

**College for Creative Studies**  
**Intellectual Property Rights Policy**  
**Approved by the Board of Trustees, December 13, 2012**

**Policy Goals**

The College for Creative Studies (“the College” or “CCS”) is committed to nurturing students’ creative and intellectual abilities. This is best done in an environment that encourages exploration and experimentation and in which artistic and academic freedom are respected and protected. As artists, designers, writers, and scholars, the College’s faculty and students continually produce creative works in the course of their academic activities. These works constitute Intellectual Property (“IP”). It is important that the rights to ownership and use of this Intellectual Property are understood by all members of the CCS community and by those members of the public who support their work. This policy explains those rights. It proceeds from the basic principles that the College’s primary responsibility is the education of its students and not the commercialization of their work, and that creators should in general retain intellectual property rights in their works subject to reasonable use rights held by various members of the CCS community. The policy is intended to promote innovation and excellence in educational and artistic pursuits, to encourage the best educational experiences for students, to allow faculty and students to reap the benefits of their own creativity, and to enable the College to celebrate the work of its faculty and students in order to promote the College to its varied constituencies.

**Policy Overview**

This policy covers work created at or in connection with CCS and sets forth the intellectual property rights of faculty, students, staff, and CCS in that work. It describes the categories of works subject to the policy and specifies the ownership and usage rights for each of those categories. This policy also describes when and how the ownership and usage rights applying to a particular work may be changed, typically by mutual agreement of the relevant parties.

**Categories of Works**

Several categories of Works that may be subject to Intellectual Property Rights are covered by this policy. “Works” refers to all designs, works of authorship, works of art, literary works, writings, student theses, inventions, software, discoveries, and other work products that may be subject to Intellectual Property Rights. The categories include the following:

- “Scholarly and Artistic Works”—Works created by faculty or students in the scope of their respective employment or student status at the College, including instructional materials produced by faculty for use in the course of classroom and studio activities, Works of art or scholarship produced by faculty or students in the course of classroom and studio activities, and other Works created using more than a minimal amount of CCS facilities or equipment.
- “Sponsored Works”—Works created by faculty or students with the sponsorship or special support of a Sponsor pursuant to a written sponsorship agreement.
- “Commissioned Works”—Works created by faculty or students at the specific request of CCS and not in the course of their individual scholarly, academic, and artistic pursuits,

including materials created for use in or as CCS publications and promotional materials, logos, graphic or other designs, commemorative items, and the like.

- “Administrative Works”—Works created by faculty in the course and scope of their employment other than Scholarly and Artistic Works, Sponsored Works, and Commissioned Works, including evaluations of student work, correspondence and memos, materials prepared in connection with work on CCS committees, materials created for use in CCS bulletins, brochures, and catalogs, and the like; and Works created by staff (including student employees) in the course and scope of their employment.
- “Non-Covered Works”—Works created by faculty, staff, or students outside the scope of their employment or student status at the College using minimal or no CCS facilities or equipment, without the sponsorship or support of a Sponsor, and not created at the request of CCS.

### **General Rules on Intellectual Property Ownership and Usage**

The following explains who owns the intellectual property rights in the Works described above:

- Faculty own the IP Rights in their own Scholarly and Artistic Works.
- Students own the IP Rights in their own Scholarly and Artistic Works. However, in a case where the College provides resources in the development of a Work that go beyond what the College typically provides to students in their daily academic activities, the College may share in the ownership of the IP Rights in that Work.
- Ownership of IP Rights in Sponsored Works is determined by a written agreement between the College and the Sponsor. Sponsored Projects are accepted in CCS classes only when they provide educational value and are approved by the course instructor and department chair. In cases where the College agrees to transfer to or share with a Sponsor the ownership of the IP Rights in a Sponsored Work or Works produced by students, the College will inform students of this agreement prior to the commencement of the Sponsored Project and will obtain their informed consent to the terms of the agreement. If a student is unwilling to relinquish his/her IP Rights, the College will find an equivalent class in which the student can enroll. Students should never be coerced into taking a class with a Sponsored Project or relinquishing their IP Rights. Regardless of who owns the IP Rights in Sponsored Works, students must be permitted to include the Work products in their portfolios for purposes of self-promotion, subject to certain limitations in Sponsorship agreements, such as removing company logos.
- CCS owns all Intellectual Property Rights in all Commissioned Works and all Administrative Works.
- CCS does not claim any ownership or use rights in Non-Covered Works.

### **Use Rights**

Although the IP Rights in a Work may be owned by an individual, a Sponsor, or the College under this policy, others may have the right to make use of that Work or the IP rights to it. These rights are called “Use Rights” and are as follows:

- Faculty and Students have the right to make, distribute, display, perform, and otherwise use reproductions of, and make derivative works based on, their own Works for noncommercial educational and scholarly purposes, as examples of their own work, and for purposes of exhibition.
- Faculty also have the right to make photographic or similar representational reproductions of their students’ Works; and to distribute, display, perform, and otherwise use those reproductions for noncommercial educational and scholarly purposes and as examples of their students’ work.
- CCS has the right to make, distribute, display, perform, and otherwise use photographic or similar representational reproductions of faculty and student Works for noncommercial purposes of education, scholarship, exhibition, accreditation, development, alumni relations, promotion, and the like; as examples of faculty and student work; and for inclusion in CCS’s permanent collection and archives.
- A Sponsor has the right to make, distribute, display, perform, and otherwise use reproductions of, and make derivative works based on, Works for commercial and non-commercial purposes pursuant to the terms of a written sponsorship agreement.

### **Modification of the General Rules With Respect to Particular Works**

It is anticipated that members of the CCS community may on occasion wish to modify the General Rules of this Policy with respect to specific Works, particularly in cases involving Sponsored Works. Such modification is allowed if all of the parties having an ownership interest in the Work under the applicable General Rules agree in writing to the desired modification. The burden of seeking and obtaining such written agreement is on the party seeking the modification. If all of the parties having rights in the Work under the applicable General Rules are unable to reach a written agreement, then the allocation of ownership and usage rights in the Work provided by the relevant General Rule will remain in effect.

### **Patent Policy**

In a case where the College shares in the ownership of the IP Rights in a student’s Work, the College may, from time to time, at its own initiative or upon request, elect to pursue the registration of a patent on the Work in one or more jurisdictions, and shall do so entirely at CCS’s cost; no creators of a Work shall be charged or assessed any fees or cost in connection with that registration. In furtherance of this policy, the creator(s) of the Work may be required to execute formal paperwork relating to the registration process, and CCS shall be responsible for the costs associated with execution. CCS will share with the creator(s) of the Work any monetary proceeds that are derived from the patented Work, according to an agreement that the College will reach with the creators, prior to filing the patent application. Any third parties interested in licensing a

Work for commercialization should consult the Senior Director for Corporate Relations in the Office of Institutional Advancement.

**Procedures**

This policy will be administered by the Office of the Provost. The Provost will establish procedures to be adopted by CCS to ensure compliance with this policy, including a procedure for considering in a timely manner any questions, objections, complaints, or other challenges arising from or relating to this policy. We welcome any questions or concerns that you may have concerning this policy or its application.

This policy is complete and effective as of the date set out above, and may be amended from time to time by the Provost in consultation with the faculty and with the approval of the President and Board of Trustees. This policy and all amendments thereto will be published on and made available through the CCS Blackboard website. Amendments will be effective as of their date of publication.