

SYRACUSE UNIVERSITY

OFFICE OF TECHNOLOGY TRANSFER

techtransfer.syr.edu

315.443.5196



Syracuse University Faculty Manual

Section 3.23

Ownership and Management of Intellectual Property

Annotated and updated by the
Office of Technology Transfer, August 2016

The technology transfer function at Syracuse University has been housed in the Office of Research with the exception of late 2011 through early 2015¹.

Based on organizational changes dating to 2007, please note:

REFERENCES TO OFFICE OF SPONSORED PROGRAMS (OSP) WITHIN SECTION 3.23 SHOULD BE SUBSTITUTED WITH "THE OFFICE OF TECHNOLOGY TRANSFER" (OTT).

3.23 (Formerly 3.07) Ownership and Management of Intellectual Property

(Preamble²) Syracuse University is dedicated to teaching, research, and the dissemination of knowledge. When these activities have been supported by the University and have resulted in the creation of properties that have economic interest and value, Syracuse University shall have title to, or have a fair and equitable income interest proportional to the University's investment in, those properties that will reflect the legitimate interest of University investment as well as the traditions of academic freedom and pursuit.

1) **Members of the University**

For the purpose of this policy, member(s) of the University are defined as faculty, staff, students, or any person performing research or engaging in work or study utilizing University resources or facilities, whether or not they are compensated for their services.

¹ During that period, the Office of Technology Transfer was a unit within the Office of Strategic Business Development and Innovation.

² The text in parenthesis at the beginning of paragraphs are added for easy reference and are not official numbering within the Faculty Manual.

2) Technology

For the purposes of this policy, technology shall mean inventions, discoveries, creations, technical innovations, information in various forms, including computer software, and tangible research property created in the course of research. Tangible research property includes, but is not limited to, notes, sketches, drawings, results of research or experiments, computer code or records, or any embodiment of the technology into any form. For purposes of this policy, technology does not include any copyright publication.

3) Title and Interest in Copyright Publications

Title to any copyright publication shall belong to the member who created the copyright publication, except in the case when it has been created under a sponsored program where there are ownership restrictions or in the case the copyright publication was created as part of a member's explicit work assignment. Copyright publication includes, without limitation, written and artistic materials (such as articles, books, compilations, and visual and performing art works), whether or not protected by copyright. This policy for copyright publication does not include software.

4) Generally Available Resource(s) and University Allocated Resources(s)

For the purposes of this policy, generally available resource(s) shall mean office space, library, and traditional desktop computers. In addition, the University will construe salary paid from regularly budgeted department accounts as generally available resource(s). In those cases, where salary was paid to accomplish or produce certain tasks or materials that were part of the member's work assignment with the University or a part of a sponsored program, that salary shall be considered a University allocated resource(s). Other University allocated resource(s) shall mean all University resources and facilities that have not been defined as generally available resource(s).

5) Technology Resulting from Research Supported with Externally Sponsored or University Allocated Resources

Title to technology resulting from research, work, or study which was supported by externally sponsored or University allocated resources will belong to Syracuse University. Any revenue received by the University as a result of the license or transfer of such technology will be distributed to those who created the technology in accordance with the paragraph, Distribution of Revenue (below). The University may transfer its interest in the technology to a member, a member's corporation, or an organization with which a member has significant financial ties. In this situation a license agreement will be negotiated between that member or organization and the University.

6) Technology Resulting from Research Supported with Generally Available University Resources

Title to technology except technology identified in the previous paragraph, resulting from research, work, or study solely supported with generally available resources, will belong to the member; and the University will have an equitable interest in the net revenue (as defined in the paragraph, Distribution of Revenue, below) realized from the income, sale, or transfer of the technology. When the technology identified under this paragraph is transferred or licensed by a member to a third party or is retained by the member for his/her economic development, a

royalty agreement will be negotiated between Syracuse University and the member. The royalty and license agreement will reflect the University's investment in the technology.

7) Committee on Intellectual Property

The Vice President for Research and Computing³ shall appoint a Committee on Intellectual Property. The committee shall include faculty from diverse academic units of the University and shall include at least one academic professional staff member and at least one student. A normal term for service will be three years with membership renewable for one term. The Senior Vice President for Business and Finance and the Vice President for Research and Computing will serve on the committee as *ex officio* members. A senior member of the faculty shall serve as chair of the committee. The committee shall advise the Vice President for Research and Computing on the interpretation, administration, and implementation of this policy. Any appeals of the decisions of the Vice President for Research and Computing shall be directed to the Chancellor.

8) Distribution of Revenue from Technology

Net revenue (defined as gross revenues less the costs and expenses incurred and related to the securing of legal protection, marketing, licensing, and other expenses associated with the technology) received by the University from the transfer, sale, or licensing of technology, shall be distributed as follows:

- a) Fifteen percent of net revenues will be retained by the University in support of its costs in managing its intellectual property program.
- b) The remaining net revenues (distributable net revenues) shall be distributed 50 percent to the inventor(s) or creator(s) and 50 percent to the University in accordance with the University's schedule for calculating and dispersing distributable net revenues.
- c) The University's share of distributable net revenues will be used for the support of the department(s) or unit(s) of the inventor(s) or creator(s), development of new intellectual property, or to support the general research and scholarly goals of the University.
- d) Modification of the standard distribution of distributable net revenue may be made in consideration of extenuating circumstances, including but not limited to proportion or royalties retained personally by inventor(s) or creator(s), extent of investment by all parties, and the additional support needed for further development of the technology.
- e) Any modification of the standard distribution of royalties will be made by the Vice President for Research and Computing in consultation with the Committee on Intellectual Property.

9) Management of University Technology

The Office of Sponsored Programs⁴ (OSP) has the primary responsibility within Syracuse University for managing and administering matters involving technology developed at Syracuse. OSP will consult with members regarding the best means for the development and transfer of

³ The position titled Vice President for Research and Computing no longer exists at Syracuse University.

⁴ For the reasons noted on page 1, please note that it is The Office of Technology Transfer, *not Office of Sponsored Programs*, that has the primary responsibility within Syracuse University for managing and administering matters involving technology developed at Syracuse.

the technology created by members. It may be necessary, in accordance with the terms of this policy, that any assignments, licenses, transfers, applications, registrations, or any other documents that are necessary to evidence the University's ownership in technology be executed by members.

10) Disclosure

Under some United States and foreign laws, public disclosure⁵, use, or sale of technology prior to obtaining statutory protection may prejudice, or destroy, the availability of obtaining certain legal protection. In order to protect the University's, member's, or any licensee's rights in technology, no contractual or other legally enforceable agreement for the sale, transfer, or use of University-owned technology may be made except by the University in accordance with this policy. It is also essential to consult with OSP⁶ prior to making any technology publicly known or available.

11) Limited License in All Technology Created by Members

Notwithstanding any other provision of this policy, Syracuse University shall have a royalty-free, nonexclusive, and nontransferable license to use for noncommercial purposes for teaching, training, and research with the University, all technology created by its members.

12) Good Faith

The fair and effective implementation of this policy requires good faith cooperation, collegiality and candor on behalf of Syracuse University and all of its members. For its part, the University will seek to advise affected members promptly and fully on all matters regarding technology. Members, in turn, will communicate promptly and fully with OSP⁷ whenever their research involves technology covered by the policy.

13) Amendment

This policy may be amended from time to time pursuant to the University's policies and procedures in effect for amending documents setting forth University policy.

Drafted by the Senate Research
Committee and approved by the
Chancellor as interim policy
July 13, 1992

⁵ Public disclosure includes any sharing of enabling technology information beyond the group involved in creating the technology unless there is a legitimate expectation of confidentiality.

⁶ Due to the organizational changes referenced on page 1, and changes in U.S. patent law since the policy's drafting, Syracuse University faculty, staff and other Syracuse University Members should consult with The Office of Technology Transfer prior to making any technology publicly known or available.

⁷ Members are to communicate promptly and fully with The Office of Technology Transfer, and perhaps other departments too, whenever their research involves technology covered by the policy.