

**BREWTON-PARKER COLLEGE**  
**INTELLECTUAL PROPERTY POLICY**

PART 1: GENERAL

Section 1.1 Introduction

Brewton-Parker College (hereinafter “BPC”) faculty, staff and students are regularly involved in scholarly research and teaching. This Policy is intended to govern the identification, protection and administration of intellectual property matters by faculty, staff and students, to determine the rights and responsibilities of each, and to direct the distribution of income as between BPC and the Inventor. BPC’s resources and facilities are to be used exclusively for BPC purposes and not for individual gain or commercial advantage, except as specifically otherwise provided herein.

Section 1.2 Definitions

Confidential information: Information that may not rise to the level of a trade secret, but is disclosed to another under an obligation of confidentiality.

Copyrights: The copyright laws protect the authors of literary, musical, pictorial, artistic, dramatic, audiovisual, collective works, compilations of data and other kinds of intellectual works, as well as computer software.

Intellectual Property: “Intellectual property” includes inventions of all description, computer programs, ideas, know-how, trade secrets, writings, art, audiovisual works, multimedia presentations, electronic presentations, internet-based instructional materials, names and symbols and combinations thereof, which because of their characteristics, are governed by the body of law of intellectual property. The law of intellectual property includes without limitation the law of patents, copyrights, trade secrets and confidential information.

Inventor: An inventor is a member of the BPC faculty or staff or a BPC student who, either individually or jointly, develops intellectual property.

Patents: The patent laws protect inventions that are useful, novel and non-obvious. A patent is a government grant made upon full written disclosure of the details

of an invention permitting its recipient to exclude others for a term of years from making, using or selling the patented subject matter.

Publication: “Publication” means the disclosure, distribution, sale, lease or transfer of the original or copies of information in question. Publication shall include without limitation the delivery of speeches, data (written or electronic), abstracts, posters of manuscripts disclosing all or part of such information, or its delivery of embodiments to publishers, colleagues, researchers, or other third parties.

Trade Secrets: The law of trade secrets covers knowledge or information, whether or not patentable or copyrightable, typically of an engineering or business nature, giving one a competitive advantage, which is intended by its holder to be maintained in secret and is not generally accessible or known.

### Section 1.3 Ownership of Intellectual Property

BPC owns all of the following categories of intellectual property: (1) Intellectual property prepared by students in the course of performing academically related activities in conjunction with their matriculation at BPC; and (2) Intellectual property resulting from the efforts of faculty and/or staff receiving direct research or development support from BPC. Direct support involves use of BPC facilities and/or personnel for research leading to or development of the intellectual property.

For example, direct support includes situations where equipment, materials and/or staff services of BPC are used in the development of the intellectual property, or when the author or inventor has received support for the development of the intellectual property exceeding normal teaching salary or including reduced teaching loads or reassigned time. Direct support excludes, on the other hand, materials resulting from teaching, research, scholarly and artistic activities utilizing only normal customary secretarial usage and library, studio and office usage.

### Section 1.4 Persons Subject to this Policy

This Policy applies to all BPC faculty, staff and students.

## PART 2: DUTIES OF INVENTORS OF INTELLECTUAL PROPERTY

### Section 2.1 Acknowledgement of Terms and Conditions of Policy

All BPC faculty, staff and students expected to conduct research shall be required, as a condition of employment or participation, to sign an Acknowledgement of the Brewton Parker College Intellectual Property Policy (APPENDIX A).

### Section 2.2 Agreement to Execute Necessary Documents

All BPC faculty, staff and students shall execute promptly all contracts, assignments, waivers or other legal documents necessary to vest in BPC or its assignees any and all rights to invention or patents as provided in this Policy.

### Section 2.3 Disclosure of Inventions by BPC Personnel

Within thirty (30) days following the discovery or invention or other creation (e.g., computer software), and before submission of findings of the discovery or invention or creation for publication, the inventor shall file with the President of BPC a written disclosure statement that fully describes the essential nature of the Invention and addresses its significance with respect to the state-of-the-art problem (what problem it solved).

## SECTION 3: BPC ACTION IN RESPONSE TO INTELLECTUAL PROPERTY DISCLOSURE

### Section 3.1 Action by the President

After reviewing a disclosure made under Section 2.3, the President of BPC may decide to: (1) file for patent or copyright protection for the intellectual property; (2) publish the intellectual property; or (3) release or assign BPC's interest in the intellectual property to the Inventor either in whole or in part.

## SECTION 4: DISTRIBUTION OF INTELLECTUAL PROPERTY ROYALTIES

### Section 4.1 Allocation of Intellectual Property Royalties

After BPC recovers its direct expenses of filing for patent or copyright protection, the remaining gross royalties, if any, shall be divided as follows:

50% to BPC;

25% to the Inventor; and

25% to the Inventor's department.

## SECTION 5: PATENTS

### Section 5.1 Allocation of Patent Royalties

Patent royalties shall be allocated in accordance with the terms and provisions of Section 4.1.

### Section 5.2 Standards of Patentability

In determining whether to file for a patent for an Invention under Section 3.1, the President of BPC will take under consideration that the U.S. Patent Act (35 U.S.C. Section 101) requires that an Invention, to be patentable, must be novel, non-obvious and useful.

## PART 6: TRADE SECRETS AND CONFIDENTIAL INFORMATION

### Section 6.1 General Provisions

This Policy prohibits the disclosure, without prior written approval from the President of BPC, of any trade secret or confidential information in which BPC may have an interest.

## SECTION 7: COPYRIGHTS

### Section 7.1 Copyright Ownership

Copyright law provides that the author of a copyrightable work owns the copyright in the work, unless the work is a “work made for hire” or the author is contractually obligated to transfer ownership of the work to another after its creation. A “work made for hire” is a work which is either (1) created by an employee within the scope of his or her employment, or (2) is specially commissioned and the commissioning party agree that the work is to be a “work made for hire”. If a work is a “work made for hire”, then the employer or the commissioning party is the author and owns the copyright in the work.

### Section 7.2 Ownership of Works Created by BPC Faculty, Staff or Students.

This Policy provides that all copyright rights in copyrightable works created by BPC faculty, staff or students shall remain with the creator(s) of the copyrightable works unless the works are “works made for hire” within the meaning of applicable law where BPC is either the employer or the commissioning party and the author(s) are BPC employees acting within the scope of their employment or are commissioned parties.

For the purpose of this Section 7.2, a “work made for hire” includes works which either BPC specifically directs the creator(s) to create under BPC’s supervision or which are funded by direct support from BPC as defined in Section 1.3.

For purposes of this Policy, books, articles, notes, syllabi, charts, dissertations and other works, intended to facilitate teaching or disseminate the results of academic research or scholarship study, shall not be considered a “work made for hire”; provided, however, if that BPC resources and/or facilities are used in its creation, the creator(s) shall grant BPC a perpetual non-exclusive royalty-free license to use such copyrightable work.

## SECTION 8: GENERAL PROVISIONS

### Section 8.1 Amendment

BPC reserves the right, from time to time and in its sole discretion, to alter or amend the Intellectual Property Policy of Brewton Parker College.

### Section 8.2 Effective Date

This Policy shall take effect on January 21, 2010.

APPENDIX "A"  
TO  
BREWTON PARKER COLLEGE  
INTELLECTUAL PROPERTY POLICY

Acknowledgment of Terms and Conditions  
of Brewton Parker College  
Intellectual Property Policy



I have read the Intellectual Property Policy of Brewton Parker College and agree to comply with its terms and conditions.

Signature:

Typed or printed name:

Date:

Please forward this signed form to:

Dr. David Smith, President  
Brewton Parker College