

Statement Of Principles On Intellectual Property

BL-ACA-I10



About This Policy

Effective Dates:

02-02-1993

Last Updated:

03-31-1994

Responsible University Office:

Bloomington Faculty Council

Scope

Intellectual property on the Bloomington campus.

Policy Statement

[**Note:** Where these principles are in conflict with the policy on Intellectual Property, the Policy governs.]

Principle 1. Indiana University is first and foremost an academic institution. Its fundamental missions are research, teaching, and service in furtherance of its principle aim of the advancement of knowledge and toward the ultimate aim of the greater public good. All decisions concerning the operation of the university, including those on funding and resource allocation, shall be made in line with this principle.

Principle 2. Academic freedom is one of the most basic principles governing academic institutions and in maintaining their role in society as independent critic. It must not be abridged. The rights of individual scholars to select their topics of research and sources of research support, draw conclusions for which they bear sole responsibility, and be protected from impositions on their work of external goals or criteria are paramount to this academic community.

It is understood that funding constraints play a role in ultimately determining what research an individual may actually be able to do. The basic choice, however, as to which ideas to pursue, how to pursue them, and how to communicate them must remain with the individual researcher.

It is also understood that, although faculty have the complete freedom to select and pursue their own studies, periodic evaluation of this work for purposes such as promotion, tenure, and salary review will take into account criteria developed by the faculty for the judgment of such work, such as quality and extent of the work.

Principle 3. The free and open exchange of ideas and information is fundamental to the very reason for being of a university. Faculty must be free to discuss their ideas with whomever they wish without fear of reprisal from any quarter. They must be free to publish, in whatever form they deem appropriate, their results, conclusions, and interpretations, subject only to constraints of protection of privacy or confidentiality of personal data, protection of sponsor's confidential information, and, in some cases, brief delays for the protection of intellectual property rights.

Indiana University policies do not permit the acceptance of secret research, i.e., classified government research. The names and affiliations of all research sponsors and the general purposes of the research are to be made public. Agreements requiring the protection of confidential information are to be approved by the Vice President for Research under guidelines developed by the Policy Committee on Intellectual Property consistent with the principle of free and open exchange of ideas.

If individuals, or institutions, begin to restrict the free flow of information, for profit or for any other reason, the long term risks of loss of independence are greater than any short term gain.

Principle 4. Stewardship of intellectual property shall be consistent with the teaching, research, and service missions of Indiana University. Indiana University policies concerning intellectual property ("University Intellectual Property Policies") shall be developed by the Policy Committee on Intellectual Property, approved by the University Faculty Council, and adopted by the Board of Trustees. Commercial exploitation of intellectual property shall be subject to University Intellectual Property Policies and to applicable law. There shall be no requirement that any intellectual property be exploited commercially. Every effort should be encouraged to commercially develop valuable intellectual property to provide revenue to the University and serve the public good. Faculty may be required to assign title or ownership of the intellectual property to Indiana University or the Indiana University Foundation under four conditions:

1. Assignment is required by law;
2. Assignment is required by contractual arrangements to which the creator/faculty member has previously agreed;
3. Commercial development is sought of intellectual property created with significant University resources, other than traditional works of scholarship and creativity (e.g., scholarly articles, research bulletins, monographs, books, plays, poems, works of art) and instructional materials (e.g., textbooks, syllabi, study guides); or
4. The creator/faculty member desires to assign intellectual property to Indiana University or the Indiana University Foundation.

All assignments by faculty of intellectual property to Indiana University are subject to five qualifications:

1. The University shall not assign title (e.g., ownership) to intellectual property without the permission of the creator/faculty member.
2. All licensing of intellectual property shall be subject to written agreements developed in accordance with University Intellectual Property Policies;
3. The creator/faculty member retains the right to be identified, or to refuse to be identified, as the creator by the University and by subsequent licensees or assignees, except as required by law;
4. The creator/faculty member shall have the right to share in the proceeds, after deducting expenses, resulting from commercial development by the University, including assignment or licensing; and
5. The creator/faculty member shall retain responsibility for the intellectual stewardship of the work, including the right to pursue related research or creative activity, determine methodologies, draw conclusions, and disseminate information to students, colleagues, other scholars, and the public, provided that such dissemination does not breach any duty of confidentiality or violate any intellectual property commitments to which the creator/faculty member has agreed.

Implementation of University Intellectual Property Policies shall be carried out by the Vice President for Research and the Office of Technology Transfer with the advice of the Policy Committee on Intellectual Property and the Technology Transfer Advisory Committee. The Policy Committee on Intellectual Property shall report annually to the University Faculty Council and to the Board of Trustees.

Before being appointed by the Board of Trustees or as soon thereafter as possible, each faculty member shall be informed of the University Intellectual Property Policies, this Statement of Principles, and of Indiana University's resources for protecting and marketing the intellectual property of the faculty and shall acknowledge in writing that the faculty member has been so informed.

The Bloomington Faculty Council goes on record as objecting to any language, blanket language, to the effect that the university owns intellectual property produced by its faculty, graduate students, undergraduate students, staff, or emeriti.

Reason For Policy

In the recent past, universities have undergone a profound transition in their attitudes toward and interactions with a variety of organizations external to the university. Policies concerning intellectual property rights, conflicts of

interests, and patents/license agreements, to name but a few, have begun to consume enormous amounts of time and thought. Some academic institutions have all but abandoned their traditional role as the place in society for free and independent generation and critique of ideas. In contrast, others have taken time to examine their role and to reaffirm their commitment to basic principles.

Indiana University hereby reaffirms its commitment to certain basic principles appropriate to the pursuit of its academic goals. These principles stand before and make subservient to them all other rules, guidelines, procedures, etc., which the university might make in the areas of intellectual property rights.

History

Approved: BFC 2/2/93; UFC: 4/13/93; Amended and approved: Trustees 3/31/94

Related Information

[UA-05 Intellectual Property](#)