

INTELLECTUAL PROPERTY POLICY

A. Intellectual Property Overview

HSU Sponsored Programs Foundation encourages the development of inventions and other intellectual creations such that the best interest of the public, the inventor/creator, and the sponsor, if any, can be fulfilled while simultaneously providing for the timely protection and disclosure of such intellectual property. This policy is in direct fulfillment of HSU Foundation's mission of serving Humboldt State University's faculty, staff, and students. Accordingly, HSU Sponsored Programs Foundation encourages both the free flow of information and the rapid commercialization of research results while seeking to protect the respective interests of all concerned.

From time to time it may be necessary to limit the open dissemination of information to protect intellectual property in order to commercialize that property and/or to maintain international competitiveness. The means of protecting intellectual property are: patents, copyrights, trademarks and trade secret laws. The use of these mechanisms is critical to attracting the investment of capital necessary to bring research results to the point of viability and thus to the broadest application.

B. General Policy on Intellectual Property

This policy applies to all employees of HSU Foundation and to anyone receiving support from funds administered within HSU Foundation.

Except as otherwise stated in this policy, this policy applies to, and HSU Sponsored Programs Foundation may assert ownership in, intellectual property of all types, including, but not limited to, inventions, discoveries, trade secrets, scientific and technological developments, technology and computer software. This policy applies to the foregoing whether the means of protection is patent, copyright, trade secret laws or trademark. (See Appendix for applicable definitions.)

Except for HSU Sponsored Programs Foundation funds which have been directly invested in the intellectual property, HSU Sponsored Programs Foundation will not assert an ownership right in textbooks, scholarly writing, art work, music, literary work, films, videos and digital technology or other works of artistic imagination which are not institutional works, which are developed by its employees or by those receiving support from funds administered by HSU Sponsored Programs Foundation unless the foundation is owner of the patent, copyright, trade secret, or trademark.

Other than the foregoing exceptions, intellectual property developed by HSU Sponsored Programs Foundation employees in the course of their employment belongs to HSU Sponsored Programs Foundation, unless such ownership is precluded by grant or contract agreements or by state or federal law. HSU Sponsored Programs Foundation shall protect the rights to intellectual property and shall involve discoverers and creators in the process to determine how such intellectual property shall be made public.

C. Intellectual Property Ownership

If HSU Sponsored Programs Foundation personnel, equipment and/or other resources, including university foundation administered grants and contracts, have been used in the development of an intellectual property, that property is owned by HSU Sponsored Programs Foundation.

D. Intellectual Property Disclosure

Especially in regard to an invention, the existence of an intellectual property needs to be disclosed to the foundation as quickly as possible so that the foundation might act to preserve the rights of all concerned. This policy exists to further that goal. Disclosure occurs via completion of an Intellectual Property Disclosure Form (copy attached), obtainable in the HSU Sponsored Programs Foundation central office. Once completed the form shall be submitted to that office.

E. Ownership Reversion

If HSU Sponsored Programs Foundation, by either written policy or specific act, chooses not to act upon the right of intellectual property licensure or patent or similar methodology for assertion of rights, ownership passes wholly to the inventor or creator.

F. Patent Methodology

In pursuing the patentability of inventions, the foundation shall utilize the services of such third parties as Research Corporation Technologies (see attached agreement). Third parties shall be used for the commercialization of inventions.

G. Income - Campus Distribution

After repayment to HSU Sponsored Programs Foundation, of any funds which directly went into the discovery or creation of any intellectual property, any further income received shall be allocated based upon the following formula:

1. 50% to the inventor/creator
2. 25% to the Office of Academic Affairs
3. 25% to HSU Sponsored Programs Foundation

Such income shall be deposited in fiduciary accounts maintained with HSU Sponsored Programs Foundation, except that the inventor/creator may subsequently specify other accounts for transfer of any or all of his/her portion. Expenditure of funds within HSU

Sponsored Programs Foundation fiduciary accounts will then occur through standard expenditure processes with the following understandings:

1. Funds under the control of the inventor/creator shall be expended for purposes selected by the inventor/creator. Such expenditures shall be in keeping with nonprofit organization and CSU auxiliary organization financial standards.
2. Funds under the control of university organizational components shall only be expended for purposes which further research and creative activity and/or teaching effectiveness.

H. Policy Effective Date

Following appropriate review by the board of directors of HSU Foundation, this policy was made effective on 10 June 1994 at Humboldt State University, Arcata, California.

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