

Institute For Advanced Study
Intellectual Property Policies and Procedures

1. General Intellectual Property Policy.

The mission of the Institute for Advanced Study is to encourage and support fundamental scholarship while ensuring complete intellectual freedom to its Faculty, Members, and Visitors to undertake disinterested research in any of the disciplines pursued at the Institute. The Institute recognizes that intellectual property rights may protect the integrity of individual scholarship and can, in appropriate circumstances, foster the use of academic research to serve the public good.

In keeping with these purposes, the Institute has adopted these Intellectual Property Policies and Procedures (“Policy”). They are designed to benefit the Faculty, Members, and Visitors without diminishing the academic community’s access to Institute Research, to promote the disclosure of Institute Research for the benefit of the public, and, when appropriate, to enable the commercial development of Institute Intellectual Property. In its implementation and interpretation, this Policy is to be construed to promote the free communication of ideas and research through collaborations and publications.

2. Definitions of Intellectual Property, Faculty, Members’, and Visitors’ Copyrights, and Institute Intellectual Property.

“Intellectual Property” as used in this Policy includes the rights relating to, for example, inventions and their modification, improvement, or enhancement.

“Faculty, Members’, and Visitors’ Copyrights” as used in this Policy are works created by Faculty, Members, and Visitors as authors of copyrightable works. Under this Policy, the title “Faculty” refers to both current Faculty and Emeritus Faculty. Faculty, Members’, and Visitors’ Copyrights are a special category of Intellectual Property whose ownership is separately defined in Section 4, stating that Faculty, Members, and Visitors own the copyrights for their copyrightable works.

“Institute Intellectual Property” as used in this Policy means all Intellectual Property, with the exception of Faculty, Members’, and Visitors’ Copyrights, that is created, conceived, made, or reduced to practice by the Institute’s Faculty, Members, Staff, Visitors, or others participating in Institute programs on the Institute’s premises, using Institute facilities, substantial Institute funds, or other Institute Resources¹, irrespective of their relationship with or obligations to other institutions.

¹ Institute Resources are defined in the Institute’s *Administrative Policies & Procedures*, 2.8, “Use of Institute Resources”.

3. Ownership of Institute Intellectual Property.

The Institute has ownership rights to Institute Intellectual Property, which excludes Faculty, Members, and Visitors Copyrights, whose ownership is defined in Section 4.

The ownership of Intellectual Property developed pursuant to research sponsored by or in collaboration with an entity other than the Institute will be determined according to the terms of an agreement applicable to that research. Intellectual Property that is funded by government sources may be subject to additional ownership conditions in accordance with federal law and regulations.

When a Member or Visitor has an intellectual property obligation to an institution other than the Institute, for example, a Member on sabbatical from his or her home institution, an agreement covering the assignment of intellectual property resulting from the Member's or Visitor's residence at the Institute will be negotiated between the Institute and the other institution and the Member or Visitor.

4. Ownership of Copyrights.

Faculty, Members, Visitors, and Artists in Residence shall own the copyrights for their copyrightable² works, including, for example, copyrights in scientific writings, articles, and presentations.

In most circumstances, the copyright for a work created by the Staff as a work for hire for the Institute will be owned by the Institute. The copyright for work created by Research Assistants in the course of assisting Faculty will be owned by the member(s) of the Faculty involved, in the absence of an express written agreement to the contrary.

5. Intellectual Property Procedures at the Institute.

All members of the Institute community participating in Institute Research, including Faculty, Members, Visitors, and Staff, must certify that they have read, understood, and agreed to be bound by this Policy by completing the acknowledgement at Appendix A. By accepting employment by the Institute, using substantial Institute funds, Institute facilities, and/or other Institute resources, an individual agrees to assign to the Institute any rights the individual may have in any Intellectual Property giving rise to Institute ownership rights under this Policy.

The Director of the Institute ("Director"), in consultation with the Faculty and the Board of Trustees, is responsible for all Institute Intellectual Property matters. The Director will appoint, in consultation with the Faculty, a Faculty Intellectual Property Policy Committee to advise the Director on the implementation and management of this Policy. Operational matters and questions may be referred directly to the Associate Director for Finance and Administration.

² A copyrightable work is broadly defined under the U.S. copyright laws (17 U.S.C. § 102) as an original work of authorship fixed in any tangible medium of expression. Copyrightable works can include written works, such as books, journal articles, study guides, manuals, syllabi, lecture notes, programmed instructional materials, proposals, scholarly works, and literary works; musical works, including any accompanying words; dramatic works, including any accompanying music; pantomimes and choreographic works; pictorial, graphic, and sculptural works, such as fine, graphic and applied art, photographs, prints, art reproductions, maps, globes, charts, technical drawings, diagrams, and models;; motion pictures, films, and other audio visual works; and sound recordings. Under certain circumstances computer code may be a copyrightable work.

In circumstances when it may not be immediately apparent whether the creation of Intellectual Property used Institute facilities, was substantially funded by the Institute, and/or used other Institute Resources, the question will be reviewed by the Director, by the Faculty Intellectual Property Policy Committee, or by one or more individuals designated by the Director who will provide a report to the Director or to the Faculty Intellectual Property Policy Committee. The Director, after consulting with the Faculty Intellectual Property Policy Committee, has the authority to make any final decisions regarding these questions.

Faculty, Members, Visitors, or Staff whose research at the Institute gives rise to results that could potentially be patentable subject matter and that could benefit the public through commercial development are encouraged to submit Disclosure Forms notifying the Institute of those results. Disclosure Forms and related instructions are available from the office of the Associate Director for Finance and Administration or on the Institute website at <http://www.ias.edu/campus/policies/intellectualproperty/>.

Each such disclosure will be reviewed by the Associate Director for Finance and Administration and the Faculty Intellectual Property Committee supplemented, as may be necessary, by Faculty from the School(s) associated with the underlying work, who shall together review the Disclosure and make recommendations to the Director regarding whether to apply for patent or other legal protection for the disclosed Intellectual Property. The Director will then decide whether to accept, reject, or modify the recommendations.

The Institute expects its Faculty, Members, Visitors, and Staff to honor reasonable requests for assistance with regard to pursuing patents and other matters related to Intellectual Property.

Intellectual property rights may be lost if, for example, there is a non-confidential public disclosure prior to filing a patent application. Accordingly, Faculty, Members, and Visitors whose Institute Research has led to a potentially patentable discovery should maintain appropriate confidentiality in public communications until intellectual property rights are secured. Any questions or concerns regarding this matter, including related academic issues, should be addressed to the Director.

Any questions regarding the meaning of any terms in this Policy are to be addressed to the Associate Director for Finance and Administration. Any disputes regarding this Policy and its application are to be referred to the Director, who may, at the Director's discretion, appoint a committee to report and provide a provisional decision on any such disputes, provided, however, that disputes regarding ownership of any intellectual property rights that are subject to a sponsored research agreement or other agreement giving another entity rights shall initially be referred to the Associate Director for Finance and Administration.

6. Consulting Agreements.

It is the responsibility of individual Faculty, Members, Visitors, and Staff to ensure that the terms of any consulting agreement that they enter into with another entity does not conflict with their commitments to the Institute under this Policy. Before engaging in any consulting relationship with another entity that may conflict with the individual's responsibilities and obligations to the Institute, the individual should disclose in writing those obligations to the entity, and receive written confirmation from the entity acknowledging the individual's

obligations to the Institute. Negotiations for any consulting agreements are the responsibility of the Faculty, Member, or Staff wishing to engage in any such agreement.

7. Patents, Commercial Licenses, and Agreements.

As appropriate in each case, the Institute may act to bring to the public Institute Intellectual Property through commercial licenses or other agreements based on patents secured by the Institute or collaborating entities. The Associate Director for Finance and Administration shall be responsible for pursuing licenses, or other agreements, relating to Institute Intellectual Property by identifying, contacting, and negotiating with potential licensees, or for securing assistance for the Institute in pursuing these goals. In addition, the Associate Director for Finance and Administration shall also be responsible for monitoring the progress of patent applications and patents covering Institute Intellectual Property, monitoring compliance with licensing and other agreements related to Institute Intellectual Property, and distributing royalties and other payments as required by this Policy. As the patent owner, the Institute may limit the types of financial interests that it will accept.

If the Institute declines to file a patent application on an Institute Intellectual Property, the inventor(s) may elect to file and receive ownership of the Intellectual Property. In this event, the inventor shall grant the Institute a royalty-free, world-wide, non-transferable license, including the use of such Intellectual Property for research at the Institute.

To the extent that there are fees, royalties, or payments from a license or other agreement regarding Institute Intellectual Property, the proceeds will be distributed as follows: one-third to the inventor(s), one-third to the inventor(s)' School(s), and one-third to the Institute's general funds. If there is more than one inventor, the inventors' share will be shared equally, unless there is a separate written agreement among the inventors that determines what portion of the inventors' one-third share will be allocated to each inventor. If the inventors are affiliated with more than one School, then each School shall receive a portion of the one-third share for Schools in proportion to the corresponding inventor's own share.

8. Modification of the Intellectual Property Policies and Procedures.

This Policy is in continuity with and incorporates earlier Institute policies related to Intellectual Property. To the extent that this Policy conflicts with earlier Institute policies, this Policy shall be the governing policy.

From time to time, and at the discretion of Director and the Board of Trustees, this Policy may be reviewed and revised, after consultation with the Faculty Intellectual Property Policy Committee and the Faculty. Faculty, Members, Visitors, and Staff will be notified of such changes, and any changes to the Policy will apply immediately upon adoption of those policies by the Board of Trustees, applying to all Faculty, Members, Visitors, and Staff regardless of the commencement date of their employment by the Institute.

APPENDIX A

The following certification is to be made by all Faculty, Members, Visitors, and Staff at the Institute for Advanced Study. Not all provisions in the document to which it refers are likely to apply in every field of study or activity at the Institute, but, for the sake of uniformity and consistency, all are asked to sign.

I have read and understood the document entitled “Institute for Advanced Study Intellectual Property Policies and Procedures” and agree to comply with them.

Name

Signature

Date