

**GOOD SAMARITAN COLLEGE OF NURSING AND HEALTH SCIENCE  
CINCINNATI, OHIO**

**POLICY TITLE: INTELLECTUAL PROPERTY**

The College believes that the public interest is best served by creating an intellectual environment whereby creative efforts and innovations can be encouraged and rewarded, while still retaining for the College and its learning communities reasonable access to, and use of, the intellectual property for whose creation the College has provided assistance. The primary purpose of this Intellectual Property Policy (the "Policy") is to provide the necessary protections and incentives to encourage both the discovery and development of new and/or creative approaches to teaching-learning as well as new knowledge and their transfer for the public benefit.

**Policy**

Inventions, discoveries, copyrightable works and other creative works that have the potential to be brought into practical use may result from the activities of Good Samaritan College (GSC) faculty and staff in the course of their duties or through use, by any person, of GSC resources such as personnel, facilities, equipment, or funds.

**Objectives:**

1. To ensure that the educational mission of GSC is not comprised.
2. To optimize the environment and incentives for creation of new teaching-learning approaches, research and for the creation of new knowledge at GSC.
3. To bring the products of creative efforts into practical use for the public benefit as quickly and effectively as possible.
4. To protect the interest of GSC through an equitable recovery by GSC of its investment in creative activities related to teaching-learning and research.

**Procedure**

**Definitions:**

1. Copyright: A copyright assigns to the owner of copyrightable intellectual property the following exclusive rights:
  - a. To reproduce the work;
  - b. To prepare derivative works or adaptations;
  - c. To distribute the work by sale, rent, license, lease, or lending;
  - d. To perform the work, and;
  - e. To display the work.

When the College claims a license to use a copyrightable intellectual property, the license shall include all the above rights except as otherwise provided by separate written agreement or waiver that is executed by the President of the College.

2. Employees: Persons paid by the College for specific work and include persons who are full-time, part-time, and adjunct faculty; full- and part-time support employees, administrative staff, professional staff; and students.

3. Intellectual Property: Is broadly defined to include inventions, discoveries, know-how, show-how, processes, unique materials, copyrightable works, original data and other creative or artistic works which have value. Intellectual property includes that which is protectable by statute or legislation, such as patents, copyrights, trademarks, service marks, and trade secrets. It also includes the physical embodiments of intellect effort, for example, models, machines, devices, designs, apparatus, instrumentation, circuits, computer programs and visualization, demonstration software, biological materials, chemicals, other compositions of matter, and/or records of research.
4. Creator: Refers to an individual or group of individuals who make, conceive, reduce to practice, author, or otherwise make a substantial intellectual contribution to the creation of intellectual property. A "Creator" includes the definition of "Inventor" used in U.S. Patent Law and the definition of "Author" used in the U.S. Copyright Act.
5. Traditional Academic Copyrightable Works: Are a subset of copyrightable works created independently and at the Creator's initiative for traditional purposes. Examples include class notes, books, theses and dissertations, pictorial and graphic works, or other works of artistic imagination that are not created as an institutional initiative.
6. GSC Resources Usually and Customarily Provided: Includes such support as office space, library facilities, ordinary access to computers and networks, including Internet access and space for course syllabi, packets, pages, or salary. Unless approved as an exception, it does not include use of students or employees as support staff to develop the work, or substantial use of specialized or unique facilities and equipment, or other special support provided by GSC.
7. Sponsored Projects: Are activities funded in whole or in part by funds provided from internal GSC sources or provided by grants, contracts or other agreements with external entities. Internet sources of funding include, but are not restricted to, formally identified programs in which faculty, staff, and/or students compete for support, as well as other instances wherein funds are provided from budgets. Individual exceptions may be approved on a case-by-case basis.

**Application:**

This Policy, as amended from time to time, shall be deemed a part of the conditions of employment for every employee of GSC and a part of the conditions of enrollment and attendance at GSC by students. It is also the policy of GSC that individuals (including visitors) by participating in a sponsored project and/or making significant use of GSC administered resources thereby accept the principles of ownership of intellectual property as stated in this Policy unless an exception is approved in writing by GSC. All Creators of intellectual property shall upon request execute appropriate assignment and/or other documents required to clarify and/or assign ownership and rights as specified in this Policy.

## **Copyrights:**

Ownership: Unless subject to any of the exceptions specified below, Creators retain all right to Traditional Academic Copyrightable Works as defined in the Definitions section of this Policy. This includes all works developed by employees outside of GSC time and without use of GSC resources inaccessible to the public.

GSC shall own copyrightable works as in the following description. Revenues generated by GSC-owned intellectual property shall be dispensed according to the Proceeds Distribution section of this Policy, unless otherwise determined in writing.

1. Works created pursuant to the terms of GSC agreement with an external party,
2. Works created as a specific requirement of employment or as an assigned GSC duty that may be specified, for example, in a written job description or an employment agreement. Such specification may define the full scope or content of the employee's GSC employment duties comprehensively or may be limited to terms applicable to a single copyrightable work. Absent such prior written specification, ownership will vest with GSC in those cases where GSC provides the motivation for the preparation of the work, the topic or content of which is determined by the Creator's employment duties and/or when the work is prepared at GSC's expense. Works created by GSC staff and administrative employees shall be considered to fall within this category, unless and except as specified by written agreement to the contrary, approved by the President.

### GSC Rights in Creator-Owned Works:

1. Traditional academic copyrightable works created using GSC Resources Usually and Customarily Provided are owned by the Creators. Such works need not be licensed to GSC.
2. Traditional academic copyrightable works created with use of GSC resources over and above those usually and customarily provided shall be owned by the creators but licensed to GSC. The minimum terms of such license shall grant GSC the right to use the original work in its internally administered programs of teaching, research, and/or public service on a seven-year royalty-free, non-exclusive basis. GSC may retain more than the minimum license rights when justified by the circumstances of development. By definition, any course developed for any GSC network, including Internet courses, workshops, or other educational course work, shall be considered created with use of GSC's resources over and above those GSC Resources Usually and Customarily Provided. GSC's license shall include the rights to copy, store, and modify the original work at any time and in any manner.

Student Works: Unless provided otherwise by written agreement, copyrightable works prepared by students as part of the requirements for a GSC degree program are deemed to be the property of the student but are subject to the following provisions:

1. Creative works developed by a student employed by GSC are owned, not by the student, but by GSC as provided by this Policy.

Copyright Registration and Notice: GSC-owned works should be protected by copyright notice in the name of Good Samaritan College of Nursing and Health Sciences. Such copyright notice should be composed and affixed in accordance with the United States Copyright Law. Registration of the copyright for GSC-owned works shall be in accordance with the operational guidelines and procedures established by the President of GSC. GSC may also decide to release a work to the public domain and if so, should so indicate.

### **Intellectual Property Administration:**

Disclosure: All intellectual property in which GSC has an ownership interest under the provisions of this Policy and that has the potential to be brought into practical use for public benefit or for which disclosure is required by law shall be reported promptly in writing by the Creator(s). This disclosure is to be submitted to the President, who will evaluate the potential merit of the intellectual property. The Creator(s) shall furnish such additional information and execute such documents from time to time as may be reasonably requested by GSC.

Questions Related to GSC Ownership: In the event there is a question as to whether GSC has a valid ownership claim in intellectual property, such intellectual property should be disclosed in writing to GSC by the Creator(s). Such disclosure is without prejudice to the Creator's ownership claim. GSC will provide the Creator with a written statement as to GSC's ownership interest.

External Agreements: Employees engaged in external agreements are responsible for ensuring that agreements emanating from such work are not in conflict with GSC policies including this Policy. Such employees should make their GSC obligations known to others with whom they make such agreements and should provide other parties to such agreement with a statement of applicable GSC policies regarding ownership of intellectual property and related rights. Employees of GSC have no authority to enter into agreements inconsistent with this Policy.

Statement by Creators: The Creators of intellectual property owned by GSC under the terms of this Policy may be required to state that to the best of their knowledge the intellectual property does not infringe on any existing patent, copyright or other legal rights of third parties; that if the work is not the original expression or creation of the creators, the necessary permission for use has been obtained from the owner, and that the work contains no libelous material that invades the privacy of others.

Administrative Responsibility: The President has ultimate authority for the stewardship of intellectual property developed at GSC and for establishing operational guidelines and procedures for the administration of intellectual property, including, but not limited to, determination of ownership, assignment, protection, licensing, marketing, maintenance of records, oversight of revenue or equity collection and distribution, approval of individual exceptions, and resolution of disputes among Creators and/or unit executive officers.

Exceptions to Policy: Recommendations for exceptions to the provisions in this Policy shall be made to the President for presentation to the Board of Trustees.

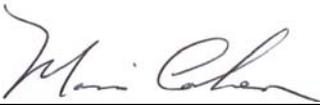
**Proceeds Distribution:**

Proceeds: For purposes of the Policy, "proceeds" shall refer to all revenue and/or equity, as defined below, received by GSC from transfer, commercialization, or other exploitation of GSC-owned intellectual property.

1. Revenue shall mean cash from payments, including, but not limited to, royalties, option fees and/or from the sale of GSC's equity interest.
2. Equity shall include, but not be limited to, stock, securities, stock options, warrants, buildings, real or personal property, and/or other non-cash consideration.

Revenue Distribution: When revenue is received by GSC, all direct payments or obligations attributable to protecting (including defense against infringement or enforcement actions), marketing, licensing or administering the property may be deducted from such income. In some cases, a reasonable reserve for anticipated future expenses will be withheld upon agreement between GSC and the Creators. The income remaining after such deductions is defined as net revenue.

1. Creator's Share. The Creator (or Creator's heirs, successors, and assigns) normally shall receive forty percent (40%) of net revenue. If there are joint Creators, the net income shall be divided equally among them absent a mutual agreement to the contrary.
2. GSC's Share. GSC normally shall receive sixty percent (60%) of net revenue.

Approved By:  Date: 1/6/11

Revision Effective Date: January 7, 2011

Review/Revision Dates: \_\_\_\_\_

Responsible Committee: Administration, Board of Trustees