***BATES COLLEGE INTELLECTUAL PROPERTY DISCLOSURE FORM***

This Intellectual Property (IP) Disclosure Form is an important step in protecting IP created by the faculty, staff, and/or students of Bates College. The Bates College Intellectual Property Policy (Employee Handbook, Section 129) provides:

All questions about whether a project involves *exceptional use of college resources,* or whether a *functional* or *identity interest* of the college may exist should be referred to the Dean of Faculty. The Dean in consultation with the creator(s) and appropriate college deans, vice presidents and supervisors will endeavor to reach an agreement with the creator(s) regarding the ownership, use and development of the IP. Agreements will be deposited with the Treasurer of the college according to the procedures established in Section VI.D. If no agreement is reached, the Dean will make a determination (See Section III.B).

The purpose of this IP Disclosure Form is to:

1. Share the information necessary for the Dean of the Faculty to reach agreements and determinations consistent with the Bates College IP Policy;
2. Protect the rights of the owners of the IP (faculty, staff, students, and/or the College) with respect to interested third parties;
3. Enable the Dean of the Faculty to determine, on behalf of the College, whether to assist in registering the IP (e.g., filing a patent application or a copyright registration).

**Instructions and Procedures**

Please complete each section of the IP Disclosure Form that applies to the IP you are disclosing to the Dean of the Faculty. Each of the creators must sign the form prior to submitting it to the College. If you have any questions about completing the IP Disclosure Form, please contact Director of Sponsored Programs and Research Compliance at jtomaras@bates.edu.

Please submit your completed IP Disclosure Form to the Director of Sponsored Programs and Research Compliance using one of the following methods:

1. Email: jtomaras@bates.edu
2. Hard copy: Coram 222 (42 Campus Avenue, Lewiston, ME 04240)

After receiving your IP Disclosure Form, the Director of Sponsored Programs and Research Compliance will record the date of delivery and assign the IP Disclosure Form an IP Disclosure number. If any grants are listed, the Director of Sponsored Programs and Research Compliance will review the terms and conditions of the grant(s) to make an initial determination regarding whether the College has a functional interest in the described IP. The Director of Sponsored Programs and Research Compliance will also make an initial determination regarding whether the College has an ownership interest in the IP based on the responses to the questions in Section V.B-D, which may require further review by the Assistant Dean for Budget and Administration and/or the Vice President of Information and Library Services. As provided in the Bates College IP Policy, the Dean of the Faculty (and, if necessary, the President of the College) will make a final determination regarding the College’s interest in the IP, as provided in the Bates College IP Policy:

The Dean’s determination shall be made in writing, signed by the Dean. The determination shall contain provisions outlining the allocation of ownership, interests, use rights, responsibilities, risks, and a mechanism for the sharing of net proceeds, if any, and other rights between the creator(s) and the college. The Dean will cause the written determination, once made, to be delivered promptly to the creator(s). The determination, bearing the date on which it was delivered to the creator(s), shall be filed with and maintained by the Treasurer of the college.

The Dean of the Faculty (or his/her designee) will consider the information in Sections III and IV and any attachments provided by the creator to determine whether there is sufficient commercial potential to justify a patent application or copyright registration and invest the College’s resources in technology transfer efforts. In arriving at this determination, the Dean of the Faculty may seek the confidential advice of members of the Bates faculty with requisite subject matter expertise and/or an external technology transfer consultant.

Confidentiality and Publication: The College considers the information provided in this form to be confidential and expects that the person submitting this form and the creators signing this form will treat this information as confidential until the College determines how and when it may be publicly disclosed. In the interests of avoiding undue restrictions on the publication of research results related to disclosed IP, the College will generally attempt to make such determinations within thirty (30) days of the delivery of the IP Disclosure Form to the Director of Sponsored Programs and Research Compliance.

1. **Information Regarding the Intellectual Property**
2. Title of the IP:
3. Description of the IP:

(Please use additional sheets and attach descriptive materials to expand answers to questions. Sketches, drawings, photos, reports and manuscripts will be helpful.)

1. I (We) believe the IP is (select all applicable categories):
   1. An invention eligible for patenting. Inventions include new processes, products, apparatus, compositions of matter, living organisms OR improvements to (or new uses for) things that already exist.
   2. A copyrightable work. Copyright protects original works of authorship, including literary, dramatic, musical, and artistic works, such as poetry, novels, movies, songs, computer software, and architecture.
   3. A data collection. A data collection includes compilations of data and results obtained by analyzing data. Granting entities, e.g., the U.S. government, may have certain data rights under grants awarded to the College.
   4. Research materials. Research materials includes physical materials, equipment, and samples, e.g., biological and chemical samples, such as cell lines, biological extracts, genetic material, chemical samples, etc. Granting entities may have certain rights in research materials resulting from the use of funds under grants awarded to the College.
2. **Information About the Creators of the IP**
3. Provide the name, title, department, and contact information of each of the College-affiliated creators of the IP. Under U.S. patent law, only a person who conceives of an element of the invention is an inventor, but you do not need to make that determination for the purpose of completing this form. Therefore, please be inclusive in listing creators of the IP to facilitate the College’s determination of inventorship, authorship, and ownership. *(Please add additional rows as necessary.)*

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| --- | --- | --- | --- | --- |
|  | Name | Title | Department | Contact Information |
|  |  |  |  | E-mail:  Telephone: |
|  |  |  |  | E-mail:  Telephone: |
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1. Is anyone who is not affiliated with the College a creator of the IP?  Yes  No

If you answered yes, provide the name, title, institutional affiliation, and contact information of each of the unaffiliated creators of the IP. *(Please add additional rows as necessary.)*

|  |  |  |  |  |
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|  | Name | Title | Institution | Contact Information |
|  |  |  |  | E-mail:  Telephone: |
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1. **Potential Applications for the IP**
2. What are the immediate and/or future applications of the IP?

1. Why is the IP more advantageous than present technology? What are its novel and unusual features? What problems does it solve?

1. Is work on the IP continuing? Are there limitations to be overcome or other tasks to be done prior to practical application? Are there any test data?

1. Have products, apparatus, compositions, etc. actually been made and tested?

1. Have any commercial entities been involved in developing the IP? Are there any commercial entities that would be interested in the IP?

1. **Publications and Other Disclosures**

*Note: In the case of an invention, valid patent protection depends on accurate answers to the following items.*

1. Has the IP been disclosed in an abstract, paper, talk, news story, thesis, or other public place? Please provide all relevant citations.

1. Is a publication or other disclosure planned in the next six months? Please describe.

1. In the case of an invention, do you believe that there has been a public use or sale of products embodying the invention? If so, please describe, giving dates.

1. In the case of research materials, please describe where the materials originated and, if applicable, the circumstances of any use or delivery of the materials outside the College.

1. To the best of your knowledge, are there any related developments by others? Please provide citations of any relevant patents or publications.

1. **College Interest and Use of College Resources**
2. Did you create the IP in the course of performing work under an external grant or contract?  Yes  No

If you answered yes, please list the sponsoring agency, grant number, title of all relevant grants or the contracting party, date of the agreement, and title of the project.

1. Under the Bates College IP Policy, the College has an ownership interest in IP if it involves *exceptional use of college resources*. The Bates College IP Policy provides:

“**Exceptional use of college resources**” for faculty or student work means that the college has provided funding, facilities, or staff support of a degree or nature not typically made available. Ordinary use of desktop computers or the college library, routine support from the college’s Information and Library Services (ILS) staff, or use of college office space does not constitute exceptional use of college resources. In addition, the college’s provision of standard labs and studios, funding of sabbatical leaves, and funding provided to support scholarly work (e.g., start up funds and annual faculty development grants) are typically not considered to be exceptional use of college resources. In the instance that a faculty member expects to be provided, or the college expects to provide, exceptional and atypical support, a contractual agreement or formal determination should be reached in advance of such funding and allocation of resources, fixing the extent, if any, of college ownership of IP that may result from the work (See Section III of this Policy).

Did the IP arise from work performed under a contractual agreement or formal determination in which the College provided funding or other resources?  Yes  No

If you answered yes, please identify the applicable contractual agreement or formal determination.

If you answered no, please describe any College resources used in the development of the IP that may be considered “exceptional.”

1. Is there a prominent use of the College’s name, or any image, trademark or logo of the College, in the invention or work? (Note that, under the Bates College IP Policy, “[s]imply identifying the author of a work as a Bates professor would not be considered prominent use of the college’s name.”)

1. Does the IP relate to the ongoing operations of the College?  Yes  No

If you answered yes, please explain how the IP relates to the ongoing operations of the College.

**Signature Page**

By signing this IP Disclosure Form, I acknowledge and agree that:

1. I believe I am a creator of the IP described in this form;
2. I have read and understood the Bates College Employee Handbook, specifically the Bates College Intellectual Property (IP) Policy in Section 129 of the Employee Handbook;
3. I have been and will be bound by the terms and condition of the IP Policy, including, without limitation, any determination by the Dean and, if appealed, the President regarding the College’s ownership interest in the IP.
4. I am submitting this IP Disclosure Form to provide information to the College and the Dean of the Faculty to facilitate the College’s consideration of the IP and determination regarding the College’s possible ownership interest in the IP.

By signing this IP Disclosure Form, I agree to assign and hereby assign my right, title and interest in and to any IP disclosed in this form for which the College has or acquires an ownership interest (College-owned IP), including, without limitation, any related patent applications, patents, copyright registrations, or other forms of legal protection in any country in the world. If requested by the College, I agree to (1) execute and deliver promptly to the College a specific assignment of right, title, and interest in and to any College-owned IP; (2) deliver promptly any documents (executed as required) or other information necessary to obtain and maintain patents, copyrights, or other forms of legal protection for the College-owned IP; and (3) fully cooperate with the College in obtaining and maintaining patents, copyrights, or other forms of legal protection for the College-owned IP.

By signing this IP Disclosure Form, I hereby grant to the College, including its affiliates, subsidiaries, and successors, a non-exclusive, perpetual, royalty-free, fully-paid license to use, modify, reproduce, display, perform, and create derivative works of any curricular and instructional materials described in this form for which the College does not have an ownership interest.

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| --- | --- | --- | --- | --- |
|  | Name of Creator | Address | Citizenship | Signature |
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