

POLICY

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Approved By: President's Council

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Cancels: Patent, Proprietorship and Copyright Policy
Approved by the Board of Trustees 6/14/85

See Also: PRO-U4520.03A

POL-U4520.03 PATENT AND COPYRIGHT POLICY**I. INTRODUCTION**

It is important for Western Washington University (WWU) to provide uniform policies and procedures for the regulation and administration of intellectual property rights generated by the activities of its faculty, employees and others associated with the University. The following University Patent and Copyright Policy is established. This Policy supersedes and replaces all prior patent and copyright policies.

II. OBJECTIVES

1. To define, clarify and protect the rights and equities of inventors and authors, the University, governmental or private sponsors of research, and the public, with respect to inventions and original works, by providing for just and equitable recognition of the legitimate interests of each of the above in such inventions and works.
2. To encourage broad utilization of the results of University research and to provide a vehicle for the transfer of new technology and ideas from the University to the community at large, by permitting exploitation (both commercial and otherwise) in the public interest and for the public benefit, in a manner consistent with the integrity and objectives of the academic process, including the goal of public dissemination of the results of research.
3. To stimulate innovative and creative scholarship, research and writing and its recognition, by facilitating where appropriate the receipt of fair economic rewards therefore in the form of royalty payments to inventors and authors from licensees (in the case of inventions) and publishers (in the case of written or similar works).
4. To protect and benefit scholars and researchers in the University by promoting recourse to the patenting and copyright process and by providing information, support and liaison concerning the procedures and problems involved therein.
5. To encourage and assist scholars and researchers in identifying potentially patentable discoveries, to require prompt and early reporting

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thereof to the Patent and Copyright Committee (PCC) and to promote scholarly publication concerning such discoveries in a manner that does not prejudice the obtaining of a patent.

6. To devise and promulgate clear and practicable regulations, procedures and forms for the reporting and disclosure of original works that may be copyrightable, discoveries that may prove patentable and the timely prosecution of patent applications in appropriate cases.
7. To provide for the patenting or licensing or both of any invention or the copyrighting and licensing or both of any work, where appropriate, through the Patent and Copyright Committee or a patent management organization or publishing entity designated by that Committee.
8. To preserve and protect the rights, as agreed, of any government or private sponsors of research in any invention or work that may be generated by such research, and to ensure compliance with the other terms of any such research grant.
9. To preserve and protect the rights of the University in inventions or other original works which result from the use of University funds or facilities by faculty, employees, students or trainees, in keeping with state law.

III. POLICY

The principle is hereby recognized that there are usually three interests involved in connection with research work and invention performed in the University by or under the direction of the research and teaching staffs of the University. These three interests are represented by the research worker or inventor; the University, and the general public whose taxes and gifts support the University. If the research is financed wholly or in part by an outside agency there exists an additional interest.

In general these interests are best served by immediate publication and dissemination of the results of the research. In some cases, however, the interests of all are best protected and furthered by patenting the discoveries and inventions resulting from the research.

Rights to intellectual property made by University personnel are allocated as follows:

1. Inventions Resulting from Research Supported by University Funds

Inventions resulting from research wholly supported by University funds shall become the property of Western Washington University. Faculty and staff

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members shall assign their rights to Western Washington University and shall be entitled to receive a share of the net profits (amount received by the University, less costs) derived from any exploitation of the patent. The share is determined according to the schedule included in the Procedures implementing this Policy.

2. Inventions Resulting from Research Supported by an Outside Agency

Inventions resulting from research supported by an outside agency, either wholly or in part, shall be governed by the provisions of the agreement with the sponsoring agency. In the absence of such provisions, the invention shall be regarded as deriving from the category of state or University supported research.

3. Inventions Resulting from Personal or Private Research

The University shall have no vested interest in inventions clearly resulting from personal or private research and developed by a person, without cost or expense to, or use of facilities, equipment or staff of the University. Such inventions may be voluntarily offered by the faculty member to the Patent and Copyright Committee for the possible securing of a patent and for subsequent developing, processing and exploitation under University aegis. If such offer is accepted by the Patent and Copyright Committee, the inventor shall assign her/his rights to WWU and shall thereafter receive SEVENTY-FIVE (75%) of the net profits if any (amount received by the University, less costs) derived from any exploitation of the patent.

4. Rights of Students

Except in the case of works written or produced for hire, and subject to any restrictions imposed by outside sponsoring or funding organizations, a student of the University who writes or produces any work shall have exclusive rights thereto, including the ownership of copyright therein.

5. Copyrights

This Policy is also designed to cover copyright of books, software or other similar materials, and of materials in the forms copyrightable under the laws of the United States or international copyright agreements.

Except for works produced or written for hire, any publishable material produced by a member of the faculty or staff of the University shall be the exclusive literary property of the author, if produced with *de minimis* use of University facilities, equipment or staff. The author may obtain copyright or

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dedicate the work to the public as she/he chooses—subject to any restriction imposed by sponsoring or funding agencies not under University control.

Works produced or written “for hire” are defined as manuscripts, software or other materials produced by persons who are engaged by the University specifically to produce such manuscripts or works, or released from other work to produce such materials. The University shall be the sole proprietor of any work done “for hire,” and may make such disposition of resultant materials as it may choose. Borderline determinations should be documented, when desired, in accordance with the foregoing Patent Policy. Should any controversy concerning this Policy arise, it will be referred to the Patent and Copyright Committee.

6. Relinquishing University Rights

The University shall relinquish all of its rights to the inventor in the following cases:

1. If the invention is judged by the Patent and Copyright Committee to be the result of personal or private research, under the rules adopted by the state Executive Ethics Board; or
2. If the University decides not to secure a patent for an invention which is a result of personal or private research but has been submitted to the Patent and Copyright Committee voluntarily by the inventor for possible development and patent under University auspices as hereafter noted.
3. If the University determines that it is not in its best economic interest to pursue a patent on an invention, the rights will be released to the sponsoring agency (if such action is required by grant or contract agreement) or to the inventor.

In all cases of waiver of rights, the University shall relinquish its rights to the inventor by written waiver signed by the President of the University or by a designated agent. If the final unappealed decision of the Committee is that such invention was the result of personal or private research, such decision may be used by the inventor as evidence in establishing the priority of her/his invention. Any person aggrieved by the decision of the Patent and Copyright Committee, within THIRTY (30) days after receipt of the ruling of the Committee, may appeal to the President of the University. Such appeal shall be in writing, shall state the grounds of appeal. The decision by the President shall be final.