

Ball State University Intellectual Property

Policy: 2008

FAQ's

Q: What constitutes intellectual property, per the university's guidelines?

A: IP will relate to technology developed by Ball State faculty, staff, students, and others participating in Ball State programs. Technology within this framework includes technical innovations, inventions, and discoveries, as well as digital and emerging media or other creative works, including software. In some instances, commercialization of technology can be accomplished by the licensing of patents or copyrights. In other instances, distribution and commercialization of technology may be aided by or depend upon access to the physical or tangible embodiment of the technology, as in the case of biological organisms, plant varieties or computer software through a material transfer arrangement.

Q: How can I notify the University that I may have an invention or discovery? When should I disclose?

A: The Technology Transfer Office (TTO) is responsible for managing intellectual property for the university. Whenever a faculty member, student, staff member, or a visitor employed by Ball State, participating in Ball State programs or using Ball State funds, resources or facilities creates a work of intellectual property, the creators/inventors must submit an IP Disclosure form to the TTO (and ideally before it has been publically disclosed/published.) Disclosures are used by the university to determine if there is intellectual property, who are the inventors/creators, who owns the IP, and royalty distribution. The disclosure form can be found at <http://www.bsu.edu/research/media/pdf/ip-disclosure.pdf> . **Note:** A Disclosure form is an internal document to notify the University of the invention in accordance with the requirements of the University IP Policy. It has no official status under patent law to protect the invention from third parties.

Q. Must faculty disclose traditional books, monographs, and journal articles and share any royalties derived from these?

A. No. According to Section 2.1.4, these items are specifically exempted. Furthermore, in most cases copyrights are held by publishers.

Q: What are the functions of the Technology Transfer Office?

A: TTO handles all the patents, copyrights, trademarks, and tangible research property issues, including:

- Solicit and analyze invention disclosures from faculty, students, and staff
- Analyze commercialization feasibility of university intellectual property and marketing strategies
- License “tangible research property” for commercial use
- License patents and copyrights for commercial use
- Facilitate faculty and technology start-ups
- Advise faculty on IP issues
- Foster inventor participation in the technology transfer process
- Educate campus researchers about the technology transfer process at Ball State

Q. Why is the faculty share of income being cut from 50% to 30%? That does not appear to be faculty-friendly.

A. In the past policy, there was no tech transfer officer or anyone on campus whose job it was to market intellectual properties. By far the majority of projects did not produce significant royalties. A very small percentage of IPs made any money at all. First, the new policy attempts to fill the gap of what to do with an intellectual property after it has been created and disclosed. The new Tech Transfer Office will evaluate and assess the market for an intellectual property. Second, the new policy allows for the home unit to share in the financial success of the new IP. This would allow units to be more supportive of future faculty members in the process of creating an intellectual property.

Q: If there is more than one inventor, how are the royalties divided?

A: In most cases, the inventors agree upon the share of the 30% among themselves in a proceeds distribution agreement. If such an agreement is not reached, the University may divide royalties among all inventors.

Q: Are current agreements between Ball State and authors on IP ownership and income distribution still in effect, or will they now be subject to the proposed policy?

A: Current agreements are not affected under the proposed policy.

Q. Must a faculty member who receives an internal summer grant to conduct research leading to a published work that produces royalties disclose to the university and reimburse the university for these funds?

A. No. Again, the products are generally copyrighted by the publisher.

Q: Is there a documented process describing the technology transfer?

A: Once the proposed IP policy and the new BSIC (Ball State Innovation Corporation) are in place, plans are in place for a new web site that describes the technology transfer/ commercialization process.

Q: How does the new policy differ regarding student created IP?

A: The Proposed Policy provides a more detailed explanation regarding University ownership of intellectual property produced by students. With some exceptions, students fall in the same category as faculty, staff, and visitors, where significant uses of university resources and/or facilities are used to create the IP. The student handbook will refer students to the IP policy for information on student created works. The new policy further provides that the University has a limited royalty free license to use student-owned work created as part of a University project or program for certain educational, marketing or promotional purposes.