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## Policy Information

**Effective Date:**

August 28, 2018

**Policy Number:**

TLA-100

**Responsible Unit:**

Tech Launch Arizona

## Policy

### A. General Statement

This University of Arizona Intellectual Property Policy (Policy) implements the Arizona Board of Regents (ABOR) Intellectual Property Policy (6-908) for the University of Arizona (University). In the event of any inconsistency between this Policy and ABOR Intellectual Property Policy (ABOR IP Policy) or applicable state or federal laws, the provisions of both ABOR IP Policy and applicable law prevail.

The ABOR IP Policy establishes the basic rights and obligations relating to Intellectual Property created by employees, students, and others connected to the University. This Policy provides additional detail and implementation regarding Intellectual Property creation, ownership, disposition, and transfer at the University.

### B. Scholarly Works Exception

This section supplements the ABOR IP Policy. All capitalized terms not defined in the Policy are defined in the ABOR IP Policy. The ABOR IP Policy provides in Section A(2)(c)(5) that ABOR owns "course and instructional materials, in any form, such as video lectures, PowerPoint presentations, and course materials provided to students, unless otherwise set forth in a university policy or separate written agreement." However, recognizing the academic tradition of open collaboration amongst professors across institutions, the University desires to allow Creators to share these course and instructional materials amongst themselves and their peers at other institutions, and to allow the Creator to use these materials even after they leave the University.

The University hereby grants to the Creator of course and instructional materials a paid-up, royalty-free, worldwide, non-exclusive, non-transferable right, for the full term of the copyright, to use,

modify, copy, distribute, display, update, revise, create derivative works, and any other similar use for his or her own personal benefit or for the benefit of his or her then-current employer. The license is intended to respect academic tradition, and therefore does not include the right to sell or sublicense the course and instructional materials for commercial purposes or similar purpose that is outside a traditional academic purpose.

Note, however, that ownership of such materials may be allocated differently through separate written agreement, and that Creators may enter into a separate written agreement with the University for the creation of such works that provides for ownership by the Creator, or other mutually agreed terms. Regardless of ownership, the ABOR IP Policy (Section A.2.e) provides that the Board retains a non-exclusive license in Scholarly Works assigned to the creator(s).

### **C. Ownership Determination; Disputes**

Upon disclosure, or at any other time at the request of a Creator, Tech Launch Arizona will assess whether the Intellectual Property at issue is Board-Owned IP. If the Intellectual Property is ABOR-Owned IP, then Tech Launch Arizona will work with the creators of such Intellectual Property regarding when publication is appropriate as well as registration, commercialization, and other issues related to the Board-Owned IP.

A Covered Individual may request, via an application in writing, a written determination of whether the particular Intellectual Property is considered Board-Owned IP by submitting such a request to the IP Official. In the application, the Creator will include the following information:

1. A description of the Intellectual Property, including a characterization of whether and why it should or should not be considered ABOR-Owned IP;
2. A description regarding the use of University facilities or resources involved in the creation of the Intellectual Property;
3. The interest of any other party in the Intellectual Property, such as co-authors, research sponsors, and commissioning parties;
4. The circumstances surrounding creation of the Intellectual Property, including funding sources and direction/management;
5. The potential use and application of the Intellectual Property; and
6. Any other information relevant to the University's determination, as reasonably requested by the IP Official after receipt of the application.

The IP Official will respond reasonably promptly to applications for written determination of ownership of Intellectual Property.

## **Related Information\***

[ABOR Intellectual Property Policy 6-908 \[1\]](#)

## **Revision History\***

Replaces previous Intellectual Property policy repealed January 10, 2018, because superseded and contradicted by new ABOR Intellectual Property policy 6-908, enacted September 2017.

**Links**

[1] <https://public.azregents.edu/Policy%20Manual/6-908-Intellectual%20Property%20Policy.pdf>