

December, 2005

## **Hamilton College**

### **Policy on the Determination of Ownership of Intellectual Property (IP)<sup>1</sup>**

#### **Introduction**

(I) Hamilton College seeks to encourage creativity among its faculty, students, and staff. The College invests in this endeavor by making available its facilities, equipment, personnel, and information resources. The College also actively seeks specific support for creative activity from external sources, both public and private.

To help meet these policy objectives, the College makes available (through the office of the Vice President for Academic Affairs (VPAA)) technical and legal assistance in

(VII) For the purposes of this policy, “Functional Interest” is a College interest in IP that is used or intended to be used to ensure the effective functioning, coordination and management of ongoing operations. For example, it has a functional interest in administrative and personnel procedures, including software used for College operations, and internal handbooks and reports.

(VIII) Determination of Rights to Intellectual Property: Except as set forth below, ownership of any IP shall default to the creators.

Ownership will **not** default to the creators when:

- The College has an identity or functional interest in the IP. In this case, the default is College ownership.
- The College directed, or assigned the creators to a project that resulted in the development of the IP. In this case, the default is College ownership.
- The College and the creators of the work have entered into a written agreement regarding the work. Ownership will then be determined by the terms of the agreement.
- Development of the IP was funded as part of an externally sponsored research program under an agreement that allocates rights to the College.
- The IP was developed with extraordinary or substantially more use of College Resources than would normally be provided for the creators’ employment duties. This might occur as disproportionate use of staff time, networks, equipment, direct funding, or other College Resources. In these cases the College and the

### **Conflict Resolution**

(XI) Administration of this policy shall be the responsibility of the VPAA. Questions should be directed to the VPAA regarding the application, interpretation, or implementation of the policy, or regarding disagreement among inventors and/or creators concerning assignment of rights or sharing of royalties.