

SUMMARY OF ITEM FOR ACTION  
INFORMATION OR DISCUSSION

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**TOPIC:** USM IP Policy Revisions (IV-3.20)

**COMMITTEE:** Economic Development and Technology Commercialization

**DATE OF COMMITTEE MEETING:** Thursday November 9, 2017

**SUMMARY:** The Committee will consider for approval proposed revisions to the USM Policy on Intellectual Property (IV - 3.20). The revisions contain language that would:

1. Permit an institution's policy to include technology-mediated intellectual property in the general provisions of its policy without identifying the technology-mediated IP as such; and
2. Allow an approved institutional policy to provide for a waiver of its provisions through an internally described process, rather than through the Chancellor.

**ALTERNATIVE(S):** This item is for information purposes.

**FISCAL IMPACT:** There is no fiscal impact

**CHANCELLOR'S RECOMMENDATION:** That the Economic Development and Technology Commercialization Committee recommend that the Board of Regents adopt the proposed amendments to the Policy on Intellectual Property (IV-3.20)

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COMMITTEE RECOMMENDATION: Approval

DATE: Nov 9, 2017

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BOARD ACTION:

DATE:

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SUBMITTED BY: Tom Sadowski (410) 576-5742

#### VIII. TECHNOLOGY-MEDIATED INSTRUCTIONAL MATERIALS.

If the University determines that Section VII. is inadequate to cover technology-mediated instructional materials, in whole or in part, the University shall insert its own policy statement in this section. This policy must be consistent with the provisions of Section VII above and must be based on the University's mission and must define technology-mediated instruction and technology-mediated instructional materials, specify ownership rights and responsibilities for reporting by Personnel and Students, describe how materials may be protected and commercialized, specify how costs and Revenue will be allocated, and describe conditions attached to use of work prepared for technology-mediated instruction by Personnel and Students. If the University elects not to have a separate policy statement, this section will say explicitly that Section VII applies to technology-mediated instructional materials. If a University has adopted its own policy on intellectual property which modifies this Policy IV-3.20, as permitted by XII. herein, then technology-mediated instructional materials may, without specific reference, be treated consistently with other intellectual property under the University's approved policy.

## XII. ADMINISTRATION

A. Implementation Options. Each University shall elect one of the following options for implementing this policy:

- 1) Adoption. Adopt the USM policy including the requirements in XII.B., below;
- 2) Modification. Modify the USM policy, retaining the requirements in XII.B., below, to reflect the unique needs of the University based on its mission;

B. University Implementation. Each University shall develop procedures for implementing this policy that:

- 1) establish the University's policy on technology-mediated instructional materials, as required in Section VIII. with specific reference to technology-mediated instructional materials, or in the alternative, without specific reference to technology-mediated instructional materials required, the University's policy may treat technology-mediated instructional materials In the same manner as other intellectual property;
- 2) establish guidelines for use of materials protected by copyright, as required by Section V.C.3);
- 3) establish guidelines for use of the University's share of net Revenue within the University, as required by Sections XI.A.3)b) and XI.B.3)b);
- 4) designate an initial point of contact for intellectual

property issues;

- 5) publicize and make available the University policy and implementation procedures;
- 6) provide the Chancellor with a copy of the University's policy for approval prior to initial adoption as well as prior to any subsequent revision (Until such time as the Chancellor provides written approval of the initial University document, this USM document shall apply to the University. Subsequent revisions shall not go into effect until approved by the Chancellor in writing.);
- 7) provide the Chancellor with a copy of the University's implementation procedures for the record.

C. Authority to Subcontract. The University may enter into contracts with third parties in connection with the development, administration, and protection of its intellectual property.

D. Special Cases.

- 1) Issues not addressed. The Board of Regents recognizes that special cases will arise that are not specifically covered by this policy. In such cases, Presidents may make a decision on how to proceed and report that decision to the Chancellor. Alternatively, the President may submit such cases to the Chancellor or designee for resolution.
- 2) Policy waivers. Only the Chancellor may waive any provision of the USM Policy on Intellectual Property. If a University has its own policy on intellectual property which has been approved pursuant to this Article XII. and which includes an alternate process for the approval of waivers under such University policy, waivers may be granted only in compliance with the process provided in such

University's approved policy on intellectual property.