

3359-2-05 University research, copyright, and patent policy.

- (A) University research policy. It is the policy of the university of Akron, ("university"), with reference to all creative endeavors of its faculty, staff members and students conducted on university time or with its facilities, to recognize the interests of the university, the faculty member, the staff member, student, sponsor, and other cooperating or participating agencies. However, the university reserves the right to administer such interests consistent with the public interest as determined by its board of trustees ("board") from time to time.
- (1) Copyrights. In accordance with the custom established in institutions of higher learning, copyright ownership of textbooks and manuscripts and royalties resulting

- (b) Since the primary obligation of a full-time faculty member is to the university, the faculty member should hold paramount in arranging outside appointments the duty of maintaining the quality of work, avoiding the danger of overtaxing energies with an undue burden of outside activity, and adhering to instructional schedules and other definite college engagements.
- (4) General conditions and restrictions. The following general conditions and restrictions will be observed for the best interests of all parties concerned:
 - (a) Research will be the type of work that will enhance the reputation of the university as a seat of high scholarship.

the inventors have primary appointment, five percent of net funds will be placed in an account to be used for departmental purposes by the chair(s) of the department(s) in which the inventors have primary appointment and the balance of net funds will accrue to the university.

(g) Stipulations of P.L. 96-517 may take precedence over any other terms of

- (ii) The stipulations of P.L. 96-517 relative to terms of exclusivity, etc., become effective if any federal funds have supported research leading to the invention.
 - (iii) The potential licensee should provide sufficient credentials of financial and marketing capability for university review.
 - (iv) Any agreement should include, as applicable, a royalty fee schedule, term and termination, considerations of "due diligence" provisions which establish levels of expectation and performance of the licensee, and provision for possible license renewal.
- (l) The university should retain for itself and, whenever possible, for other public or private institutions, the free right to use non-confidential technology for research and education.
- (m) All matters relating to patents or technology transfer in which the university is in any way concerned are administered by the office of the vice president for research. Except with respect to agreements involving the waiver or transfer of ownership of intellectual property as provided by paragraph (A)(6)(c) of this rule, the president or the vice president for research shall have authority to execute any agreements, grants, or contracts involving patent rights or technology transfer to the public or industry to the extent that such agreements conform to these regulations. Prior approval of the board of trustees shall not be required with respect to the transfer of intellectual property resulting from research sponsored by governmental agencies that is disposed of in accord with the terms of the applicable agency. At each regular meeting of the board of trustees, the vice president for research and dean of the graduate school shall provide an executive summary to the board of those agreements negotiated and executed involving licensing of patent rights or transfer of technology as provided by rule 3359-02-05(A)(6)(i) of the Administrative Code.
- (n) Any variance to this policy must receive prior approval of the board before any commitments, grants, or contracts are made.
- (7) Use of the name of the university.
- (a) In soliciting consulting work outside the university, the faculty member may only mention that the faculty member is a member of the university faculty. The university's name shall not be used in advertising.
 - (b) The name of the university may be used in research reports, books and papers for publication and otherwise as may be set forth in the applicable research contract or as approved by the board, the president or the vice president for research.

(8) Waiver of rights in intellectual property.

Upon written recommendation of the applicable chair/institute director and dean, and written approval of the vice president for research and the president, the associate vice president for research and director of the office of research administration are authorized to execute materials and information testing agreements, that waive university rights in intellectual property and related patents and copyrights under the following guidelines:

(a) It is reasonably demonstrated that:

- (i) Well established and accepted technical procedures, e.g. "ASTM" methodology, are expected to be used in conducting client's project, or all work is expected to be directed by client company personnel with the only intellectual input expected of center personnel or university students to be at a level that would not support a patent; and
- (ii) There has not been, nor is there expected to be any development of new materials, processing methods, or reduction to practice of ideas and methodology resulting from significant intellectual input by university personnel in connection with the project.

(b) The principal faculty member has the respective dean verify and certify in writing that there has not been and is to be no input from anyone (e.g., university faculty) other than center personnel or university students, as the case may be, and the client. If there is, in fact, such input, then any such waiver shall be ineffective as to intellectual property rights attributable to said input, and all intellectual property rights will be retained by the university.

(c) Execution of such agreements shall be on forms drafted or approved by the office of general counsel for that purpose, which forms cannot be modified whatsoever without the prior written approval of the vice president for research and the office of general counsel.

(9) Guidelines for use of university research atit10s4(e)4(m)-2(e)4lonefr(r)3(cm6p(r)-7(ee)4(d o)-10(re)-

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Certification: _____
Ted A. Mallo
Secretary
Board of Trustees

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Rule Amplifies: