



UTAH VALLEY UNIVERSITY

Policies and Procedures

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Current Policy Number and Title: 136 Intellectual Property		
Approval Process*		
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<input type="checkbox"/> New <input type="checkbox"/> Revision <input checked="" type="checkbox"/> Revision—Limited Scope <input type="checkbox"/> Deletion	<input type="checkbox"/> New <input type="checkbox"/> Revision <input type="checkbox"/> Revision—Limited Scope	<input type="checkbox"/> New <input type="checkbox"/> Revision—Limited Scope <input type="checkbox"/> Deletion
*See UVU Policy 101 <i>Policy Governing Policies</i> for process details.		

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POLICY APPROVAL PROCESS DATES		
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UTAH VALLEY UNIVERSITY

Policies and Procedures

POLICY TITLE	Intellectual Property	Policy Number	
Section	Governance, Organization, and General Information	Approval Date	
Subsection	Publications, Reports, Research, and Records	Effective Date	
Responsible Office	Office of the Provost/Senior Vice President of Academic Affairs	Last Review	

1.0 PURPOSE

1.1 This policy promotes the University's educational mission and the scholarly, academic, and service endeavors that are part of that mission by establishing a framework for the ownership, distribution, and commercialization of rights associated with intellectual property developed at the University. The University is committed to supporting its employees and students in their new discoveries; in the creation of original works of authorship, technology, and the arts; and in the application and dissemination of these discoveries and works to benefit the public.

2.0 REFERENCES

- 2.1 *The Bayh-Dole Act*, (35 U.S.C. § 200–212 (1980))
- 2.2 *U.S. Copyright Act*, (17 U.S.C. (1976))
- 2.3 *U.S. Patent Act*, (35 U.S.C. (1953))
- 2.4 *The Utah Employment Inventions Act*, (Utah State Code § 34–39 (1989))
- 2.5 Utah Board of Higher Education Policy R555 *Providing Facilities, Goods, and Services in Competition with Private Enterprise*
- 2.6 UVU Policy 114 *Conflict of Interest and Commitment*
- 2.7 UVU Policy 137 *Sponsored Programs (Grants, Contracts, Cooperative Agreements)*
- 2.8 UVU Policy 231 *Fundraising Authority, Responsibility, and Coordination*
- 2.9 UVU Policy 247 *Contract Review and Signature Authority*
- 2.10 UVU Policy ~~323~~ *Guidelines for Consulting* ~~365~~ *Consulting Leave*
- 2.11 UVU Policy 447 *Information Security*



UTAH VALLEY UNIVERSITY

Policies and Procedures

19 **2.12** UVU Policy 452 *Electronic and Information Technology Accessibility*

20 **2.13** UVU Policy 542 *FERPA (Student Records Act)*

21 **2.14** UVU Policy 606 *Adoption of Course Materials and Textbooks*

22 **2.15** UVU Policy 640 *Faculty Sabbatical Leave*

3.0 DEFINITIONS

23 **3.1 Course development program:** A program, [such](#) as described in section 4.5, in which the
24 University substantially invests in the production of course and instructional materials and
25 retains ownership of intellectual property.

26 **3.2 Creator:** Any inventor, author, or developer of intellectual property.

27 **3.3 Employee:** A person employed by the University in any capacity, whether faculty, staff,
28 administration, or student; and whether employed full-time, part-time, or in a temporary
29 capacity.

30 **3.4 Employee-initiated class recording:** A recording of a class as further defined in section
31 4.4.2.

32 **3.5 Generating unit:** The college, department, or other organizational entity of the University
33 [with which](#) the creator is associated [with](#).

34 **3.6 Gross revenue:** Revenue actually received by the University or its designee as a result of the
35 assigning, licensing, or otherwise transferring of UVU IP, including license fees, royalty
36 payments, and revenues derived as a result of equity such as dividends and proceeds from the
37 sale of shares. Revenue and funding received from the following sources are excluded and are
38 not to be included in the calculation of gross revenue; unless otherwise approved by the IP
39 Official in writing: (1) funding from a sponsored program, (2) university tuition or activity fees,
40 (3) revenue generated from a work created as part of an administrative assignment for or on
41 behalf of the University, (4) revenue generated from a work specifically commissioned by the
42 University under a written agreement, (5) revenue generated from a work created under a special
43 program, and (6) revenue from a UVU trademark.

44 **3.7 Intellectual property (IP):** Any and all types of legally recognized intellectual property,
45 including but not limited to; any invention, discovery, creation, know-how, technology, scientific
46 or technological development, idea, research or other data, computer software, work of
47 authorship, design, mark, or logo, regardless of whether subject to protection under patent,
48 trademark, copyright, trade secret, or other applicable laws.



UTAH VALLEY UNIVERSITY

Policies and Procedures

3.8 Intellectual Property Committee: A committee advising the IP Official on matters of research, UVU IP, and this policy, as further set forth in section 5.2.3.

3.9 Internal grant program: A program established within any unit of the University that provides funding in the form of grants designed and managed by that unit with no commitments or reporting to an external entity. Internal grant programs specifically exclude external grants managed through the Office of Sponsored Programs.

3.10 IP Evaluation Committee: A committee advising IPTT on the commercial potential of UVU IP as further set forth in section 5.2.7 of this policy.

3.11 IP Official: The Research Officer at the University or other individual designated by the President of the University to manage and oversee UVU IP.

3.12 Net revenue: Gross revenue minus (1) all out-of-pocket expenses incurred by the University in creating, protecting, maintaining, marketing, licensing, and enforcing rights in the UVU IP; (2) an administrative fee of 15% retained by IPTT for internal expense costs, unless otherwise agreed in writing with the creator of the UVU IP; and (3) fees or payments the University is required to pay to a third party in connection with the UVU IP, for example, pursuant to an inter-institutional affiliation agreement or collaboration agreement.

3.13 Office of Intellectual Property and Technology Transfer (IPTT): The organization within the University reporting to the IP Official that promotes the protection and facilitates the transfer of UVU IP.

3.14 Sabbatical leave: A program offered to qualified employees under UVU Policy 640 *Faculty Sabbatical Leave*.

3.15 Scholarly work: Work created by an employee within the scope of their employment (as defined under the *U.S. Copyright Act* and judicial interpretations thereof) in connection with teaching, research, or scholarship and without significant university resources. Examples of scholarly work include but are not limited to [syllabi](#), [course planning materials](#), [course outlines](#), [curriculum outlines](#), course materials, lecture notes, textbooks, journal articles, scholarly papers, conference presentation materials, books, works of fiction and nonfiction, musical compositions/arrangements and recordings, poems, play scripts, dance choreography, photography, video, film, works of visual art, and other artistic creations, regardless of the medium in which the works are fixed or disseminated. Subject to contractual terms under a sponsored program to the contrary, scholarly work also includes a work resulting from the sponsored program that is ancillary to the purpose of the sponsored program or is a scholarly publication presenting findings of the research under the sponsored program.

However, the following are specifically excluded from a scholarly work: (1) inventions, discoveries, processes, machines, articles of manufacture, and compositions of matter; that are



UTAH VALLEY UNIVERSITY

Policies and Procedures

potentially patentable subject matter under past, present, or future versions of the *U.S. Patent Act* or patent laws of any foreign jurisdiction worldwide, even if incorporated into a scholarly work; (2) work created as a required deliverable under a sponsored program; (3) work created as part of an administrative assignment for or on behalf of the University or for the purpose of affecting in any way the operation of the University; (4) computer software created by an employee in connection with administrative, research, or other activities funded through the University; (5) work specifically commissioned by the University under a written agreement; (6) work created under a special program; and (7) work that if transferred would put the University in violation of or in conflict with an applicable contract or law.

3.16 Scholarly work license: A license between a creator of a scholarly work and the University as set forth in sections [4.3.1](#) and [4.3.3](#).

3.17 Significant university resources: ~~Utilization~~ Use of university resources in excess of what is customarily allocated to employees and students as part of regular employment or regular academic studies. Examples of significant university resources include computer infrastructure, equipment, data services, and other university computing resources beyond ordinary use; instructional design or media production services; a reduction in teaching load or additional compensation beyond regular salary from the University, such as stipends for the creation of course and instructional materials; funding allocated for asynchronous or distance learning programs; funding from a course development program or an internal grant program; and library resources, laboratories, research equipment, or production facilities beyond what is available to the general public or customarily used by similarly situated colleagues of the creator.

The following does not constitute significant university resources: (1) receipt of a regular wage, salary, or employment benefit by an employee; and receipt of financial aid by a student; (2) use of office space, office equipment, and university-owned personal computers; (3) customary administrative support; (4) incidental and reasonable use of university equipment; and (5) ordinary use of instructional materials, instructional labs, and instructional facilities by a student in fulfillment of degree requirements at the University.

3.18 Special programs: Course development programs, internal grant programs, workshop programs, training programs, and other programs as further set forth in section [4.5.1](#) of this policy.

3.19 Sponsored program: A potentially revocable transfer of monetary funds, or personal or real property, made to the University by a sponsoring organization for a specified purpose designated by the sponsoring organization, or for a specified benefit or intended beneficial outcome in return for the award, and usually made by an enforceable contract. Sponsored programs do not include institutional procurement or charitable gifts from private sources. Funds appropriated by the State of Utah for purposes of funding non-contractual university activities are not considered sponsored programs.



UTAH VALLEY UNIVERSITY

Policies and Procedures

- 123 **3.20 Student:** A person registered or enrolled in one or more courses through the University.
- 124 **3.21 Third-party IP:** Intellectual property owned or controlled by a party other than the
125 University, including patent, trademark, copyright, and trade secret rights of the party.
- 126 **3.22 Trademark and Licensing Office (TLO):** The organization within the University that
127 oversees and manages UVU trademarks.
- 128 **3.23 University-directed class recording:** A recording of a lecture or other class-related activity
129 created at the specific direction of the University and pursuant to a written agreement between
130 the University and the employee responsible for the class as further described in section 4.4.1.
- 131 **3.24 UVU IP:** All intellectual property for which the University claims ownership under this
132 policy.
- 133 **3.25 UVU trademark:** A name, logo, or indicia of identity, whether registered or unregistered,
134 associated with the University or academic colleges and departments, programs and events,
135 athletics, or other goods or services provided by the University.
- 136 **3.26 Work:** A copyrightable work as defined under the *U.S. Copyright Act*.
- 137 **3.27 Work made for hire:** In accordance with the *U.S. Copyright Act*, a work made for hire is
138 (a) “aA work prepared by an employee within the scope of his or her employment,” or (b) “aA
139 work specially ordered or commissioned for use . . . if the parties expressly agree in a written
140 instrument signed by them that the work shall be considered a work made for hire.”

4.0 POLICY

- 141 **4.1 Statement of Policy**
- 142 **4.1.1** The purpose of this policy is to:
- 143 **4.1.1.1** pProvide a framework for ownership of rights in intellectual property developed at the
144 University or through the use of university resources and that respects both individual rights and
145 the University’s reasonable interests;
- 146 **4.1.1.2** tTransfer certain copyrights the University holds in scholarly works to the employees who
147 created such works;
- 148 **4.1.1.3** sSupport the discovery of new knowledge and foster creative expression and innovation at
149 the University;
- 150 **4.1.1.4** pProtect the integrity of the research emanating from the University;



UTAH VALLEY UNIVERSITY

Policies and Procedures

4.1.1.5 ~~f~~Facilitate appropriate commercial development of intellectual property owned by the University;

4.1.1.6 ~~e~~Encourage and support teaching and research activities of employees and students; and

4.1.1.7 ~~c~~Comply with the *Utah Employment Inventions Act* and the *Bayh-Dole Act*. This policy applies to all full- and part-time university employees, including faculty, administration, staff, and students.

4.24.1.2 This policy also applies to all students at the University and to any individual or entity that creates intellectual property with significant use of university resources, under a special program, or under a sponsored program. Noncompliance with this policy could lead to disciplinary action, up to and including termination.

4.2.14.1.3 Under federal copyright law, employers own the copyright of works created by employees acting within the scope of employment as “works made for hire.” This policy strives to place the copyright back with the creators of traditional scholarly works, and, at the same time, protect the interest of the University in works that are created with significant university resources. Although this policy provides a framework for determining intellectual property ownership, faculty are strongly encouraged to clarify issues of ownership through the IP Official by specific written agreement at the outset of a project or otherwise as soon as practicable.

4.34.2 Ownership of UVU IP

4.3.14.2.1 Subject to the exceptions in section 4.2.2, aAll intellectual property that meets one or more of the following criteria, shall be considered UVU IP that is owned by the University and, subject to the exceptions in section 4.2.2:

4.3.1.14.2.1.1 ~~c~~Created by an employee within the scope of their employment at the University

4.3.1.24.2.1.2 ~~c~~Created using significant university resources

4.2.1.3 ~~c~~Created under a sponsored program, in accordance with UVU Policy 137 *Sponsored Programs (Grants, Contracts, Cooperative Agreements)*, unless ownership is allocated otherwise pursuant to contractual obligations with the sponsor ~~or~~

4.44.2.1.4 ~~c~~Created under a special program, unless ownership is otherwise allocated in a writing by the University

4.4.1.14.2.1.5 ~~t~~Transferred to the University through a signed, written agreement with the IP Official

4.54.2.2 The University’s claim to ownership is altered ~~;~~



UTAH VALLEY UNIVERSITY

Policies and Procedures

183 [4.64.2.2.1 bBb](#) by the scholarly work exception set forth in section 4.3 of this policy;

184 [4.74.2.2.2 wWw](#) when it puts the University in violation of or conflict with an applicable contract
185 or law; or

186 [4.84.2.2.3 bBb](#) by a written agreement signed by the IP Official.

187 [4.94.3](#) Scholarly Work Exception

188 [4.9.14.3.1](#) Under the *U.S. Copyright Act*, works created by employees who are acting within the
189 scope of their employment are “works made for hire” and owned by the University. Because of
190 the University’s commitment to academic freedom, the University hereby transfers any copyright
191 it holds in a scholarly work to the creator of the scholarly work. The *U.S. Copyright Act* requires
192 this transfer be done through a signed writing between the parties. The University shall maintain
193 and update as needed a procedure through the Office of Intellectual Property and Technology
194 Transfer (IPTT) to facilitate this signed writing requirement.

195 [4.9.24.3.2](#) As the copyright holder, the creator has full copyright rights in the scholarly work,
196 including publishing rights and rights to transfer to another. The creator’s exercise of such rights
197 is to be consistent with the University’s policies, including UVU Policy 606 *Adoption of Course*
198 *Materials and Textbooks* and UVU Policy 114 *Conflict of Interest and Commitment*.

199 [4.104.3.3](#) The University’s transfer of ownership under section 4.3.1 is contingent ~~upon~~ the
200 creator hereby granting the University a non-exclusive, irrevocable, worldwide, ~~fully paid-up,~~
201 ~~perpetual license~~ [transferrable, sublicensable, fully paid-up, royalty-free, perpetual license to](#)
202 [reproduce, adapt, create derivative works, distribute, publicly perform, publicly display, make,](#)
203 [use, and exploit to](#) the scholarly work solely for [one or more of](#) the purposes of education,
204 research, ~~and/or~~ furtherance of ~~the a~~ mission of the University (this license is the “scholarly work
205 license”). The scholarly work license does not transfer copyright ownership, which remains with
206 the creator under this policy.

207 [4.10.14.3.4](#) The creator may request in writing an exception to the scholarly work license
208 requirement under section 4.3.3. Any approval is at the sole discretion of the University and
209 upon conditions as the University deems beneficial and fair to all parties. In consultation with the
210 appropriate dean or equivalent supervisor of the creator and IPTT, the creator must obtain
211 written approval signed by the IP Official.

212 [4.10.24.3.5](#) Unless an exception is granted under section 4.3.4, the creator of a scholarly work
213 will provide an electronic copy of the scholarly work to the University upon request so ~~that~~ the
214 University may exercise its rights as set forth in this policy and comply with any obligations to a
215 sponsor or third party. This expressly includes the right for the University to preserve, archive,
216 and host the scholarly work in a university or third-party repository.



UTAH VALLEY UNIVERSITY

Policies and Procedures

[4.10.34.3.6](#) When creators collaborate to create a work, it often results in a “joint work” under the *U.S. Copyright Act* in which the creators jointly hold non-exclusive rights to use the work. Employees and students who collaborate with each other or with non-university third parties are encouraged to describe or determine in writing the disposition of the copyright prior to creating the work.

[4.114.4](#) University-Directed Class Recordings and Employee-Initiated Class Recordings

[4.11.14.4.1](#) Any recording of a course or other classroom activity created at the specific direction of the University for the University’s ownership and use, known as a university-directed class recording, shall be pursuant to a written agreement between the University and the employee responsible for the course.

[4.11.24.4.2](#) When an employee responsible for a course initiates the recording of a lecture or other classroom activity in that course without significant university resources and this employee-initiated class recording is not a university-directed class recording, the University hereby transfers any copyright it holds in the employee-initiated class recording to the employee as a scholarly work under section 4.3 ([Scholarly Work Exception](#)) of this policy.

[4.11.34.4.3](#) The University may archive an employee-initiated class recording. Before an employee-initiated class recording is used in a future university course, the University shall consult the employee whose course was recorded, if possible, to ensure academic quality and to verify the currency of the recorded content. For any commercialization or external use of an employee-initiated class recording by the University, the University must obtain in writing permission from the employee whose course was recorded. The contribution of the employee shall be appropriately acknowledged in any future use of an employee-initiated class recording if the employee indicates a desire for such attribution.

[4.11.44.4.4](#) Employee-initiated class recordings and university-directed class recordings in which personally identifiable student activity is included may be subsequently performed, displayed, or made available online in accordance with UVU Policy 542 *FERPA (Student Records Act)* and the obtaining of any necessary image and likeness releases.

[4.124.5](#) Special Programs

[4.134.5.1](#) Pursuant to other relevant policies, the University may provide at its discretion financial support, a reduced teaching load, or other substantial resource(s) of definable value for course development programs, internal grant programs, workshop programs, training programs, or other special programs. These special programs constitute significant university resources under this policy. For information on significant university resources, see [section 3.17](#) of this policy.

~~[4.144.5.2](#) A creator may wish to bring their own prior intellectual property into a special program. In such case, the creator shall provide advance notice to the University so that a written~~



UTAH VALLEY UNIVERSITY

Policies and Procedures

contract may be put in place identifying the prior intellectual property and any license(s) granted from the creator to the University. Absent a written contract stating otherwise, the University owns a work created under a special program as a work made for hire, regardless of whether the creator is provided any additional compensation (e.g., financial support, a reduced teaching load, or other resource or resources) and the creator hereby grants to the University a non-exclusive, irrevocable, worldwide, fully paid-up, perpetual license to use any prior intellectual property of the creator embodied in the work solely for the purpose of education, research, and furtherance of the mission of the University.

4.6 Incorporating Intellectual Property (IP)

4.6.1 Creator IP. A creator may wish to use or incorporate their own intellectual property into their university-related teaching or activities, into a work that falls within the scope of their employment, into a special program, or into a sponsored program. Unless a written contract states otherwise, the creator hereby grants the University a non-exclusive, irrevocable, worldwide, transferrable, sublicensable, fully paid-up, royalty-free, perpetual license to reproduce, adapt, create derivative works, distribute, publicly perform, publicly display, make, use, and exploit any prior intellectual property of the creator embodied in the work that incorporates the creator's intellectual property solely for one or more of the purposes of education, research, or furtherance of a mission of the University.

4.6.2 Third-Party IP. An employee may wish to use or incorporate a third party's intellectual property into their university-related teaching or activities, into a work that falls within the scope of their employment, into a special program, or into a sponsored program. In each case, before any incorporation, the employee should confirm that their usage complies with section 4.11 (Respect for Third-Party's Rights) of this policy. If third-party permission is required (e.g., the content is copyrighted, UVU is not a licensee, and fair use does not apply), the employee shall provide advance written notice to the University so that a written agreement may be put in place that identifies the third-party intellectual property and obtains any necessary license(s) from the third party.

4.15.7 Outside Consulting

4.15.14.7.1 An employee may perform consulting for an outside third party in accordance with applicable university policies, including UVU Policy 36523 *Guidelines for Consulting Leave* and UVU Policy 114 *Conflict of Interest and Commitment*. However, an employee may not use UVU IP in performing consulting work nor transfer UVU IP by assignment, license, or otherwise, unless authorized in writing pursuant to section 4.2.2.3 of this policy. Any purported transfer in violation of this policy is void and unenforceable.

4.15.24.7.2 For purposes of this policy, the University makes no claim to intellectual property created by an employee outside the scope of their employment for personal or non-university consulting activities, provided (1) no UVU IP is included in the intellectual property produced



UTAH VALLEY UNIVERSITY

Policies and Procedures

from such efforts; and (2) the intellectual property is not created with significant university resources.

4.164.8 Student-Created Intellectual Property and Coursework

4.174.8.1 Except as noted in section 4.8.2 and as applicable relative to section 4.2 (Ownership of UVU IP), As a general rule, a student holds the ~~copyright~~ intellectual property rights in any work ~~they create.~~ ~~created by the student.~~ Except as set forth in section 4.2, the University does not claim ownership of any intellectual property created by a student. An employee is not permitted to assert or claim personal ownership of intellectual property created by a student in a course taught by the employee. The University may retain works created by students for its internal educational purposes, such as retention of student materials for assessment and pedagogical purposes, plagiarism detection, and addressing dissemination of student works.

4.184.8.2 A student may be required to assign rights in intellectual property created during participation in certain industry-sponsored capstone projects, third-party funded projects, special programs, and sponsored programs.

4.194.9 UVU Trademarks

4.19.14.9.1 The University is required to monitor all uses of UVU trademarks to comply with and ensure protection under federal and state trademark law.

4.204.9.2 Except as otherwise stated in section 4.98.4, written authorization from the University's Trademark and Licensing Office (TLO) is required before use of a UVU trademark.

4.20.14.9.3 UVU trademarks used on commercial merchandise are licensed by the TLO through its exclusive licensing agent. Royalty income from the licensing of UVU trademarks is administered by the TLO.

4.20.24.9.4 Authorization from the TLO is not required in the following situations:

4.20.2.14.9.4.1 An employee may use a UVU trademark in performance of official duties for the University. An employee may self-identify using a current position title as is usual and customary in the academic and professional communities.

4.20.2.24.9.4.2 A UVU trademark may be used for noncommercial purposes for scholarly works, academic documents, and presentations of scholarly work at professional meetings and conferences, as is a commonly accepted practice, for the sole purpose of indicating ~~that~~ the content represents scholarly work conducted in whole or in part at the University. When necessary, a specific disclaimer must be included to avoid confusing, misleading, or false impressions of particular sponsorship or endorsement by the University.



UTAH VALLEY UNIVERSITY

Policies and Procedures

[4.20.34.9.5](#) Employees and students may consult with the TLO about disclaimer language and for other questions about UVU trademarks.

[4.214.10](#) Incoming Donation of Intellectual Property

[4.21.14.10.1](#) An employee, student, or other individual or entity who owns intellectual property may choose to offer to the University all or part of their intellectual property for the purpose of research or facilitating commercial development. The University may accept the assignment and management of such intellectual property upon determination that the intellectual property is of sufficient interest and value to the University. The assignor shall be entitled to the same revenue sharing and other rights and responsibilities of the creators under this policy. The assignor may contact Institutional Advancement to determine qualifications for a charitable donation and whether the intellectual property is acceptable to the University as a charitable gift. All such charitable gifts will be accepted or denied in accordance with policy, including the procedures set forth in UVU Policy 231 *Fundraising Authority, Responsibility, and Coordination*.

[4.224.11](#) Respect for Third-Party Rights

[4.234.11.1](#) Employees and students shall respect ~~third-party~~ [third-party](#) IP and comply with applicable intellectual property laws in their teaching, learning, research, creative, and other university activities. The University also supports full ~~utilization~~ [use](#) of the rights of fair use and the rights granted to educational institutions and libraries under the *U.S. Copyright Act* and judicial interpretations thereof. Employees are expected to seek guidance from the Office of General Counsel when questions arise regarding ~~third-party~~ IP, copyright compliance, and fair use.

[4.23.14.11.2](#) Employees and students are responsible for knowing the terms and conditions of applicable software licenses prior to using software and shall ensure ~~that~~ any such use of the software complies with this policy and with Policies 447 *Information Security* and 452 *Electronic and Information Technology Accessibility*.

[4.23.24.11.3](#) Prior to ~~utilizing~~ [using](#) software (including open-source software) as part of a sponsored program, in a special program, or in combination with UVU IP, employees and students shall consult with the Office of General Counsel to ensure compliance with agreements, including sponsorship or funding agreements.

5.0 PROCEDURES

5.1 Responsibilities of the Creator

5.1.1 The creator shall promptly disclose in writing to IPTT when any patentable UVU IP is created. The University will adopt a disclosure form and make the form readily available to the



UTAH VALLEY UNIVERSITY

Policies and Procedures

creator to assist with disclosure obligations. IPTT is available to provide assistance in ~~filling~~
~~out~~ completing the disclosure form.

5.1.2 Under the *U.S. Patent Act*, public disclosure of a patentable invention prior to filing for a patent application may preclude the availability of patent protection. Public disclosure may include any non-confidential written or oral disclosure that describes the invention (e.g., scientific meeting, journal article, informal discussion with outside colleague). The creator will disclose any patentable UVU IP to IPTT via a disclosure form prior to any public disclosure, including publishing, and shall provide sufficient notice, detail, and time for IPTT to evaluate the commercial potential of the patentable UVU IP and determine whether to seek legal protection prior to such public disclosure. The University does not intend for this policy to impede an employee's ability to publish. When necessary, IPTT will make every effort to expedite the evaluation process.

5.1.3 Any intellectual property created as a result of outside consulting must be disclosed to IPTT if there is potential that the intellectual property may be classified as patentable UVU IP under this policy. Disclosure of any actual or potential conflicts of interest shall also be made pursuant to UVU Policy 114 *Conflict of Interest and Commitment*.

5.1.35.1.4 Each creator hereby assigns to the University all right, title, and interest in and to the UVU IP. The creator will cooperate fully with the University and execute all documentation necessary for the University to establish, confirm, or perfect its ownership interest in the UVU IP. This may include documentation for recordation purposes and to secure protection of UVU IP in all countries as designated by IPTT.

~~5.1.5 The employee may provide a list of intellectual property created prior to employment at the University that is to be specifically excluded from UVU IP.~~

5.1.45.1.5 Sabbatical leave, under UVU Policy 640 *Faculty Sabbatical Leave*, is offered to qualified faculty to engage in scholarly and creative activities that enhance their capacity to contribute to the University. Sabbatical leave is a program for professional development and creativity that benefits the entire educational enterprise and is granted by the University in consideration thereof. A faculty member on sabbatical leave falls under this policy as an employee, including any and all disclosure responsibilities. It is the responsibility of the faculty member to ensure ~~that~~ off-site work, along with any agreement entered, while consulting or visiting with other academic institutions, industry, governmental agencies, or sponsoring entities, does not conflict with obligations and commitments to the University under this and other policies. Any exception to section 5.1.56 must be approved by the IP Official.

5.2 Responsibilities of the University

5.2.1 Subject to applicable law and any contractual obligations with third parties, the University shall decide, in its sole discretion, if, how, when, and where UVU IP is to be protected and/or commercialized. The University may assign, license, or otherwise transfer any rights in UVU IP



UTAH VALLEY UNIVERSITY

Policies and Procedures

by way of written agreement under this policy. Any transfer of UVU IP to an employee or student must not create an unmanageable conflict of interest and is subject to UVU Policy 114 *Conflict of Interest and Commitment*.

5.2.2 The University designates the IP Official to oversee the management of UVU IP and IPTT in accordance with the requirements of this policy and applicable law. The IP Official may exercise discretion in deciding among the following options with respect to UVU IP:

5.2.2.1 patenting or otherwise protecting for future commercialization

5.2.2.2 licensing, assigning, selling, or optioning to (1) a creator, (2) a third party, or (3) an intellectual property management organization for commercial development, such as an affiliated innovation foundation established for the purpose of commercializing intellectual property

5.2.2.3 archiving by the University

5.2.2.4 releasing under a Creative Commons or other public copyright license, or dedicating to the public domain

5.2.3 The IP Official appoints, in consultation with the appropriate supervisor, an Intellectual Property Committee of faculty and staff that may advise the IP Official on matters of intellectual property. A representative of IPTT or the Office of General Counsel shall serve as an ex officio member of the Intellectual Property Committee. The Intellectual Property Committee may advise on protecting, managing, marketing, and commercializing UVU IP. The Intellectual Property Committee may assist with issues concerning interpretation of this policy and may recommend revisions or updates to this policy. The Intellectual Property Committee may assist the IP Official as a resource in clarifying issues of ownership at the outset of a proposed project, approving any scholarly work license exceptions, resolving any disputes between creators and the University concerning ownership of works and what constitutes significant university resources, mediating other disputes involving UVU IP, authorizing special exceptions to procedures and revenue distributions, and other matters under this policy.

5.2.4 A creator may appeal in writing the actions or decisions of the IP Official to the Intellectual Property Committee. A creator may appeal in writing the actions or decisions of the Intellectual Property Committee to the Provost, whose decision is final. The Provost will submit a report to the Intellectual Property Committee explaining the basis of their decision.

5.2.5 IPTT promotes the dissemination and commercial development of UVU IP to benefit the general public. This is accomplished through identifying, securing, licensing, and transferring rights in the UVU IP. IPTT works with the IP Official in developing a plan to protect, manage, and transfer the UVU IP.

5.2.6 IPTT receives and reviews all intellectual property disclosures from the creators. Upon receipt of an intellectual property disclosure, IPTT will ensure ~~that~~ all ownership rights,



UTAH VALLEY UNIVERSITY

Policies and Procedures

430 including UVU IP, are properly defined. The UVU IP will then be evaluated on protectability
431 and commercial feasibility.

432 **5.2.7** IPTT may form an ad hoc IP Evaluation Committee of employees, students, or outside
433 experts with relevant expertise in particular fields to assist IPTT in determining commercial
434 potential of UVU IP. Members of the IP Evaluation Committee are to be approved by the IP
435 Official.

436 **5.2.8** If IPTT determines not to initiate or continue with commercialization of the UVU IP, the
437 creator may request that the UVU IP be assigned, licensed, or otherwise transferred to the
438 creator. This request must be made in writing to IPTT and include the creator's plans and
439 intended use of the UVU IP. The University may require that any out-of-pocket expenses
440 previously incurred by the University in creating, protecting, maintaining, marketing, licensing,
441 and enforcing rights in the UVU IP be reimbursed to the University.

442 **5.2.9** The UVU IP may be transferred to the creator if the transfer does not (1) create a
443 prohibitive conflict of interest between the creator and the University, (2) violate any legal
444 obligations of or to the University, (3) unreasonably limit use by the University, (4) impact
445 significant commercial or public value that may best be commercialized by the University, and
446 (5) otherwise conflict with the University's goals or policies.

447 **5.2.10** Any agreement transferring rights in UVU IP must be approved by the Office of General
448 Counsel and signed by the IP Official. Prior to the transfer, IPTT will use reasonable efforts to
449 consult with the creator of the UVU IP if the creator is employed by the University at that time.

450 **5.2.11** IPTT retains records and documents necessary to evidence, record, register,
451 commercialize, enforce, and support the University's interest in the UVU IP. IPTT maintains
452 accounts for documenting the revenues derived from UVU IP and the out-of-pocket expenses
453 incurred by the University in creating, producing, protecting, maintaining, marketing, licensing,
454 and enforcing rights in the UVU IP.

455 **5.2.12** IPTT provides training to employees on this policy and ~~also~~ answers any general policy-
456 related questions that may arise.

457 **5.2.13** Where actions or decisions under this policy are to be taken by the University, the IP
458 Official will have decision-making authority. Any written agreement signed by the IP Official
459 shall be in accordance with procedures in UVU Policy 247 *Contract Review and Signature*
460 *Authority*. The IP Official will consult with IPTT, the Intellectual Property Committee, the
461 Office of General Counsel, and the Provost, as appropriate. The creator may appeal actions or
462 decisions of the IP Official as set forth in section 5.2.4.

463 **5.2.14** The University does not generally engage in product manufacturing, company support
464 functions, customer service, technology maintenance, or work for hire for the private sector.
465 Commercial activity is permitted only if the activity is deemed consistent with the educational



UTAH VALLEY UNIVERSITY

Policies and Procedures

mission and academic programs of the University and is compliant with Utah [System Board](#) of Higher Education policies (e.g., USHE Policy R555 *Providing Facilities, Goods and Services in Competition with Private Enterprise*) and applicable law.

5.3 Revenue Sharing and Distribution Schedule

5.3.1 The University reserves the sole right and discretion to retain ownership, seek patent protection, obtain copyright or trademark registration, access, license, transfer, enforce, or otherwise administer UVU IP. UVU IP is to be managed in the best interests of the University. This may include the generation of revenue, but nothing in this policy is to be interpreted as a requirement or implicit agreement that revenue be generated or maximized for a creator.

5.3.2 Any expenses incurred by the University in securing, licensing, and transferring rights in the UVU IP will be paid by the University. Gross revenue received by the University for the UVU IP will be first used to reimburse the University for UVU IP expenses prior to distribution of any net revenue.

5.3.3 If revenue is generated through assigning, licensing, or otherwise transferring UVU IP, the net revenue will be shared with the creator of the UVU IP in accordance with this policy. The University's portion of the net revenue will be used in support of the mission of the University and activities relevant to the generation of UVU IP. An accurate accounting of expenses used in the calculation of net revenue will be made available to the creator upon request.

5.3.4 In the event the University receives equity from a licensee or assignee, the University shall determine in its sole discretion the timing of any liquidation of such equity. The University is not required to distribute the proceeds until after complete liquidation. The University shall have no liability in the event the value of the equity changes before a liquidation event is completed.

5.3.5 Unless otherwise specified by written agreement, the University shall distribute the net revenue from UVU IP on a quarterly basis as follows:

5.3.5.1 The creator receives fifty [\(50\)](#) percent of net revenue.

5.3.5.2 The University receives fifty [\(50\)](#) percent of net revenue.

5.3.6 Where there are multiple creators, the creators shall agree in writing on the percentage of the creator share of the net revenue that each shall receive. This agreement shall be signed by all creators and provided to IPTT. This agreement shall be made at the time of the disclosure of the UVU IP or within a reasonable time thereafter. In the absence of such an agreement, the creator's share shall be divided equally among the creators. Creators with concerns regarding specific percentages of the creator share may appeal under [Section 5.2.4](#).



UTAH VALLEY UNIVERSITY

Policies and Procedures

5.3.7 A creator may choose to waive all or a portion of the creator's allocated distribution of net revenue and may direct the waived distribution to the creator's generating unit to fund continuing research and creative work activities at the University.

5.3.8 Distribution of net revenue shall be made to the creator irrespective of the creator's employment or enrollment status at the University. It is the creator's responsibility to keep the University and IPTT informed of the creator's contact information.

5.3.9 The University does not provide tax advice. The creators are encouraged to seek their own legal or tax counsel to determine how distribution of revenue under this policy is treated for tax purposes.

POLICY HISTORY		
Date of Last Formal Review: Click here to enter a date.		
Due Date of Next Review: Click here to enter a date.		
Date of Last Action	Action Taken	Authorizing Entity
August 10, 2006	Approved.	UVU Board of Trustees
July 23, 2019	Non-substantive change: <ul style="list-style-type: none">Section 3.5 "his or her" changed to singular "their"Section 4.1.1 "his or her" changed to singular "their"Section 4.2.2.1 "his or her" changed to "their" and "he or she" changed to "the creator"	UVU Policy Office
March 28, 2024	Revised policy with limited scope changes approved.	UVU Board of Trustees
	Limited scope changes approved	UVU Board of Trustees

*More information on the formal review can be found in Policy 101 section 4.7.3.



POLICY 136 EXECUTIVE SUMMARY

Policy Number and Title: 136 Intellectual Property

Date:	March 6, 2025
Sponsor:	Wayne Vaught
Steward(s):	Daniel Fairbanks
Policy Process:	Regular
Policy Action:	Revision—Limited Scope
Policy Office Editor:	Cara O’Sullivan
Embedded Attorney:	Brad Baugh

Issues/Concerns (including fiscal, legal, and compliance impact):

Limited scope changes will be made to provide more clarity on certain IP issues. Please see the Suggested Changes section below.

Suggested Changes:

The following limited scope changes are proposed:

3.25 Scholarly work—add the following language: [syllabi, course planning materials, course outlines, curriculum outlines,](#)

4.1.2 Add the following language: [under a special program](#)

4.5.2 Revised as follows: : ~~A creator may wish to bring their own prior intellectual property into a special program. In such case, the creator shall provide advance notice to the University so that a written contract may be put in place identifying the prior intellectual property and any license(s) granted from the creator to the University.~~ Absent a written contract stating otherwise, the University owns a work created under a special program as a work made for hire [regardless of whether the creator is provided any additional compensation \(e.g., financial support, a reduced teaching load, or other resource or resources\).](#) ~~and the creator hereby grants to the University a non-exclusive, irrevocable, worldwide, fully paid-up, perpetual license to use any prior intellectual property of the creator embodied in the work solely for the purpose of education, research, and furtherance of the mission of the University.~~

New section 4.6:

[Incorporating Intellectual Property](#)



4.23.34.11.4 Creator IP. A creator may wish to use or incorporate their own intellectual property into their university-related teaching or activities, into a work that falls within the scope of their employment, into a special program, or into a sponsored program. Unless a written contract states otherwise, the creator hereby grants the University a non-exclusive, irrevocable, worldwide, fully paid up, perpetual license to reproduce, adapt, create derivative works, distribute, publicly perform, publicly display, make, use, and exploit any prior intellectual property of the creator embodied in the work that incorporates the creator's intellectual property.

4.23.44.11.5 Third-Party IP. A creator may wish to use or incorporate a third party's intellectual property into their university-related teaching or activities, into a work that falls within the scope of their employment, into a special program, or into a sponsored program. In each case, before any incorporation, the creator shall provide advance written notice to the University so that, if needed, a written agreement may be put in place that identifies the third-party intellectual property and grants any necessary license(s) from the third party to the University, sponsor, or both, depending upon the situation.

Section 4.8.1 revision: As a general rule, a student holds the ~~copyright~~ intellectual property rights in any work created by the student.

Section 4.8.2 revision: A student may be required to assign rights in intellectual property created during participation in certain industry-sponsored capstone projects, third-party funded projects, special programs, and sponsored programs.

Section 5.1.5 deletion: ~~The employee may provide a list of intellectual property created prior to employment at the University that is to be specifically excluded from UVU IP.~~

Requested Approval from President's Council: Entrance to Stages 1 and 2

Proposed Drafting Committee: Daniel Fairbanks, Brad Baugh

Target Date for Stage 1 Draft to Enter Stage 2: 5/8/2025

Target Date for Board of Trustees Review: TBD