

**BLUEFIELD COLLEGE**  
**Intellectual Property Policy**  
**July 2012**

**INTELLECTUAL PROPERTY POLICY**

**Policy Statement:** The mission of Bluefield College is to educate and develop the whole person to enable critical thinking, effective communication, and adaptation to a changing world. This mission is carried out in a learning community which encourages a spirit of intellectual inquiry among faculty, students, and staff. The development of creative and scholarly research, works and inventions, known broadly as intellectual property, will be a natural outgrowth of such activities. The products of this scholarship may create rights and interests on behalf of the creator, author, inventor, sponsor and the College. The purpose of this policy is to support and reward scientific research and scholarship, and help students and staff identify, protect, and administer intellectual property matters and define the rights and responsibilities of all involved.

**Applicability:** This intellectual property policy applies to works created by all classifications of staff and students of the College, even after employment with Bluefield College has been terminated, the relevant project completed or enrollment has ended, and to non-employees such as consultants and independent contractors who create works on behalf of the College, unless a written agreement exists to the contrary.

**Identification of Intellectual Property:** Intellectual Property shall consist of the following:

- (a) Copyrightable material produced from creative and scholarly activity, such as text (manuscripts, manuals, books, and articles); videos and motion pictures; music (sound recordings, lyrics, and scores); images (print, photographs, electronic, and art); and computer software (programs, databases, web pages, and courseware);
- (b) Patentable works such as patents (processes, machines, manufactures, or compositions of matter); devices; and software excluded from copyrighted materials;
- (c) Trademarked materials, such as words, names, symbols or logos, domain names, trade dress, and slogans or any combination of words which has been adopted by the College to identify itself and to distinguish itself and its sponsorship from others; and
- (d) Trade Secrets.

**Ownership and Use**

1. Patentable Intellectual Property

Responsibility for Disclosure of Patentable Intellectual Property. College personnel who alone or in association with other individuals or entities create or intend to create patentable subject matter with any use of College resources must disclose the matter and obtain prior authorization from the Vice President for Academic Affairs (or designee). Such disclosure shall be made when it can be reasonably concluded that a patentable subject matter has or will be created, and sufficiently in advance of any publications, presentation, or other public disclosure to allow time for possible action that protects rights to the intellectual property for the creator and the

College. Creators are encouraged to seek the advice of the Vice President for Academic Affairs (or designee) in determining whether the subject matter is patentable or whether the College desires to pursue patenting the matter.

Determination of Rights to Patentable Subject Matter. Except as set forth below, the creator of patentable intellectual property shall retain his/her rights, and the College shall not assert ownership rights. The College will assert ownership rights to patentable intellectual property developed under any of the following circumstances:

- (a) Development was funded as part of an externally sponsored research program or pursuant to an agreement which allocates rights to the College.
- (b) Development required significant use of College resources or more than minimal use of College personnel. Participation of students that influences development of the patentable subject matter constitutes significant use of College resources.
- (c) The creator was assigned, directed, or specifically funded by the College to develop the material.
- (d) Material was developed by administrators or other non-faculty employees in the course of employment duties and constitutes “work for hire” under U.S. law (e.g., the College’s website, alumni bulletins, admission materials, fundraising materials, catalogs and magazines).

## 2. Other Intellectual Property

Responsibility for Disclosure of Intellectual Property. All disclosures should be made to the Vice President for Academic Affairs.

Determination of Rights to Intellectual Property. Except as set forth below, the creator of Intellectual Property (other than patentable intellectual property) shall retain his/her rights, and the College shall not assert ownership rights. However, creators will grant the College a non-exclusive, royalty-free, perpetual license to use the Intellectual Property for internal instructional, educational and administrative purposes. The College may assert ownership rights to Intellectual Property developed under the following circumstances:

- (a) Development was funded as part of an externally sponsored research program or pursuant to an agreement which allocates rights to the College.
- (b) Development required significant use of College resources or more than minimal use of College personnel. Participation of students that influences development of the work constitutes significant use of College resources. Prominent use of the Bluefield College name or any image, trademark or logo of Bluefield College also constitutes significant use of College resources.
- (c) Material was developed by administrators or other non-faculty employees in the course of employment duties and constitutes “work for hire” under U.S. law (e.g., the College’s website, alumni bulletins, admission materials, fundraising materials, catalogs and magazines).

## 3. Intellectual Property Developed Under Sponsored Research Agreements

Ownership of Intellectual Property developed pursuant to an agreement with any sponsor will be governed by the provisions of that agreement. Sponsored research programs funded by private sponsors will generally provide for the College to retain title to all intellectual property

that arises in the course of the research program with the sponsor retaining an option to acquire commercialization rights through a separate license agreement. Government and nonprofit sponsors generally allow rights to intellectual property that arises from the research program to vest with the College, subject to certain retained rights held by the federal government.

### **Administration**

1. General. This policy shall be administered by the Vice President for Academic Affairs, who shall determine and interpret its terms and provisions.

2. Intellectual Property Review Committee. As needed, the Vice President for Academic Affairs shall appoint an ad hoc Intellectual Property Review Committee whose functions shall include: (1) reviewing policy provisions from time to time, as needed, with recommendations for change or amendments to the Vice President for Academic Affairs; (2) serving as a non-binding advisory body in the case of any dispute relating to this policy; and (3) reviewing other issues as requested by the Vice President for Academic Affairs. The Committee shall consist of two (2) faculty members, one being the Chair of the Faculty Committee, appointed by the Vice President for Academic Affairs, the Director of Library Services, the Director of Information Services and Technology, and Vice President for Finance and Administration.

3. Dispute Resolution. In the event the creator of Intellectual Property objects in writing to a determination of the Vice President for Academic Affairs, the creator and the Vice President for Academic Affairs will provide all relevant information to the President. The President, or the President's designee, is empowered and authorized, after reviewing the circumstances of the case and considering the desirability of asserting the College's interests, to accept or reject the determination of the Vice President for Academic Affairs. The President shall then provide the creator and the Vice President for Academic Affairs with the President's final and binding written determination.

4. Changes to Policy. The College reserves the right to change this policy from time to time. In addition to the Board of Trustees, the President has the authority to change this policy.

### **Use of Bluefield College Names/Logos**

Faculty, staff, and students may, consistent with the Bluefield College Style Guide, use the College's names, logos, and/or other marks where necessary to identify themselves on matters of official College business. Bluefield College names, logos, and other marks shall not be used for commercial purposes or by individuals or entities in a manner that implies College endorsement or responsibility for particular activities, products, or publications, or by any individual or group promoting itself, without the express written permission of the Director for Public Relations or designee.