

Chicago State University Intellectual Property Policy

1. Purpose

Chicago State University (CSU) encourages innovation, research, scholarship, and creative activity. This policy establishes ownership, use, and commercialization rights for intellectual property created by CSU employees, students, and others using CSU resources. The goals are to:

- Support the creation and dissemination of new knowledge.
- Protect the rights of creators while ensuring CSU's interests.
- Promote technology transfer for public benefit.
- Ensure compliance with federal and sponsor requirements.
- Generate recognition and potential revenue for both creators and CSU.

2. Definitions

- **Intellectual Property (IP):** Inventions, discoveries, processes, know-how, software, artistic and literary works, course materials, trademarks, and other creative works that may be legally protected.
- **Creator:** Any individual (faculty, staff, student, or collaborator) who makes a substantive contribution to the creation of IP.
- **Traditional Academic Works:** Scholarly works created independently for academic purposes (e.g., books, articles, syllabi, lecture notes, artistic works).

3. Ownership

- **Creator-Owned Works:** Traditional academic works belong to the creator, even if developed using CSU's usual resources (office space, computer access, library).
- **CSU-Owned Works:** CSU owns IP created:
 - Through the significant use of CSU facilities, equipment, funds, and staff support. Where "Significant use" of CSU resources means use of facilities, equipment, funds, or staff support beyond what is ordinarily available to faculty, staff, or students in their normal course of academic, teaching, or administrative duties.
 - As part of assigned duties or sponsored/commissioned projects.
 - Under agreements with external sponsors, unless otherwise specified.
- **Student Works:** Student works created for degree requirements are owned by the student, with CSU retaining the right to archive theses/dissertations and use them for educational purposes.
- For Intellectual property related to materials created for Distance Education, the ownership is defined by Appendix G, section VII of the 2022-2026 Faculty Contract.

4. Patents

- **Disclosure:** Creators must promptly disclose any invention or discovery that may be patentable if developed using CSU resources or in the course of employment.

- **Ownership:** Patentable inventions made with CSU resources, or within the scope of employment or sponsored research, are owned by CSU. Where “Patentable inventions” are discoveries, innovations, or developments that meet the criteria for patent protection under U.S. law.
- **Protection:** CSU, in consultation with the creator, will determine whether to pursue patent protection. If CSU chooses not to pursue a patent, rights may be released to the creator.

Release of Rights Process:

1. The creator may submit a written request to CSU’s Office of Grants and Research (OGRA) for release of rights.
 2. OGRA, in consultation with CSU’s legal counsel and relevant administrators, will review the request and the university’s interests.
 3. If CSU confirms it has no intention to pursue or maintain protection, it will issue a written release agreement transferring ownership to the creator.
 4. As a condition of release, CSU will retain a perpetual, royalty-free, non-exclusive license to use the invention for educational and research purposes.
 5. The creator assumes full responsibility for all future costs and obligations related to the protection, commercialization, or enforcement of the invention.
- **Commercialization:** Patents owned by CSU may be licensed or assigned for public benefit. The licensee must demonstrate the capacity to develop and bring the invention to market.
 - **Revenue Sharing:** Net revenues from patented inventions will be shared between CSU, the creator(s), and the creator’s academic or administrative unit, which will be consistent with the following revenue-sharing guidelines.

Revenue-Sharing Guidelines:

- After deduction of direct expenses related to obtaining, maintaining, and commercializing the patent, net revenues will be distributed among the creator(s), CSU, and the creator’s unit.
- Unless otherwise specified by agreement, the standard distribution will be:
 - 40% to the creator(s);
 - 40% to CSU;
 - 20% to the creator’s academic or administrative unit.
- Revenue-sharing percentages may be adjusted by CSU if multiple inventors, units, or external agreements are involved.
- Distribution will be documented in a written agreement and administered by CSU’s Office of Grants and Research (OGRA).

5. Intellectual Property Created with Grants

- **Federal Grants (Bayh–Dole Act Compliance):**
 - Inventions created under federal funding (e.g., NSF, Department of Education, DOE, NIH) are owned by CSU, and CSU is required to disclose them to the funding agency.

- CSU must decide whether to retain the title and seek patent protection; if not, the federal government may assume ownership.
- CSU must grant the federal government a non-exclusive, royalty-free license for use of federally funded inventions for governmental purposes.
- CSU must ensure commercialization efforts give preference to small businesses and that inventions are used for the public benefit.

Decision Process for Patent Protection

1. Disclosure: The creator must disclose the invention promptly to CSU's Office of Grants and Research (OGRA).
 2. Evaluation: OGRA, in consultation with the inventor(s), CSU's Technology Transfer Office (if applicable), and legal counsel, will evaluate the invention for patentability, commercial potential, and alignment with CSU's mission.
 3. Recommendation: Within the federally required timeframe (generally 2 months from disclosure for notification of intent), OGRA will recommend whether CSU should retain title and pursue patent protection.
 4. Institutional Approval: The final decision will be made by CSU's authorized official (e.g., Vice President for Research or designee).
 5. Notification: CSU will notify the federal sponsoring agency of its decision within the deadlines required by federal regulations.
 6. Release: If CSU declines title, rights will be released to the federal government, unless the agency waives ownership in favor of the creator under applicable federal rules.
- **Other Sponsored Projects:** IP created under non-federal grants or contracts will be governed by the specific terms of the sponsor agreement.
 - **Publication and Academic Freedom:** CSU will strive to preserve the right of faculty and students to publish results of sponsored projects that are consistent with sponsor requirements.
 - **Revenue Sharing:** Creators may share in revenues from grant-funded IP according to the Revenue Sharing Guidelines described above, with negotiations led by the Office of Grants and Research Administration, after CSU's obligations to sponsors are met.

6. Protection of Intellectual Property and Compliance

- **Creator/Investigator Responsibility:** The primary responsibility for protecting intellectual property, complying with disclosure requirements, and safeguarding sensitive data lies with the creator or principal investigator (PI), including the oversight of students working with IP.
- **Disclosure Obligations:** All IP developed with CSU resources or external funding must be disclosed promptly to the Office of Grants and Research. Failure to disclose may violate federal law or funding agreements.

Disclosure Process:

1. **Initial Notification:** The creator must submit a written disclosure to OGRA as soon as the invention or intellectual property is conceived or reduced to practice. A standard disclosure form will be provided by OGRA.
 2. **Content of Disclosure:** The disclosure must include a description of the IP, names of all contributors, funding sources (federal, state, private, or CSU), use of CSU resources, and any existing or planned public disclosures (e.g., publications, presentations).
 3. **Acknowledgment:** OGRA will provide written acknowledgment of receipt within ten (10) business days.
 4. **Review:** OGRA, in consultation with the creator(s), legal counsel, and relevant administrators, will review the disclosure to assess ownership, obligations under external funding, and potential for protection or commercialization.
 5. **Determination:** Within sixty (60) days, OGRA will notify the creator(s) of the preliminary determination regarding ownership, patentability, or other protection strategies.
 6. **Federal Compliance:** For inventions developed under federal sponsorship, OGRA will ensure compliance with the Bayh–Dole Act, including timely reporting to the federal agency.
- **Foreign Influence Protections:** CSU prohibits undisclosed agreements or participation in foreign government–sponsored talent recruitment programs. Creators and investigators must disclose all outside research support, collaborations, and affiliations as required by federal and CSU policies.
 - **International Students and Scholars:** CSU welcomes international collaboration. However, all international students, postdocs, and visiting scholars involved in research must comply with federal export control laws, visa regulations, disclosure requirements, and applicable federal regulations related to the protection of intellectual property and sensitive research information, including restrictions under the Export Administration Regulations (EAR), International Traffic in Arms Regulations (ITAR), and select agent or controlled research information rules.
 - **Data and Export Control:** Creators must safeguard research data, prototypes, software, and related materials to prevent unauthorized transfer or access, particularly when subject to U.S. export control regulations.
 - **University Oversight:** CSU will provide training, guidance, and monitoring to ensure compliance with federal regulations, sponsor policies, and university standards.

7. Copyrights

- Creators retain rights to traditional academic works.
- CSU owns works created with significant CSU resources, as assigned duties, or under third-party agreements.
- Students own their academic works, subject to CSU’s right to archive theses/dissertations.

8. Trademarks

CSU owns and controls the use of its names, logos, and symbols. The University must approve any commercialization or licensing of CSU trademarks.

Approval Process (Office of External Affairs):

1. Request Submission: Any individual, unit, or external entity seeking to use CSU names, logos, or symbols for commercial purposes must submit a written request to the Office of External Affairs.
2. Application Requirements: The request must include a description of the proposed use, duration, target audience or market, and whether revenues will be generated.
3. Review: The Office of External Affairs will review the request for compliance with CSU's trademark, branding, and marketing policies, and may consult with CSU Legal Counsel if necessary.
4. Decision: The Office of External Affairs will issue a written decision approving, conditionally approving, or denying the request. Conditions may include quality control measures, limitations on use, or payment of licensing fees.
5. Agreement: Approved uses require a formal trademark licensing agreement, signed by both CSU and the requesting party, administered by the Office of External Affairs.
6. Monitoring: The Office of External Affairs will monitor compliance with the terms of the license and may revoke authorization for misuse or noncompliance.

9. Disclosure and Commercialization

- Creators must disclose potentially patentable or commercializable IP developed with CSU resources.
- CSU may pursue protection and commercialization, or release rights back to creators with a CSU license for internal use.

10. Research Security and Foreign Influence Protections

Chicago State University is committed to fostering international collaboration while safeguarding the integrity of its research enterprise. In alignment with federal guidance (including recommendations from the National Counterintelligence and Security Center), CSU adopts the following principles and requirements:

1. **Research Risk Awareness**
 - Faculty, staff, students, and collaborators must be aware of risks posed by foreign adversaries who may target research through theft, talent recruitment, cyber intrusion, or manipulation of collaborations.
 - Special caution is required for research with dual-use applications (both civilian and military), sensitive personal or genetic data, or research subject to U.S. export control regulations.
2. **Foreign Talent Recruitment Programs**

- CSU faculty, staff, and students may not participate in **malign foreign talent recruitment programs**.
 - All affiliations, contracts, or agreements with foreign institutions or governments must be fully disclosed to CSU and, where applicable, to federal sponsors.
 - Undisclosed participation may result in violations of federal law, conflicts of interest, and loss of eligibility for federally funded research.
3. **International Research Collaborations**
- Collaborations must be transparent, fully disclosed, and reviewed in advance by the Office of Grants and Research Administration (OGRA).
 - Faculty and investigators must disclose all foreign sources of funding, material support, and research personnel.
 - Failure to disclose foreign collaborations or funding may lead to administrative, financial, and legal consequences.
4. **Insider Threats, Cybersecurity, and Data Protection**
- Researchers must practice good cyber hygiene, safeguard sensitive data, and follow CSU and federal guidelines when traveling, collaborating, or sharing data electronically.
 - Unauthorized transfer of prototypes, research data, software, or laboratory procedures is prohibited.
 - Access to research involving sensitive, export-controlled, or federally regulated data must be limited to authorized individuals.
5. **Student and Scholar Engagement**
- CSU values the participation of international students and scholars but requires strict compliance with U.S. visa regulations, export control laws, and disclosure rules.
 - International visitors must not be placed in positions where they can access restricted or export-controlled research without prior authorization.
6. **Reporting Responsibilities**
- All CSU personnel are the first line of defense in protecting research. Suspicious requests, unusual collaborations, or efforts to gain unauthorized access must be reported to OGRA, campus security, or federal partners (e.g., FBI field office or IC3 for cyber incidents).
7. **Training and Institutional Support**
- CSU will provide ongoing education and training on research security, export controls, disclosure obligations, and federal guidance.
 - The University will promote a culture of scientific stewardship balancing openness, academic freedom, and national security.

11. Administration

- The Office of Grants and Research oversees implementation of this policy, including disclosure, evaluation, and commercialization.
- Disputes regarding ownership or revenue distribution will be reviewed by the Provost (or designee), with final appeal to the President.

12. Exceptions

- Exceptions to this policy may be approved in writing by the President or designee.