



Category
INTELLECTUAL PROPERTY ADVISORY COMMITTEE – 6:10:00:11
Approval
Corresponding Policies: TBR Policy No. 1:02:11:00 ; TBR Policy 5:01:06:00 ; TBR Guideline A-075
Leadership Council Approved: December 9, 2016
Effective Date/Approved: January 1, 2017
Revised: January 28, 2009; December 9, 2016
Responsible Party: Vice President for Academic Affairs

I. PURPOSE

The Intellectual Property Advisory Committee is a standing committee created to ensure the rights and obligations relating to Intellectual Property created by employees, students, and others connected with the College.

II. MEMBERS

The members of this committee serve for three academic years and the terms of service are scheduled to ensure that two incumbents are on the committee at all times.

- A. The committee is composed of two faculty members and one library staff member.
- B. To the extent possible, members selected for the committee are experienced in research, innovation, and production of copyrighted materials.
 - 1. Faculty members are chosen by the Vice President of Academic Affairs to serve three-year terms.
 - 2. The library staff member is appointed by the Vice President for Quality Assurance and Performance Funding to serve a three year term.
- C. The committee annually elects a chairperson whose responsibilities include record keeping. A written record of all committee actions shall be kept on file in the office of the Vice President for Academic Affairs.

III. RESPONSIBILITIES

- A. Responsibilities and general process guidelines for the Advisory Committee are as follows:
 - 1. The committee shall advise the President in all matters relating to this policy.
 - 2. The committee shall conduct such investigations as may be necessary to assess the rights and responsibilities of all parties.

3. The committee will receive from the President referral of any disclosure made by Motlow State Community College employees concerning inventions, discoveries, and copyrightable materials.
4. The committee shall expeditiously seek to determine the extent to which the inventions, discoveries, or copyrightable materials resulted from institutional or other sponsorship, or involved a significant use of institutional resources.

B. The committee may advise the President as follows:

1. If the committee established that no institutional or external sponsorship or no significant use of institutional resources was involved, it shall advise the institution to waive all claims.
2. If the committee establishes that institutional sponsorship, external sponsorship, or significant use of institutional resources were involved, it shall so advise the President.
3. If the committee establishes that external sponsorship was involved, it shall determine the terms of the sponsorship agreement as it relates to patents and copyrights and advise the President and those providing disclosure of such terms. Where the terms of the external sponsorship do not provide for the disposition of patents and copyrights, Motlow State Community College and Board of Regents policies shall be followed.
4. In all cases in which Motlow State Community College requires the assignment of patents and copyrights to it, or when the institution assigns its rights to the person disclosing discoveries or copyrightable materials, and when institutional resources were involved, the Intellectual Property Advisory Committee shall recommend to the President a royalty-sharing arrangement. The recommended agreement should take into account contributions by the individual and the institution (see the Royalty-Sharing Agreements section).

IV. ROLE OF THE PRESIDENT RELATIVE TO INTELLECTUAL PROPERTY

- A. The President will receive from Motlow State Community College employees disclosures concerning inventions, discoveries, and copyright materials. Following receipt, the following process is applicable:
1. The President shall refer the disclosure to the Intellectual Property Advisory Committee and request its study and recommendations.
 2. On receiving recommendations from the committee, the President in a reasonable time will inform the committee and the employed individual who has interest in the patent or copyright as follows:
 - a. If the committee recommends that Motlow State Community College waive all claims, the President will indicate whether or not he/she concurs and whether or not the institution waives all claims.
 - b. If the committee advises the President that institutional sponsorship, external sponsorship, or significant use of institutional resources were involved, the President will indicate in a reasonable time whether or not the institution intends to hold and pursue its rights.
 - c. If the committee advises the President of a royalty-sharing arrangement, the President will indicate in a reasonable time whether or not the institution accepts the recommended arrangement.

V. ROYALTY-SHARING AGREEMENTS

- A. In considering a royalty-sharing agreement, the President will take into account contributions by the individual and by the institution.
1. The shares of the parties are to be based on the relative contributions of the parties to the invention, discovery, or copyrights materials licensing, and administering the patents and copyrights, and the agreement shall be approved by the President and the chancellor or his/her designated representative. In no case shall the employee's share of the net royalties be less than 25% percent.

2. Where institutional sponsorship and/or significant institutional resources were involved, the agreement shall also provide for reservation to the Board of Regents of a nonexclusive, irrevocable license in the invention, discovery, or copyrightable materials with power to grant licenses for all governmental and educational purposes.
3. If the content of materials developed by a Motlow employee, and for which Motlow State Community College holds a copyright, is changed during the period of the original copyright, the authors shall have the option of being credited or not credited for the materials retained. Such action shall not abrogate any royalty-sharing agreement.
4. Nothing in this policy shall preclude mutually agreed upon contractual arrangements between the institution and members of the community wherein either party may agree to waive rights to patents, discoveries, or copyrightable items. All employees shall cooperate with the institution in obtaining patents and copyright, including the execution of all necessary documents.

B. Appeal Procedures

1. The decision by the President may be appealed to the Tennessee Board of Regents in accordance with [TBR Policy No. 1:02:11:00](#).