

**MINNESOTA STATE COLLEGES AND UNIVERSITIES
BOARD OF TRUSTEES**

Agenda Item Summary Sheet

Committee: AAgym

**BOARD OF TRUSTEES
MINNESOTA STATE COLLEGES AND UNIVERSITIES**

BOARD ACTION

**BOARD OF TRUSTEES
MINNESOTA STATE COLLEGES AND UNIVERSITIES**

BOARD POLICY		3.26
Chapter	3	Educational Policies
Section	26	Intellectual Property

3.26 Intellectual Property

Subpart Q. Student

agreement, individual agreement, or special commission, the college university and/or the Office of the Chancellor and the creator shall own the intellectual property rights jointly in proportion to the respective contributions made. Use of resources is considered substantial when the additional support received is beyond the normal support level made available by a college, university and/or the Office of the Chancellor to the individual in his or her position.

Subpart C. Other ownership factors.

1. **Collective Bargaining Agreement.** In the event the provisions of this Policy and the provisions of any effective collective bargaining agreement conflict, the collective bargaining agreement shall take precedence.

Part 7. Commercialization of Intellectual Property.

Subpart A. Right of Commercialization. The college, university or the Office of the Chancellor that owns or has shared intellectual property rights to a work may commercialize the work using its own resources or may enter into agreements with others to commercialize the work as authorized by law. Upon request of a creator who retains intellectual property rights in a work, the college, university or the Office of the Chancellor shall advise the creator of progress in commercializing the work.

Subpart B. Sharing of Proceeds. An employee who creates a work and retains an intellectual property interest in such work in which the college, university or Office of the Chancellor maintains intellectual property rights is entitled to share in royalties, licenses, and any other payments from commercialization of the work in accordance with applicable collective bargaining agreements, individual agreements, and applicable laws. All expenses incurred by the college or university in protecting and promoting the work, including costs incurred in seeking patent or copyright protection and reasonable costs of marketing the work, shall be deducted and reimbursed to the college, university or the Office of the Chancellor before the creator is entitled to share in the proceeds.

If a college, university or the Office of the Chancellor decides not to pursue patent or cidelf

Part 8. Assignment of Rights.

Subpart A. College, University or Office of the Chancellor Assignment. A college, university or the Office of the Chancellor may assign all or a portion of its rights in a work to the creator, corporation, business or to any other person in accordance with the law and when in the best interests of the college, university or the System. As a condition of the assignment, the college, university or the Office of the Chancellor, may preserve rights, such as a royalty-free, perpetual, irrevocable, non-exclusive license to use and copy the work in accordance with the preservation and the right to share in any proceeds from commercialization of the work.

Subpart B. Creator Assignment. Any person may agree to assign some or all of his or her intellectual property rights to the college, university or System. The creator may preserve any rights available to the creator as part of the assignment.

Subpart C. Assignment in Writing. Any assignment of intellectual property rights shall be in writing and signed by the assignor and assignee.

Part 9. Dispute Resolution Process. The Office of the Chancellor may develop procedures to resolve disputes relating to this policy.

Part 10. Notification of Policy. The Intellectual Property Coordinator at each college, university, and the Office of the Chancellor shall provide a copy of this Intellectual Property Policy and any other forms developed to implement this Policy to persons upon request. The college, university, or Office of the Chancellor shall arrange training on a periodic basis for faculty, staff and/or other persons who are covered by this Intellectual Property Policy.

Related Documents: Policy 3.22 Course Syllabi
Procedure 3.26.1 Patent Inquiry Process
Policy 3.27 Copyrights
Procedure 3.27.1 Copyright Clearance
Minnesota State Statute 136F
Minnesota State Statute 16B.483

Date of Implementation: 1/01/03

Date of Adoption: 6/19/02

Date and Subject of Revision:

POLICY CONTENT FORMAT

Single underline ~~Single~~ *SSs*