

## **Intellectual Property**

The vitality of any institution of higher learning depends intrinsically on the quality and robustness of the processes of research and creative communication which characterize its life. Notre Dame Seminary seeks to encourage those processes among faculty, students and staff in every aspect of its institutional life. One measure of that encouragement is the protection that is afforded to the intellectual property of each and every constituency in the Seminary.

The term “intellectual property” is understood to include all written or orally communicated results of scholarship, research, teaching or other intellectual pursuit by faculty, students or staff. Notre Dame Seminary recognizes that full rights of ownership of all such work belong to the creator of such work. The single exception to this policy concerns those productions which fulfill responsibilities of employment by the Seminary and can rightly be understood as “works for hire” under United States law. In those cases, ownership will be exercised solely by Notre Dame Seminary.

In the event an author, creator or developer chooses to assign the ownership rights to the seminary, royalty income derived from the work will be shared with the person following the specifics outlined in this policy.

Intellectual property produced by faculty or students, including course-work, lectures and other class-related materials are covered by this policy and may not be copied, recorded nor disseminated in any form, including the Internet, without the express permission of the Rector-President of Notre Dame Seminary.

### **Application of the Policy**

This policy applies to faculty, staff, students and other persons who make use of the seminary’s facilities, equipment, or other resources or who receive funds from Notre Dame Seminary in the form of salary, wages, stipend or other support, but not including student financial aid.

### **Seminary Ownership of Intellectual Property/Copyright**

Notre Dame Seminary owns all rights to all copyrighted materials (including computer programs, software or multi-media productions) that are works made under copyright law and assigned to the seminary by contract terms of a grant or sponsored program.

The seminary retains the copyright if a work is made for hire, created under a grant or sponsored program that grants ownership rights to an institution other than the author; or subject of a contract modifying ownership rights.

### **Disclosure**

Persons to whom this policy applies have a duty to report in due time all intellectual property covered by this policy to the Academic Dean. They must also cooperate fully in proceedings needed to legally protect the rights of Notre Dame Seminary. All people covered under this policy will confirm in writing their obligation to comply with the terms of this policy and to disclose any intellectual property in due time covered under this policy. Failure to confirm these obligations in no way diminishes or extinguishes the rights of Notre Dame Seminary.

## **General Administration**

This policy is to be administered by the Academic Dean with the assistance and advice of the Rector-President and the administrative staff. Notre Dame Seminary has the right to have internal or external evaluators review the intellectual property. The seminary has the right to transfer ownership of the intellectual property.

No use of the name of Notre Dame Seminary in the promotion or sale of intellectual property is permitted without prior written approval of the seminary, whether the seminary has the ownership of intellectual property or has returned the rights to the author, creator or developer. Requests for this approval must be submitted to the Academic Dean.

## **Amendments to the Policy**

Notre Dame Seminary reserves the right to amend this policy at any time. Any royalty distribution due on account of intellectual property matters are regulated by the policy in effect at the time the seminary enters into contractual arrangements concerning the promotion of the intellectual property.

## **Waivers**

Notre Dame Seminary may grant a waiver of any provision of this policy on a case-by-case basis. The waivers must be in writing and signed by the Academic Dean. The best interest of the seminary will always be taken into account in the granting of any waiver. Any waiver granted under this article will apply only to obligations imposed on the creator, author or developer unless otherwise agreed by the individual.

## **Royalty Distribution**

Distribution of royalties paid in accordance with this policy represents an employee benefit from the seminary to the recipient. The person must understand that the receipt of income under this policy is subject to taxation. It is the responsibility of the recipient to retain the tax applied to such income derived under the implementation of this policy.

Funds provided by external sponsors to the Seminary to support any project of the seminary are not royalties and do not constitute income to the institution on which royalty distributions may be calculated.

When royalty income is received by the seminary from intellectual property covered under this policy, the income will be disbursed as follows:

- The income will be used to reimburse the seminary for direct expenses associated with the intellectual property.
- After deduction of expenses, any income from intellectual property will be distributed in this manner:
  - 50% to the creator, author developer.
  - 50% to Notre Dame Seminary.