

**University Policy Number 1000.4:  
Intellectual Property (IP)**

**Responsible Administrator:** Associate Vice Provost of Sponsored Programs and Research

**Responsible Office:** Sponsored Programs and Research Office

**Originally Issued:** March 2025

**Authority:** Office of the President

**Policy Statement**

It is the policy of Claflin University to ensure compliance with federal guidelines regarding intellectual property.

**Statement of Purpose**

Claflin University is committed to fostering innovation, protecting intellectual property (IP), and promoting the commercialization of research while ensuring compliance with federal, state, and sponsor regulations.

This policy governs the ownership, management, and commercialization of intellectual property (IP) developed by faculty, staff, and students through research and sponsored programs. It aligns with:

- Bayh-Dole Act (35 U.S.C. §§ 200-212) – Governs IP developed using federal funds.
- MB Uniform Guidance (2 CFR 200.315) – Regulates IP rights under federally funded grants.
- National Science Foundation (NSF) and National Institutes of Health (NIH) IP Policies.
- U.S. Patent and Trademark Laws.
- Uniform Guidance CFR 200.448 and CFR 910.362

The policy also intends to:

- Provide an incentive for creative intellectual effort and the advancement of research, knowledge, and societal welfare;
- Ensure that the rights, privileges, and interests of the University and its employees, students, and/or other stakeholders are recognized and protected through the development of fair agreements and procedures;
- Encourage employees, students, and/or stakeholders of the University to realize the tangible benefits of intellectual property endeavors; and
- Advance and encourage further research within the University from funds that may accrue within the University from institution-supported intellectual property endeavors.

### **Applicability**

This policy applies to:

- Faculty, staff, and researchers conducting research at Claflin University.
- Students participating in sponsored research projects.
- Visiting scholars and collaborators engaged in university research.
- Subrecipients and contractors involved in Claflin-funded research.

It applies to all forms of intellectual property, including:

- Inventions and patents (e.g., new technologies, devices, processes).
- Copyrighted works (e.g., publications, software, creative works).
- Trademarks and service marks (e.g., branding related to research).
- Trade secrets (e.g., confidential research data and methodologies).

### **Definition**

Any product created by an employee or agent of Claflin University as a result of activities in which the University provided support for its development may be perceived as intellectual property.

Examples of intellectual property may include but are not limited to, cures, chemical compounds, inventions, machines, genetically engineered biological organisms, cell lines, clones, and other scientific inventions, trademarks, creative arts, documents, software, books, resource materials, research aids, modules, web-based courses, computerized exams, original films, original musical scores, textbooks, study guides, research bibliographies as well as exams, grants, and other items which facilitate the learning process.

Title 17 and Title 35 of the United States Codes of Laws protect Claflin University's definition of intellectual property. The South Carolina Ethics Act of the South Carolina Code of Laws, 8-13-100, and subsequent codes reinforce these guidelines.

This definition further assumes that any intellectual property created by an employee, agent, consultant, or third-party person will be used consistently and for the public good.

### **Ownership of Intellectual Property**

Claflin University owns all IP developed:

- Using university resources (facilities, funding, or equipment).
- Under a federally funded or externally sponsored research grant.
- As part of an employee's scope of work and employment duties.

Bayh-Dole Act Compliance:

- Disclose the invention to the federal funding agency within 60 days.
- Decide on patent protection within two years.
- Grant a non-exclusive license to the U.S. government for federal use.

### **Inventor-Owned Intellectual Property**

An individual retains ownership of IP if:

- It is created independently without using university resources.
- It is developed outside the scope of employment (e.g., personal projects).
- It does not result from sponsored research agreements.

### **Jointly Owned Intellectual Property**

If IP is developed in collaboration with an **external partner**, ownership is determined by:

- Sponsored research agreements or industry contracts.
- Negotiated licensing agreements between Claflin University and external parties.

### **Procedure**

- Intellectual property products produced at the University shall be used for the greatest possible public benefit and to provide every reasonable incentive to the employees, students, and other stakeholders to disclose, evaluate, and disseminate such products. When University support makes the research possible or when the University provides support for the development of a patentable or copyrightable product, etc., reasonable reimbursement for its costs is expected. To this end, the University encourages the pursuit of patents and/or licensing for such products in the interest of the public, the inventor (researcher),

and the University.

- Unless otherwise designated by the President, the Associate Vice Provost for Research is the executive officer responsible for the execution and administration of the policy on intellectual property. The Sponsored Programs and Research Office shall make available reporting, disclosure, confidentiality, approval and other forms and administrative procedures necessary to carry out the provisions of this Intellectual Property Policy.
- The President shall appoint three members, and the faculty shall elect three members to the Intellectual Property Committee. This Committee shall be responsible for recommending to the President or his designee interpretations of the University policy herein stated and changes needed.
- As a condition of employment, all faculty members, University employees, and students performing research shall report to the Office of the Associate Vice Provost for Research for any invention, discovery, product, etc., which they have conceived or developed or which was conceived or developed under their direction and/or work efforts during their employment or enrollment both while employed by the University and thereafter.
- In the event of conflicts of interest that may involve the Sponsored Programs and Research Office and/or other unusual conflicts of interest (or perceptions of conflict of interest), the President of the University shall create a standing Intellectual Property Conflict of Interest Committee. The Committee will be chaired by the Vice President for Fiscal Affairs, who will then appoint two (2) members to the Committee; the faculty will elect two (2) additional members. This Committee will be vested with the responsibility of reviewing and recommending the resolution of conflicts of interest issues that may not be appropriate for review by the Intellectual Property Committee because of actual or potential conflicts of interest that may prevent the Intellectual Property Committee from considering the matter.
- Any such invention or discovery (1) which is the result of research engaged in, by, or under the direction of any employee of the University and/or having the costs thereof paid from University funds or funds under the control of or administered by the University, or (2) which is made by an employee of the University and which relates to the inventor's field of work at the University, or (3) which has been developed in whole or in part by the utilization of resources or facilities belonging to the University shall be assigned to the University. The applicability of the above-stated condition in any given case shall be ultimately determined by the President of the University, based upon the recommendation of the Associate Vice Provost for Research. Thus, the University President is

authorized to assign any patent to a University-designated non-profit entity established for the University's benefit and based upon full compliance with this policy regulations promulgated therein and appropriate state and federal law.

- Each invention or discovery reported shall initially be reviewed to determine if it must be assigned to the University under the standards set forth in section E herein. If the invention or discovery must be assigned, it shall be further reviewed to determine whether the University desires to apply for a patent in the name of the inventors. In making this determination, the benefits that might accrue to both the University and the inventor shall be considered. The Associate Vice Provost for Research shall act promptly in carrying out these duties so that the property rights of the inventor and the University may be protected. However, the Associate Vice Provost for Research may request further development of the invention before final action is taken. Suppose it is determined that the invention or discovery is not assignable and of no interest to the University. In that case, a release shall be executed by the Associate Vice Provost for Research upon approval by the University President in favor of the inventor. If the invention or discovery is assignable, the University shall, in consultation with the inventor, develop and protect the invention, etc., as appropriate.
- In further consideration for the assignment rights set forth herein, the Associate Vice Provost for Research, acting on behalf of the University President, is authorized to recommend agreeing with the inventor(s), his/her heir(s) or assign(s) the following percentages of the royalties, fees or other financial returns received by the University from such invention less a reduction for overhead costs and the cost of patenting and protection of patent rights. The percentage paid to each party is as follows:
  - **Distribution of Royalties 1<sup>st</sup> \$500,000**
    - Inventor- 45%
    - University- 45%
    - Sponsored Programs and Research Office- 10%
  - **Distribution of Royalties Over \$500,000**
    - Inventor- 45%
    - University- 50%
    - Sponsored Programs and Research Office- 5%

Any research contracts, grants, and consulting agreements from or with the United States Government or its agencies must be honored. Documents that conflict with this policy may be referred to the Intellectual Property Committee for recommendations for revision

prior to approval.

**Conflict of Interest Policy**

The University regards its officers, faculty, staff, and others acting on the University's behalf as individuals with high integrity and ethical standards. In this regard, they are expected to avoid potential or actual conflict of interest situations. It is the University's policy that its officers, faculty, staff, and others acting on its behalf must avoid ethical, legal, financial, or other conflicts of interest and ensure that their activities and interests do not conflict with their obligations to the University or the University's best interests.

In abiding by this policy, officers, faculty, staff, and others acting on the University's behalf are expected to disclose all circumstances, including but not limited to outside activities and financial interests that might give rise to a conflict. The Sponsored Programs and Research Office shall provide procedures for complying with disclosure and reporting requirements and guidelines relating to implementing this policy as may be appropriate.