Administrative Regulation — Dissemination of Research and Intellectual Property

The University of Kentucky recognizes that discovery, innovation and creative activity are central to its public mission and are made possible through the investment of the Commonwealth. Intellectual property developed through the efforts of the University community reflects not only individual ingenuity, but also the substantial support provided by the people of Kentucky to advance knowledge, improve lives, strengthen the economy and serve the public good. Accordingly, the University seeks to encourage innovation while ensuring that intellectual property arising from University-supported activities is responsibly managed, protected and developed for the benefit of both society and the University.

This *Administrative Regulation* establishes the University's ownership rights of intellectual property and the framework for the management, protection, dissemination and commercialization of intellectual property and delegates the broad scope of authority of the Vice President for Research (VPR) to administer the University's intellectual property activities through policies, procedures and appropriate delegations of authority.

For additional information and policies, see Office of the Vice President for Research.

I. Definitions

A. Intellectual Property

"Intellectual property" means inventions, discoveries, works of authorship, creative works, proprietary materials and information and other legally or contractually protectable interests, whether or not patentable or otherwise registrable or meeting trade secret protection requirements, arising from research, development, teaching, service, scholarship, creative activity or other University activities. Intellectual property includes, without limitation: inventions and patentable subject matter; copyrighted works; software; data and databases; algorithms and computational methods; artificial intelligence and machine-learning models and outputs; technical know-how and trade secrets; research tools and materials; plant-related intellectual property; trademarks; and other forms of intellectual property recognized by law or University policy.

B. Innovator

"Innovator" means an individual who creates or makes an intellectual contribution to the creation of intellectual property subject to this *Administrative Regulation*. Innovators may include University employees, students, visiting faculty, researchers and scholars to the extent they are subject to University ownership or assignment obligations under this *Administrative Regulation* or University policy.

C. Traditional Scholarly Works

"Traditional scholarly works" means copyrightable works created primarily for scholarly, academic, instructional or artistic dissemination in the ordinary course of teaching, scholarship, research dissemination or creative activity. Traditional scholarly works include journal articles, books and book chapters, conference papers and presentations, monographs, reviews, artistic and musical works and ordinary faculty-created course and instructional materials. Ownership of a scholarly work does not determine ownership of any inventions, software, data, know-how or other intellectual property described, incorporated or embodied in the work.

II. Ownership of Intellectual Property

Except as otherwise provided in this *Administrative Regulation* or University policy adopted pursuant to it, or applicable law or agreement executed by an authorized University or UKRF official, the University shall own intellectual property created:

- Within the scope of an individual's University employment or appointment;
- In the performance of sponsored research or another University-administered project under contractual or other circumstances requiring University ownership;
- Under a written agreement requiring or specifying University ownership or assignment; or
- Under other circumstances established by University policy consistent with this *Administrative Regulation*.

Traditional scholarly works shall be owned by their creators except where University ownership is required by applicable law or an authorized agreement, or under other circumstances established by University policy consistent with this *Administrative Regulation*.

Students shall own intellectual property they create except where the intellectual property arises within the scope of University employment, sponsored or University-administered research under circumstances requiring University ownership, an applicable written agreement or other circumstances established by University policy consistent with this *Administrative Regulation*.

Use of University resources does not, by itself, determine ownership. University policy may establish circumstances in which the nature or extent of University support or resources is relevant to an ownership determination.

Additional details concerning ownership, assignment, management, protection, commercialization, disposition and revenue distribution shall be established in University policies and procedures adopted pursuant to this *Administrative Regulation*.

III. Delegation of Authorities to the Vice President for Research

The VPR has institutional responsibility and authority for administration of intellectual property under this *Administrative Regulation*. The VPR may, directly or through authorized designees:

- Establish and administer policies, procedures and standards governing intellectual property ownership, disclosure, evaluation, protection, management, dissemination, licensing, commercialization and disposition;

- Determine, or establish procedures for determining, ownership of intellectual property and resolve appeals or disputes concerning ownership and other matters arising under this *Administrative Regulation*;

- Determine appropriate mechanisms for protecting, disseminating, licensing, commercializing, transferring or otherwise deploying intellectual property subject to University ownership or management;

- Approve or execute licenses, options, confidentiality agreements, material and data agreements, assignments, inter-institutional agreements and other agreements affecting intellectual property;

- Establish and administer policies governing financial consideration arising from intellectual property, including royalties, fees, milestone payments, equity and equity-like interests, reimbursements, cost-recovery amounts, proceeds and revenue distributions; and

- Take or authorize actions reasonably necessary to preserve University intellectual property rights and satisfy legal, regulatory, sponsor and contractual obligations applicable to the ownership, protection, management or commercialization of Intellectual property.

The VPR may delegate authority or responsibility granted under this *Administrative Regulation* to appropriate University officials, UKRF or administrative units, unless delegation is prohibited by law or University regulation.

IV. Entity Holding Title to Intellectual Property

UKRF, an affiliated corporation of the University, is the University's designated agent to receive and hold legal title to, and administer, intellectual property subject

to University ownership. UKRF may receive assignments of such intellectual property and may execute licenses, options, assignments and other intellectual property transactions in accordance with this *Administrative Regulation*, University policy, applicable law and applicable delegations of authority.

V. Compliance and Resolution

The VPR is responsible for the University's compliance with federal and state laws and regulations pertaining to intellectual property, including, but not limited to, export control.

The VPR shall have final administrative authority to resolve disputes concerning intellectual property ownership. The VPR, directly or through an authorized designee and in consultation with the Office of Legal Counsel as appropriate, represents the University's intellectual property interests in negotiations with external institutions, organizations or individuals.

VI. Implementation

The VPR may adopt, amend and administer University policies necessary to implement this *Administrative Regulation* and may authorize policies, procedures, forms and guidance consistent with this *Administrative Regulation*.[1]

[1] Security, Export, Compliance and University Research Engagement; 2 CFR part 200 Definitions