

## Intellectual Property Policy Crrtqxf"Crtn"3;.4246

Moravian University is a teaching and learning community that integrates professional programs and the liberal arts, weaves discovery, research, and creativity into the curriculum, embraces the use of technology, and is dedicated to serving our community. As such, we embrace the Boyer Model of Scholarship that includes the scholarship forms of discovery, integration, application, and teaching. Creative expressions may assume a variety of forms and venues including, but not limited to, developing curricular resources, producing works of scholarship and research, creating technological resources, and creating, displaying, or executing works of visual and performance art.

At Moravian University there has been an increased focus on scholarship over the past two decades. The Vision 2020 Strategic Plan (2015 to 2020) highlighted scholarship as a component of academic excellence, promoted innovation, partnerships, and collaborations, and called for entrepreneurial stewardship. When the institution transitioned to university status as of July 2021, scholarship and partnerships took even greater prominence, and entrepreneurship, technology development and innovation are components of the 2021-24 Strategic Plan. Such innovation in teaching

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parties outside the community are also Creators of IP, then the IP policies of their institutions or other employers should be considered in apportioning distribution of IP rights between all Creators should be specified in a Memorandum of Understanding signed

well as tangible research property such as biological materials and inventions. The most common forms of IP are Copyrights, Inventions and Patents, Trademarks and Trade Secrets.

- L. . An invention is a new or useful process, machine, method of manufacture or composition of matter, or any new and useful improvement thereof which may or may not be eligible for protection by Patents.
- M. . For all Community Members, University-supplied computing, email, and phone resources are considered Normal Support. For faculty, Normal Support also includes salary, laboratory or studio space, funding for sabbatical leaves, start-up funds, and professional development funds. For faculty who teach online and have not received a stipend and/or have a separate MOU for online course development, Normal Support will also include standard use of instructional des ot

By way of illustration, if participation of students directly, or indirectly through use and feedback, substantively influences development of such Works, then such participation constitutes Significant Use of University Resources. Some examples of Significant Uses of University Resources include, but are not limited to, the following: use of external research funding to create the Intellectual Property; assistance of University-funded support staff in creating the Intellectual Property (outside of what has been defined above as Normal Support); use of University Facilities, including University-purchased laboratory instrumentation, to create the Intellectual Property, the searching of any Invention and/or the filing of an application to register a Copyright or Trademark or to secure a Patent. By way of further explanation, Significant Use of University Resources excludes incidental or minimal use of University resources, such as University facilities, that are available without charge to the public, or use of resources or facilities where fees for such use (excluding tuition) have been paid.

T. . Software includes all manner of programming regardless of its format or function and may include Copyrightable materials and/or Inventions subject to this Policy. Open-Source Software shall, notwithstanding this Policy, be subject to the designated Open-Source License.

U. . For this Policy, personnel who are not Faculty but who assist Faculty in teaching and research are included in the definition of Faculty. This includes, but is not limited to, full-time and part-time

V. .

W. .

X. .

the visual appearance of a product or its packaging that signifies the source or sponsor of the product to purchasers. For the purposes of this Policy, "Trademarks" include trademarks, service marks and trade dress. Certification Trademarks indicate compliance with a recognized standard.

Z. . A trade secret is confidential commercial information, such as a formula, giving one who possesses the lawful right to use it, a competitive advantage. For a trade secret to be protectable, the owner must take reasonable steps to keep it secret.

AA. . University Facilities include all ar<sup>all</sup>

resulting from such use will remain the property of the Creator (i.e., the Faculty person) subject to the Standard Copyright License or other written agreement between the Um

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Understanding




- c. Faculty, Staff, Students and visitors to the University Facilities may not create Recorded Works of the research or creative Works of others (including, but not limited to, Copyrightable Materials) that are on display or available at University Facilities without the prior written permission of the Creator, or the Provost (or their designee).
- d. Recording of course lectures or other campus presentations (including, but not limited to, Copyrightable Materials) by Faculty or Staff by Students may be



2. Such Invention Disclosure shall be made sufficiently in advance of any publications, presentations, or other public disclosure to allow time for possible action that protects rights to the IP. Such Invention Disclosure and information related to any potential Invention should not be disclosed to other persons without the permission of the Provost since disclosure may make the Invention ineligible for patent protection.
3. The University IP Committee will investigate the proposed Invention and conduct “prior art” and other searches and advise the Creators of the results. If e

- iii. 40% to a fund supporting research and creative activities managed by the Office of the Provost and Center for Scholarship, Research, and Creative Endeavors.
  - c. In no event shall the aggregate compensation payable to all Creators exceed fifty (50%) of sums received by the University after deduction of all expenses.
- A. The following rules apply to the use by Faculty, Staff and Students of Trademarks owned or claimed by the University.
- 1. The University is the owner of several U. S. Registered Trademarks. These currently include MORAVIAN UNIVERSITY®, MORAVIAN COLLEGE®, MORAVIAN THEOLOGICAL SEMINARY® and MORAVIAN BOOK SHOP®.
  - 2. The University also claims unnn





This Memorandum of Understanding (“MOU”) states the agreement in regard to the online course described above the “Online Course”) between the faculty member named below (the “Faculty Member”) and Moravian University and Moravian Theological Seminary (the “University”).

1. The Online Course developed by Faculty Member as part of his or her academic position at the University will be the joint property of Faculty Member and the University. Accordingly, subject to the terms of this MOU, (a) Faculty Member retains the right to use and modify content in the Online Course that are his or her creations, including syllabi, reading materials, lists, lectures, notes, exam content and other Online Course content and (b) the University retains the right to use, retain, modify and otherwise deal with all Course Materials, including without limitation (i) giving other instructors and faculty members access to Course Materials, (ii) scheduling and offering the Online Course at any time using the Course Materials or any other materials, (iii) allowing other instructors and faculty members to modify and add to the Course Materials and teach the Online Course or sections of it and (iv) withdrawing or changing the Online Course or ceasing use of Course Materials at any time.
2. The Faculty Member will contribute to the development of Course Materials for the Online Course in collaboration with Instructional Design, and external vendors that will become property of the University for the Online Course. These may include but are not limited to videos, interactive modules, documents, audio files and other media files determined and produced through the process of course development.
3. The Faculty Member understands and agrees to allow his/her name, image, and any audio/visual recorded content to be used in the creation of Course Materials.
4. An archived copy of the approved Online Course Materials at the time of approval by the Instructional Design Team and Program Director (where applicable), will be kept on file by Information Technology (IT) and the Office of the Provost.
5. Each Online Course shall be developed in compliance with academic and quality standards that are part of the University’s general accreditation standards and subject to review by the Instructional Design Team. The Online Course is subject to approval of the Faculty Member’s department or program and University officials to the same extent and on the same terms as other courses offered as part of University curricula.
6. Neither Faculty Member nor the University shall sell, or allow to be used by any outside entity, a version of the Online Course that was substantially created or developed by Faculty Member, except in compliance with this MOU or upon mutual agreement as to the terms of such use. Such external usage shall be specified in writing by the Faculty Member and/or the University.

7. As compensation for Faculty Member's work in developing the Online Course and materials, the University will pay Faculty Member

Intending to be legally bound, the University and Faculty Member agree to the foregoing MOU as of the latest date of signature below.

MORAVIAN UNIVERSITY

Faculty Member:

By \_\_\_\_\_

Printed Name:

Printed Name:

Title:

Title

Date:

Date:

Contact Address: