically mentioned.

2. All faculty, staff, and students engaged in sponsored research must sign Patent Agreement. Signature on Patent and Tangible Research Policy form is required as a condition of employment and/or matriculation. <http://research.ncsu.edu/ott/files/2012/01/Employee-Patent-Agreement-6.10.11-FINAL.pdf>

### 3. Key language

- Substantial use of university resources = use of university-administered funds or facilities, personnel, equipment, materials, or other resources available to the inventor because of that person's affiliation with the university (office, library, personal computer or software does not meet this standard)
- Students enrolled in course of study, course laboratory, computing or library facilities, software, supplies and materials at the level typically provided to a student in a course do not meet this standard.
- Students own their inventions UNLESS a) invention made in course of university employment, b) invention is conceived or reduce to practice with university-administered funds, c) substantial university resources were used in the creation of the invention, or d) another inventor who has a duty to make the assignment or has made the assignment of the invention to the university.

4. University may ask students to agree to university ownership when there is access to or use of university or 3<sup>rd</sup> party proprietary information as a party of a project. If this project is part of a course, non-elective, the student will be given the option to choose another course where this is not a condition.

5. For courses specifically designed to promote entrepreneurship, innovation, and economic development, instructors and get advanced approval from Intellectual Property Committee, such that a change in ownership is not triggered by student's participation in this course activity.

### UC Davis

1. Students are required to sign the Patent Agreement only if they are employed by the University, receive contract or grant funds through the University, or are engaged in a sponsored research project.

2. Non-employees who use University funds or research facilities or who work on a sponsored research project must execute a Patent Agreement before such use or work commences.

### Duke

1. Members of the Duke community = defined for purposes of this policy as all faculty, staff, and other persons receiving compensation from the university for services rendered, as well as students and graduate assistants, whether compensated or not, who work on any research project under university control.

2. Intellectual property rights arising in courses approved for Duke University credit ordinarily belong to their individual creators in accordance with the general principles expressed in Article I of this Policy; but rights may vest in Duke to the extent that a course (or some portion of it) is created, acquired or developed by Duke under Article I, or when the course (or some portion of it) falls within the exceptions set forth in Article II.