STETMENT OF POLICY

Identification of Purdue Intellectual Property
Intellectual Property that arises in any part in the course of employment or enrollment at the University, or in the course of a work-for-hire relationship or visiting scholar relationship with the University, is Purdue Intellectual Property, except as follows:

- The University permits authors to retain and manage the copyright to Instructional Copyrightable Works and Scholarly Copyrightable Works, subject to a license in favor of the University as set forth below.

- The University permits a student to retain title to Intellectual Property that the student creates for credit and without compensation in a University course through the use of course-wide resources, provided that the Intellectual Property is not burdened by any pre-existing contractual obligation of the University.

- The University permits software code to be contributed to open-source projects upon (1) the authorization of the funding sponsor and principal investigator (if any) for the coding project and (2) the consent of the University administrator(s), if any, who request or direct the coding project.

- Intellectual Property from research directed and funded under a work-for-hire contract administered by the University’s Sponsored Program Services is not Purdue Intellectual Property.

- Intellectual Property from research performed pursuant to a University contract that expressly exempts the research from the application of this policy is not Purdue Intellectual Property.

- Intellectual Property generated solely in the course of an Outside Activity without the use of University Resources or pre-existing Purdue Intellectual Property is not Purdue Intellectual Property.

**Purdue License to Scholarly Copyrightable Works and Instructional Copyrightable Works**

Each Instructional or Scholarly Copyrightable Work is, by operation of this policy, subject to a perpetual nonexclusive, royalty-free license from its University author(s) to the University to use, duplicate and distribute the Instructional or Scholarly Copyrightable Work for all research and educational purposes of the University.

**Incorporation in Contracts and Permissions**

This policy is deemed 1) a term and condition of employment for every employee of the University, 2) a term and condition of enrollment and attendance at the University by students, and 3) a term and condition of permission to participate in any University research or other academic activity by any person (whether or not employed by, compensated by or enrolled at the University). All such individuals are required to adhere to this policy and its supporting Procedures on Disclosure, Assignment and Commercialization of Intellectual Property.
REASON FOR THIS POLICY

Inventions, Copyrightable Works and other creative products of scholarship that have the potential to benefit the public through practical application may result from the activities of University employees in the course of their employment or through the use, by University students or by any person, of University Resources. The purpose of this policy is to provide the necessary incentives and protections to encourage the discovery and development of new knowledge, and its application and transfer for the public benefit. In so doing, the University is guided by the following goals:

- To optimize the environment and incentives for research and scholarship, and for the creation of new knowledge at the University;
- To enhance and protect the discovery, learning and engagement missions of the University;
- To recognize and protect the interests of the public; of individual creators of novel concepts, Inventions and materials; of the University; and of sponsors of research and scholarship;
- To bring the fruits of scholarship into practical use for the benefit of society as quickly and effectively as possible;
- To protect the traditional freedom of its faculty and staff to publish pedagogical, scholarly or artistic works.

INDIVIDUALS AND ENTITIES AFFECTED BY THIS POLICY

All individuals involved in the creation of Intellectual Property and the personnel responsible for administering the disclosure, assignment and/or commercialization of Purdue Intellectual Property.

EXCLUSIONS

None.

RESPONSIBILITIES

Creators of Intellectual Property

- Familiarize themselves with the definitions and requirements of this policy.
- Disclose Purdue Intellectual Property in accordance with this policy’s supporting procedures.
- Comply with instructions regarding custody and protection of Purdue Intellectual Property.
• Execute a general assignment of title for Purdue Intellectual Property in accordance with this policy’s supporting procedures.

EVPRP

• Provide oversight for the Senior IP Officer’s direction of disclosures of Purdue Intellectual Property.
• Make a determination, in consultation with University Legal Counsel, on the disposition of Purdue Intellectual Property in which a Supporting Organization determines not to invest.
• Determine, in accordance with this policy’s supporting procedures, the distribution of Net Proceeds.
• Convene an advisory committee as needed to address concerns arising from this policy or its supporting procedures.

Senior IP Officer

• Assist University researchers and Supporting Organizations in compliance and implementation of this policy.
• Direct disclosures of Purdue Intellectual Property and oversee applicable custodial arrangements.
• Recommend appropriate disposition of Purdue Intellectual Property in which a Supporting Organization determines not to invest.

Campus IP Officer

• Assist University researchers and Supporting Organizations in compliance and implementation of this policy.
• Oversee custodial arrangements for Tangible Research Properties and Research Data as directed by the Senior IP Officer.

DEFINITIONS

All defined terms are capitalized throughout the document. Additional defined terms may be found in the central Policy Glossary. Some of the terms defined below may be used only in the supporting procedures on Disclosure, Assignment and Commercialization of Intellectual Property.

Campus IP Officer
The person jointly designated by the Senior IP Officer and the Chancellor of a campus to lead the implementation of this policy on that campus.

Commissioned Copyrightable Work
A Copyrightable Work that is commissioned by the University or a funding sponsor. The following are specifically included within this definition if authored in connection with University teaching duties: curriculum designs and networked instructional resources.
Copyrightable Work
An original work of authorship which has been fixed in any tangible medium of expression and is eligible for protection under the copyright laws of the United States. Software code is a Copyrightable Work.

Instructional Copyrightable Work
A Copyrightable Work, other than a Commissioned Copyrightable Work, that is authored by a University faculty member or instructor primarily for the instruction of students.

Intellectual Property
The following types of property recognized under applicable law:

- An Invention and any associated patent application or patent
- A Copyrightable Work and any associated copyright or copyright registration
- A Trademark and any associated registration
- Research Data
- Tangible Research Property or other evidence produced in the course of research
- A trade secret
- An integrated circuit mask
- A plant variety protection certificate

Invention
An inventive conception and reduction to practice that is patent-eligible under the patent laws of the United States.

Net Proceeds
The gross cash royalties and other payments from the commercialization of Purdue Intellectual Property (whether by license or sale) less legal fees and any other out-of-pocket expenses incurred by the University or the Supporting Organization in connection with the legal protection and commercialization of the Purdue Intellectual Property.

Outside Activity
Activity of a University employee that (a) occurs entirely outside of his or her University employment and entirely without use of University Resources and (b) is authorized in accordance with the University policy on Conflicts of Commitment and Reportable Outside Activities (III.B.1).

Proprietary Software Code
A Copyrightable Work in the form of software code that is (a) either a Commissioned Copyrightable Work or authored in any part by University researchers with the aid of University Resources and (b) not contributed to an open-source coding project.

Purdue Intellectual Property
Intellectual Property in which the University or one of its Supporting Organizations asserts a right to own pursuant to this Policy.
Research Data
The recorded factual material commonly accepted in the research and scholarly communities as necessary to validate research findings, but not any of the following: preliminary analyses, drafts of scholarly manuscripts, plans for future research, peer reviews or communications with colleagues.

Scholarly Copyrightable Work
A Copyrightable Work created by any person subject to this policy primarily to express and preserve scholarship as evidence of academic advancement or academic accomplishment. Such works may include, but are not limited to, scholarly publications, journal articles, research bulletins, monographs, books, plays, poems, musical compositions and other works of artistic imagination, and works of students created in the course of their education, such as exams, projects, theses or dissertations, papers and articles.

Senior IP Officer
The person jointly designated by the University’s Executive Vice President for Research and Partnerships and the President of Purdue Research Foundation to lead the implementation of this policy system-wide.

Supporting Organization
Either of the following:

- Purdue Research Foundation (incorporated in Indiana)
- Boilermaker Health Innovations, Inc. (incorporated in Delaware)
- Purdue International, Inc. (incorporated in Indiana)

Tangible Research Property
Items produced in the course of research, such as compositions, biological materials, materials, drawings, devices and equipment.

Trademark
Any word, name, symbol or device, or any combination thereof, whether or not registered as a trademark, that is used to identify goods or services and distinguish them from those manufactured or sold by others.

University Resource
Any research support administered by or through Purdue University, including but not limited to funds, facilities, equipment or personnel.

RELATED DOCUMENTS, FORMS AND TOOLS
Procedures for Disclosure, Assignment and Commercialization of Intellectual Property: [URL]

Related Policies:
• Conflicts of Commitment and Reportable Outside Activities (III.B.1):
  www.purdue.edu/policies/ethics/iiib1.html

• Use of Copyrighted Materials for Educational and Research Purposes (B-53):
  www.purdue.edu/policies/academic-research-affairs/b-53.html

WEBSITE ADDRESS FOR THIS POLICY

www.purdue.edu/policies/academic-research-affairs/ia1.html

HISTORY AND UPDATES

[Date TBD]: Policy brought up to date and reformatted into current template with supporting procedures.

November 18, 2011: Policy number changed to I.A.1 (formerly VIII.4.1).


APPENDIX

There are no appendices to this policy.