



UNIVERSITY OF
WEST GEORGIA

Last Approved N/A
Effective N/A
Next Review N/A

Area Administration/
Governance
Chief Or Chief Legal
Responsible Officer
Office

Intellectual Property (IP)

Purpose/Reason for Policy

The purpose of the Intellectual Property policy is to establish guidelines for how Intellectual Property created by the faculty, staff, and students at the University of West Georgia (UWG or the University) is to be protected and advanced, while preserving the rights of the University and any inventor, author, and/or creator. This policy is intended to support the University in identifying, protecting, maintaining, licensing and commercializing Intellectual Property (as defined herein), to define the rights and responsibilities of all involved, to administer Intellectual Property matters, to establish an Intellectual Property Committee, and to provide general guidance and assistance in connection with the management of Intellectual Property arising out of the University. This policy also stipulates how net income generated from such efforts may be distributed to the authors, inventors, and/ or creators and to the University.

Policy Statement

This policy applies to University Personnel and to any person using either Significant University Resources or the facilities or resources of any entity affiliated with the University who creates Intellectual Property as contemplated herein. Except as may be expressly set forth in other related University policies/procedures, this policy applies to all Intellectual Property originating at the University or created from the use of Significant University Resources. The University shall require as a condition of employment that all University Personnel agree to recognize and adhere to this policy. Students and others working on research projects at the University requiring University assistance or utilization of University facilities will be required to agree to recognize and adhere to this policy as appropriate.

Authority

The Chief Legal Officer, in conjunction with the Chief Academic Officer, is authorized to establish procedures for compliance with this Policy.

A. Administration

The University of West Georgia has determined that it is in its best interest to manage the licensing and commercialization of Intellectual Property arising out of the University, as contemplated herein, by and through the University of West Georgia Research Corporation (UWGRC **or the** Research Corporation), consistent with that certain operating agreement between the University and the Research Corporation effective as of July 1, 2023, as amended from time to time, which enables the Research Corporation to assist with the following functions as requested by the University:

- Technology Transfer;
- Sponsored Research; and
- General projects upon request of the University.

In order to fulfill its Technology Transfer function, the University shall, from time to time, assign, transfer, and convey all right, title, and interest in and of certain Intellectual Property to the Research Corporation and the Research Corporation shall, as appropriate, seek, register, prosecute, maintain, protect, advance, license and/ or commercialize any such Intellectual Property. With any such Intellectual Property assigned, transferred, or conveyed to the Research Corporation by the University, the Research Corporation shall pursue licenses and assignments of any such Intellectual Property with the private sector in exchange for reasonable royalty(ies) and/ or other consideration.

The Research Corporation shall also be responsible for the receipt of gross revenues in connection with Technology Transfer activities by or on behalf of the University, the calculation of the Net Income (with the assistance of the University), and the allocation/ distributions of actually received Net Income to the applicable person as provided herein.

B. Determination of Rights in Intellectual Property

Unless provided for otherwise in this policy, the University retains all right, interest, and title in and to any Intellectual Property (IP) conceived, created, developed, fixed, or first actually reduced to practice by an Originator while using any Significant University Resource or at the direction or request of the University, including University Assigned Works and University Assisted Works.

1. Individual Effort IP, Undergraduate Assigned IP, and Scholarly Academic Works

- i. **Individual Effort IP.** Intellectual Property arising out of independent, individual effort of University Personnel occurs when: the Intellectual Property is generated through efforts of University Personnel unrelated to one's role or responsibilities at the University; only incidental use of University resources has occurred; and the University Personnel has not used Significant University Resources in the creation of the Intellectual Property (also referred to herein as Individual Effort IP).

- ii. **Undergraduate Assigned IP.** Intellectual Property arising out of the efforts of an undergraduate Student(s) in connection with such Student's coursework, without direct contribution by any Faculty Member or Staff Member, is exclusively owned by any such Student(s). A Student may elect to assign the Student's Intellectual Property to the Research Corporation; provided, however, that the Research Corporation may or may not accept such assignment in its sole discretion. Any such Intellectual Property that is accepted by the Research Corporation shall hereinafter also be known as Undergraduate Assigned IP.
- iii. **Scholarly Academic Works.** Scholarly Academic Works are considered the property of the author who has right, title, and interest in and to the copyright and has all responsibility for compliance with copyright law and regulation. For any of these Scholarly Academic Works, the academic or administrative unit of the authors(s) at the University may request documentation of compliance with this policy from the Originator, who shall comply. Additionally, if the Scholarly Academic Work is or relates to coursework (including syllabi, lecture slides, reference materials, etc.) that a Faculty Member is using for instructional purposes, in exchange for the right to retain ownership, the Faculty Member hereby grants to the University a paid-in full, royalty-free, non-exclusive License to use the course materials for archival, instructional, and educational purposes, insofar as the material retains educational value and relevance, and if requested by the University or IP Originator, shall execute additional documentation to confirm the foregoing.
- iv. **Disputes.** Any University Personnel may dispute whether any specific work constitutes Individual Effort IP or Scholarly Academic Works, as opposed to an alternate characterization. In such cases, in order for the University to reconsider, University Personnel are advised to demonstrate to the University, at that individual's expense, each of the following:

- there was no use of Significant University Resources in the creation of such Intellectual Property;

- the Intellectual Property was not prepared in accordance with the terms of a UWG agreement, contract, or grant, such as a Sponsored Research agreement; and

- the Intellectual Property was not developed by University Personnel as a specific assignment or direction of the University.

The general obligation to produce scholarly and creative works does not constitute a specific assignment or direction for this purpose. The nature and extent of the use of University resources shall, at all time, be subject to then-current University policy and procedure. The University, with input from the Intellectual Property Committee shall determine if a use includes Significant University Resources.

- v. **Consulting.** Consulting for outside organizations may be performed by Faculty Members and Staff Members pursuant to prior approval by the University and pursuant to this University

policy on Intellectual Property. Any consulting agreement should include a statement that the Faculty Member / Staff Member has obligations to the University as described in this policy, and this policy should be attached to the consulting agreement. In the event that there is any conflict between the consultant’s obligations under this policy and their obligations to the entity for whom they consult, the obligations to this policy shall control.

2. University Assigned Works and University Assisted Works

The University shall have all right, title, and interest in and to all Intellectual Property that is University Assigned Works or University Assisted Works, subject to the terms hereof. Upon reasonable request of the University or the Research Corporation, the Originator (whether a Faculty Member, Staff Member, or Student of the University) shall execute such requested documents as to confirm that all right, title, and interest in and to such Intellectual Property vests in the University, including the right, in its sole discretion, to assign, transfer, and convey to the Research Corporation all right, title, and interest, including any portion thereof, in and to any such Intellectual Property. However, at all times, notwithstanding any such assignment, Net Income will be allocated to the Originator, the University, and the Research Corporation as provided in **Table 1**.

3. Intellectual Property Arising out of Sponsored Research

The agreement, contract, or grant between a Sponsor and the University, under which Intellectual Property may be created, may contain specific provisions with respect to the disposition of rights or interests in any resulting Intellectual Property, including rights of first look regarding any Intellectual Property resulting from the Sponsored Research efforts. Any Intellectual Property arising out of any such Sponsored Research efforts, involving University Personnel, shall be University Assigned Works.

4. Net Income Allocation and Distribution

- i. **Net Income Allocation.** In connection with Individual Effort IP, Undergraduate Assigned IP, and Scholarly Academic Works, Net Income shall be allocated or otherwise inure to the applicable person in accordance with the percentages provided in **Table 1** below:

Table 1

NET INCOME ALLOCATION	Originator	University	UWGRC
Individual Effort IP or Scholarly Academic Work	100%*	0%	0%
University Assigned Works or University Assisted Works	50%	25%**	25%
Student Assigned IP	TBD%***	TBD%	TBD%

*Individual Effort IP and Scholarly Academic Work IP are owned by the individual, who also is responsible for the costs of development and protection.

**In connection with any amount provided to the University arising out of University Assigned Works and University Assisted Works as noted above in Table 1, the actual amount received by the University shall be allocated as follows:

- 60% to the Originator's department/school; and
- 40% to the college/division of the Originator.

The foregoing allocation shall continue whether or not the Originator has left the University.

***Where the Originator wants the Research Corporation to manage or assist in the commercialization of the Intellectual Property, including Undergraduate Assigned IP, allocation of Net Income will be a matter for negotiation between the Originator and the Research Corporation.

Subject to Applicable Law and this policy, in the event of multiple Originators, the amount allocated to the Originator(s) in **Table 1** will be allocated equally among all Originators unless such Originators agree otherwise.

Any Originator may arrange for the Originator's allocation to be assigned to the University, e.g., to support the Originator(s)' research.

When an Originator does not have a home department (e.g., student inventors), the Originator's home department and college allocation are transferred automatically to the allocation of the Research Corporation.

In the event of the Originator's death, an Originator's allocation and distributions shall pass to the Originator's heirs and assigns.

- ii. **Special Variation for Textbooks and Course Materials.** Notwithstanding anything to the contrary contained herein or otherwise, in connection with any Net Income arising out of any University Assigned Works or University Assisted Works that constitute textbooks or course materials, the allocation shall be as follows

-The first \$5000 of Net Income shall be allocated to the Originator(s).

-The remaining Net Income shall be allocated in the same manner as University Assisted Works as provided in **Table 1**; provided however, at such time as the University has been paid an amount that is equal to the value of its assistance in connection therewith as determined by the Intellectual Property Committee, the allocation of Net Income shall change as follows:

- 95% shall be allocated to the Originator(s);
- 5% shall be allocated to the Research Corporation.

- iii. **Distributions.** Distributions shall only occur in connection with Net Income actually received by either the University or the Research Corporation. Distributions shall be made in a timely manner by the Research Corporation after a Net Income calculation has occurred. The Research Corporation may offset future distributions in the event of any error or recalculation in the Net Income calculation.

C. Intellectual Property Committee

1. Responsibilities

The Intellectual Property Committee shall function as an advisory committee of the University and shall have the following responsibilities:

- i. Advise the President, the Chief Research Officer, University Personnel, and the Research Corporation on this policy, its implementation, and the status and conduct of the University's Technology Transfer and Sponsored Research efforts.
- ii. Assist the University and the Research Corporation in the conduct of the Technology Transfer program, including:
 - a. Evaluate Intellectual Property proposals from University Personnel, to determine if the Intellectual Property has sufficient potential and sufficient value to warrant expenditure of registration and protection costs and proceed with commercialization or otherwise derive compensation or consideration for the fair market value of the Intellectual Property.

In the event that the Committee determines that the Intellectual Property does not have adequate commercial value to pursue protection and commercialization, the Intellectual Property rights (for University Assigned Works or University Assisted Works) may be relinquished to the Originator(s).

- b. Determine if the University has Intellectual Property rights based on the use of Significant University Resources in the creation of the Intellectual Property.
- c. Recommend when/ how the Intellectual Property of the University shall be assigned and/ or licensed to the Research Corporation.
- d. Review Intellectual Property disputes and make recommendations to the University and its administration in connection therewith, as well as provide the University Office of Legal Affairs with assistance and advice in connection with Intellectual Property-related disputes.
- e. Maintain an archive of decisions and minutes to help inform future decisions and assist in consistent interpretation and application of the policy.
- f. Assist with such activities as expressly contemplated in this policy.

2. Composition

The Intellectual Property Committee shall be composed of between five (5) and seven (7) individuals, as follows:

- The Research Corporation shall appoint one (1) individual to the Committee;
- The President of the University shall appoint up to six (6) individuals to the committee, of

which one (1) will be employed by the University's Division of Business and Financial Services (BFS), whose duties shall include advising and consulting on Intellectual Property matters. It is the preference that up to four (4) Committee appointees shall be full-time faculty of the University representing different academic divisions. It is further recommended that academic field of study, level of scholarship activity, and knowledge of Intellectual Property issues be considered in the selection process.

The President shall appoint one (1) Committee member to serve as the committee chair.

The term of service on the Committee shall be three (3) years, and there shall be no limit to the number of terms that an individual may serve consecutively on the Committee.

The person with the authority to appoint an individual to the Committee shall also have the authority to remove such individual for any or no reason and to fill any vacancy for the unexpired term of the individual who vacates his or her membership to the Committee.

The Committee may call upon subject matter experts to advise the Committee on specific issues as needed. Subject matter experts may include one or more individuals who are also a Faculty Member, Staff Member, or other member of the University community.

3. Intellectual Property Committee Meetings

The presence of a majority, but no less than three (3) members of the Committee shall constitute a quorum. Committee members may attend meetings of the Committee by telephone, videoconference, or other means whereby each committee member may hear and be heard, and such attendance shall be considered present for all purposes, including the establishment of a quorum.

The Committee shall meet at least once per academic term (Fall and Spring). Outside of regularly scheduled meetings, the chair or any two (2) committee members have the authority to call a special meeting of the Committee.

The Committee may appoint a committee secretary to perform clerical functions such as keeping minutes, scheduling meetings, and coordinating Committee communication. An individual is not required to serve on the Committee to be eligible to be the committee secretary.

D. Intellectual Property Disclosure

1. University Personnel are encouraged to make disclosures in connection with Intellectual Property that is University Assigned Work or University Assisted Work in an expeditious manner. The contact for all disclosures is intellectualproperty@westga.edu (Disclosure Contact).
2. If possible, disclosures should be made on the University Invention Disclosure Form. If there are time constraints, other disclosures will be accepted.
3. Disclosures to the Disclosure Contact are not required for works of authorship, such as abstract submissions, internal or external presentations, manuscript submissions for publication in scholarly or professional journals, poster presentations, platform presentations, or instructional or research material for internal use for Independent Effort IP and Traditional

Scholarly Academic Works. Any Faculty Member, Staff Member, and Student may voluntarily submit work to the Disclosure Contact prior to presentation for review and recommendation by the Intellectual Property Committee in regard to protection and potential commercial value. The Committee can then advise the best course of action.

Neither the University nor the Research Corporation are likely to pursue Intellectual Property protection and subsequent commercialization opportunities on behalf of the Originator and the University for Intellectual Property that was not disclosed prior to presentation in a public setting or publication.

4. University Personnel are encouraged to agree internally on their relative ownership or role in the creation of the Intellectual Property and collectively disclose the potential Intellectual Property to both their department chairs and the Disclosure Contact using the University Invention Disclosure Form. If the Originators cannot agree, the Intellectual Property Committee may, but is not required to make a recommendation upon such issues.
5. The Committee may make recommendations to the University and the Research Corporation:
 - (1) whether any disclosed Intellectual Property should be properly classified as an Individual Effort IP, Scholarly Academic Work, University Assisted Work, or University Assigned Work; and,
 - (2) a determination of the relative contribution of the Originator(s) of the Intellectual Property. The Committee's recommendations shall be shared with the Originator(s). Should any Originator dispute the Committee's recommendations, they shall notify the University by and through its Office of Legal Affairs within five (5) business days of receipt of the Committee's recommendation by the Originator. The President, or the President's designee, may appoint an ad hoc committee of three persons to advise the University in connection therewith. The ad hoc committee should not include current members of the Committee and may include a faculty member from another institution or from the relevant industry (subject to the execution of an appropriate non-disclosure agreement). The ad hoc committee will consult with the Committee and the Originators and make their recommendation to the University, who shall make the final decision as it relates to the University's position.
6. The Committee may consult with at least one Originator submitting the Invention Disclosure form to determine whether or not to recommend pursuing formal protection and/or commercialization of the Intellectual Property, consulting if necessary, with the appropriate faculty and/or department chair. The chief operating officer of the Research Corporation, or his/ her delegate, will make the final determination on whether or not to pursue any Intellectual Property protection within ninety (90) days. If the decision is made to not pursue the Intellectual Property in terms of protection and commercialization, then all right, title, and interest in and to the Intellectual Property will be transferred, assigned, and conveyed to the Originator(s).

E. Violations

Violations of this policy are subject to sanctions, including those set forth in the [UWG Faculty Handbook](#), [UWG Employee Handbook](#), and the [UWG Student Handbook and Wolf Code](#). In such cases, the matter will be referred to the disciplinary process for such University Personnel, as the case may be. In Student cases, the appropriate process will depend upon whether the violation arose out of the Student's work as a teaching assistant, research assistant, or other compensated position. No such disciplinary action will preclude the University from pursuing the matter through legal action when warranted

Definitions

Applicable Law - means the laws of the state of Georgia, exclusive of its choice of laws provisions, as well as applicable federal law, including, without limitation, the U.S Copyright Act, the Lanham Act, and the Bayh-Dole Act.

Faculty Member/ and Staff Member - means any person employed on a full-time or part-time basis by the University or is identified with emeritus status by the University.

Intellectual Property - shall be deemed to refer to patents, copyrights, trade secrets, trademarks, plant variety protection, and other rights, whether or not formal protection is sought, and all patentable or copyrighted materials, including software, processes, algorithms, applications, methods, models, instrumentation, devices, designs, circuitry, software, visualizations, modified and non-modified biological materials, chemicals, engineered materials, and research records, as well as other creative or artistic works of value.

Intellectual Property Committee or the Committee - an advisory committee that shall be composed and subject to the guidelines as expressly provided in this procedure (see section, Intellectual Property Committee) VI. below and subject to Applicable Law.

Originator - means any author, creator, or inventor as such terms are customarily used in connection with Applicable Law related to Intellectual Property.

Net Income - means the gross proceeds from royalties, licensing, sale, or other disposition of the Intellectual Property, less all costs and expenses incurred to create, author, invent, or develop, advance, market, license and commercialize the Intellectual Property. Some examples of costs and expenses include legal fees for patent application development, prosecution and registration fees, renewals, and funds to develop prototypes.

Scholarly Academic Works - are scholarly works neither commissioned nor sponsored by the University, but which reflect research and/or creativity, and within the University, are considered evidence of professional advancement or accomplishment. Examples of such works include scholarly and research publications, journal articles, books, monographs, textbooks, plays, poems, works of art, music compositions, lectures, lecture notes and materials, syllabi, grant applications developed without significant university resources, and other traditional academic copyrightable works. Unless the development or production of these works involves the use of Significant University Resources, such works are considered the property of the author(s) (or the publisher) who holds all copyright ownership and accrues all responsibility for compliance with copyright law and regulation. For some of these works, the academic or administrative unit of the author(s) may request documentation of copyright compliance assurance in connection with this policy. Additionally, if the copyrighted material is coursework (including syllabi, lecture slides, reference materials, etc.) that a Faculty Member is using for instructional purposes, the Faculty Member hereby grants, and to the extent additionally necessary, shall take additional actions upon reasonable request of the University to confirm the grant, to the University of a perpetual, paid-in full, royalty-free, non-exclusive License to use the course materials for archival, instructional, and educational purposes.

Significant University Resources - means University funds, facilities, equipment, personnel, tangible or intangible research materials, information and/or materials that are not publicly or freely available to the public, and funds provided through externally funded grants, contracts, or other types of awards or agreements with third parties, including, without limitation, gifts to the University, and anything not expressly excluded pursuant to this policy. Examples of Significant University Resources include, but are not limited to, research funding, assignment of teaching assistants or graduate research assistants, specialized production facilities and personnel, multimedia labs and associated personnel, clerical support that exceeds what is typical, the purchase of additional supplies or equipment, the allocation of specific additional travel or other funds, access to specialized software, grants, and funds awarded by the University's Office of Research and/or the Research Corporation (unless specified otherwise) and the assignment of additional space or facilities. Intellectual Property IP developed during sabbaticals and/or annual leave or with research-heavy annual workload agreements are decided on a case-by-case basis.

Significant University Resources do not include, and expressly exclude from the definition: UWG-designated office space, routinely available office-type equipment such as desktop personal computers, University general library resources, the University computer network and other facilities, and normal use of the University phone system (not to include unusual long distance charges).

Sponsor - any person that is external to the University that supports or sponsors research under a contract with the University or the Research Corporation.

Sponsored Research - means any research to be conducted at or by either the University or the Research Corporation in support of the University pursuant to a contract with a Sponsor.

Student - means an individual enrolled in any course at the University.

Technology Transfer - in academic settings, refers to the bringing of technologies and related Intellectual Property to the marketplace, usually through licensing or assignment agreement(s) to businesses, companies, entities, persons, or individuals that have the resources and desire to commercialize the technology and related Intellectual Property for application, use, and/ or sale in the marketplace in exchange for cash, equity, royalty(ies) that equals or exceeds the fair market value associated with any such transaction, including scope, duration, and the nature and subject matter of the Intellectual Property.

Trademarks - shall have the meaning As provided in 15 U.S. Code section 1127 and shall include all marks, trademarks, service marks, trade names, seals, symbols, designs, slogans, or logotypes developed by or associated with the University System or any of its institutions. This policy relates and applies to trademark issues that relate to, in connection with, or arise out of technology and related Intellectual Property of the University. All other trademarks matters related to the University and/ or any non-technology subject matter is expressly excluded from this policy should be directed to the appropriate University officials subject to the then-current policy and procedures of the University System of Georgia (USG) regarding branding and trademarks.

University Assigned Works - means Intellectual Property commissioned or sponsored by the University or the Research Corporation on behalf of the University, and includes, without limitation, Intellectual Property arising out of Sponsored Research and copyrightable works, unless otherwise expressly

excluded by this policy. Copyrightable works created by an employee in the course of employment are considered to be works made for hire under the Applicable Law related to copyrights, with ownership vested in the employer. Ownership of Intellectual Property developed as a result of assigned University effort shall reside with the University. Notwithstanding the above, however, a Faculty Member's or Student's general obligation to produce scholarly and creative works does not constitute a work for hire or a specific University assignment. Work supported by grants to the University or the Research Corporation shall be considered University Assigned Works rather than the general obligation to produce scholarly and creative works.

University Assisted Works - means Intellectual Property produced with the use of Significant University Resources.

University Personnel - Any Faculty Member, Staff Member, and/or Student.

Associated Procedures

- [Responsible Conduct in Research and Scholarship](#)
- [Board of Regents \(BOR\) Policy 6.3, Intellectual Properties](#)

Forms

- **University Invention Disclosure Form**

Approval Signatures

Step Description

Approver

Date