



Intellectual Property Policy

Introduction

Through the different academic and professional activities, faculty, staff and students share and create new knowledge. As a learning organization, the PUDCJBR seeks to organize and disseminate such knowledge for the benefit of our academic community and society. PUDCJBR seeks to protect the interests of the people of our community by using the investments of research to assist the institution, our employees, faculty and students. PUDCJBR holds ownership rights of every act of creation under the PUDCJBR support.

What is Covered

- **General Rule:** PUDCJBR will hold all Legal Rights to all Intellectual Property conceived, first used (in the case of a trademark or service mark), or reduced to practice, discovered, or created, by any employee of PUDCJBR, during his/her employment. PUDCJBR may also hold Legal Rights to Intellectual Property conceived, first used or reduced to practice, discovered, or created, by any student at PUDCJBR. All persons covered by this Policy are required to disclose to PUDCJBR any Intellectual Property, except those Traditional Works as defined on the Exceptions section of this policy. When in doubt about whether or not Intellectual property may, in a reasonable opinion, have commercial value, the Creator should consult with PUDCJBR about any commercial potential. Such disclosure shall occur either simultaneously with or prior to public disclosure. PUDCJBR will hold all rights to such Intellectual Property that is not covered by an exception as described in the Exceptions section. Prior patentable Intellectual Property or any other rights to prior Intellectual Property held by faculty, staff, other employees, or students are excluded from this Policy. Prior patentable Intellectual Property should be identified by the Creator and acknowledged by PUDCJBR in writing at the time of appointment or enrollment.
- **Exceptions:** PUDCJBR will not hold any ownership rights in Intellectual Property to the extent that:
 - federal or state law provides that some party other than the University holds one or more of such rights;
 - the Intellectual Property related to same was produced both outside the scope of the faculty or staff member's employment or Research, and without significant use of Specialized Resources;

- the Intellectual Property related to same is a Traditional Work, unless the Traditional Work was specifically commissioned by the University (productivity measures as agreed to in a work plan - books, articles, paintings, etc. - unless specifically commissioned by the University, are exempt);
- If a Creator is unsure if a specific Traditional Work may contain Intellectual Property that would not be exempted under the terms of this Policy, they should consult PUDCJBR.
- Intellectual Property was produced by gratis faculty, unless the Intellectual Property was produced utilizing Specialized Resources or personnel of the University.
- **Public Domain Preference:** The Creator, or Creators acting collectively when there are more than one, is free to place an invention in the public domain for non-commercial, academic dissemination purposes if that would be in the best interest of technology transfer, and if doing so is not in violation of the terms of any agreements that supported or governed the work.

Who is Covered

- **Faculty and Staff:** All faculty, staff, including part-time, gratis, and visiting faculty and staff, are subject to the provisions of this Policy. PUDCJBR shall also have legal interest in any Intellectual Property created or discovered by faculty, staff, or other employees while on leave without pay if they have used Specialized Resources, PUDCJBR funds, facilities, or materials. However, faculty, staff, and other employees while engaged in PUDCJBR- approved private consulting activities or authorized outside employment are excluded unless such activities include the substantial use of PUDCJBR facilities or Specialized Resources.
- **Students:** Students who independently create Intellectual Property arising out of their participation in programs of study at PUDCJBR, and that do not result from their employment by PUDCJBR, will retain the legal rights. Intellectual Property created by students through the use of Specialized Resources or in connection with their employment by PUDCJBR is owned by the PUDCJBR.
- **Other Cases:** Any Intellectual Property or exceptional Research results created under an exception to or outside of the PUDCJBR Ownership provisions of this Policy may be (but is not required to be) submitted to PUDCJBR.