

Hope College Copyright and Intellectual Property Policy
8 February 2022

Adapted from the Grinnell College Copyright Policy and Whitman College Intellectual Property Policy

Table of Contents

Contents	
I. Purpose and Scope	2
II. Terminology	2
III. Intellectual Property and Copyright Ownership	3
A. Faculty and Staff Work	3
B. Student Work	4
C. Independent Contractor Work	4
IV. Patentable Work	4
A. General Principles	4
B. Reporting	5
C. Ownership and Royalties	5
V. College Ownership Rights and Rights Use	6
VI. Exceptional Use of Hope Resources	7
VII. Use of Copyrighted Works	7
D. Course Reserve and Course Management System Materials	8
E. Violation of Copyright Laws	8
F. Institutional Policies and Penalties	8
VIII. Resolution of Conflicts Over Ownership and Use Rights	9
IX. Reservation of Rights	9
X. Effective Date	9
XI. Jurisdiction	9
Appendix A: Definitions of Terms Used in Policy	10
Appendix B: Invention Disclosure Form	13

- d) Hope Employee
- e) Students
- f) Work
- g) Sponsored Work
- h) Student Work
- i) Commissioned Work
- j) Work Made for Hire
- k) Independent Academic Effort or Creative Activity
- l) Exceptional Use of Hope Resources

III. Intellectual Property and Copyright Ownership

The Policy adheres to the long-standing academic tradition that creators of works own the copyrights in works resulting from their scholarly, pedagogical, and creative activities. It also underscores the commitment of Hope to fostering an environment of respect for and responsible use of the intellectual property of others. Hope is committed to helping members of the community comply with copyright laws by providing resources to help individuals make informed, careful, and situation-sensitive decisions about the lawful and fair use of work created by others. Many of these resources are available on the [library's website](#).

A. Faculty and Staff Work

As a general rule, Hope does not claim copyrights in journal articles, books, lectures, musical compositions, creative works, or other copyrightable works that are created through independent or collaborative academic effort or creative activity and that are intended to disseminate the results of academic research and scholarship, and/or to exhibit forms of artistic expression on the part of faculty, staff, and students.

Hope does have an Open Access Policy, which requires that members of the faculty grant a nonexclusive, irrevocable, non-commercial, paid-up, worldwide license to Hope and permission to make their scholarly work openly accessible in the institutional repository. This policy applies to all peer-reviewed, published scholarly journal articles and conference proceedings written while the author is a member of

them. Reassignment shall be at the sole discretion of Hope. In the event of such reassignment, the inventor shall grant to Hope a royalty-free, non-exclusive, worldwide license to employ the invention for the sole use of Hope for the life of the patent, unless Hope specifically waives its rights to such a license in writing.

- c) In those cases where Hope secures a patent, Hope will implement the appropriate licensing arrangements. All costs for patent development will be borne by Hope, but will be recovered by Hope from net income prior to any inventor or Hope distributions. Subsequent to securing the patent, the accumulated net income, including gross royalties and licensing fees from the patented discovery, device, or system, less all related direct expenses, will be divided as follows, unless the parties agree otherwise in writing:

Net Income	Inventor(s)	Hope College
Up to \$100,000	67%	33%
\$100,001 - \$999,999	50%	50%
Over \$1,000,000	33%	67%

- d) In the event of multiple inventors, the inventors will be expected to agree among themselves on the fractional distribution of each inventor's share of any net income. The inventors shall sign a written agreement specifying the fractional distribution of their share of net income. The inventor's share of net income will continue even if the inventor leaves Hope.
- e) In the event of multiple inventors from multiple departments or divisions, the departments and divisions will be expected to agree among themselves on the fractional distribution of each inventor's share of any net income. The departments or divisions will sign a written agreement specifying the distribution of their share of net income.

V. College Ownership Rights and Rights Use
Trademark

Hope is the owner of the registered trademark HOPE COLLEGE. Hope claims ownership and exclusive right to this and any other trademark or service mark developed by Hope for use with sale of goods in commerce. Hope's marks include any and all names, logos, insignias, and related words, phrases, and images used by Hope and its related entities. Hope claims exclusive use of all relevant marks, and no Hope mark may be used without the prior, written authorization of the appropriate authorities at Hope. This Policy is designed to protect the reputation of Hope and related entities, and to prevent income from being generated through illegal or unapproved use of Hope's marks.

All requests for use of Hope's marks must be submitted in writing to Public Affairs and Marketing. Public Affairs and Marketing retains information concerning what names, logos, insignias, and related words, phrases, and images currently comprise Hope's marks.

Faculty, staff, and students may reasonably use Hope's marks for professional identification or affiliation. All use of Hope's marks by faculty, staff, and students must be

Faculty, staff, and students are strongly encouraged to document and retain their Fair Use analysis as a defense against claims of copyright infringement. An interactive [Fair Use Check-list](#), available on the Hope Library website, should be printed and retained.

D. Course Reserve and Course Management System Materials

In compliance with copyright law, the Library supports the rights of copyright holders as well as the rights of students and faculty to use copyrighted materials under certain exemptions in the laws including fair use, the first sale doctrine, the TEACH Act, and the Digital Millennium Copyright Act. The Hope Library subscribes to the principles in the [Code of Best Practices in Fair Use for Academic and Research Libraries](#). Exemptions can vary depending on the type of material (text vs. media), format of the material (print or electronic) and how materials will be accessed (physical reserves, electronic reserves, a course management system or digital streaming).

E. Violation of Copyright Laws

Upon obtaining knowledge that material residing on its systems or networks is infringing or that its systems or networks are being used for infringing activities (or upon becoming aware of circumstances from which infringing activity is apparent), Hope will act expeditiously to remove or disable access to the infringing materials and may deny the individuals responsible further access to its systems or networks. In addition, members of the faculty or staff, or students, or other employed persons who violate copyright laws may be subject to disciplinary action in accordance with established procedures. These procedures are described: for faculty, in the [Hope Faculty Handbook](#); for staff, in the [Hope Staff Handbooks](#) and for students, in the [Hope Student Handbook](#).

Copyright infringement is the act of exercising, without permission or legal authority, one or more of the exclusive rights granted to the copyright owner under section 106 of the Copyright Act (Title 17 of the United States Code). These rights include the right to reproduce or distribute a copyrighted work. In the file-sharing context, downloading or uploading substantial parts of a copyrighted work without authority constitutes an infringement.

Penalties for copyright infringement include civil and criminal penalties. In general, anyone found liable for civil copyright infringement may be ordered to pay either actual damages or “statutory” damages affixed at not less than \$750 and not more than \$30,000 per work infringed. For “willful” infringement, a court may award up to \$150,000 per work infringed. A court can, in its discretion, also assess costs and attorneys’ fees. For details, see Title 17, United States Code, Sections 504, 505.

Willful copyright infringement can also result in criminal penalties, including imprisonment of up to five years and fines of up to \$250,000 per offense. For more information, please see the website of the [U.S. Copyright Office](#).

F. Institutional Policies and Penalties

The [Hope Technology Usage Policy](#) prohibits the use of institutional technology resources (as defined in the policy) for activities that violate copyright law, including but not limited to unauthorized peer-to-peer file sharing. Nonobservance of this policy may result in the immediate and permanent revocation of Hope technology

G. Sponsored Work

A sponsored work is a Work (as defined above) that is produced or created pursuant to a written agreement between Hope and a sponsor. Sponsored works do not include works created through independent academic effort or creative activity, even when based on the findings of the sponsored project, so long as the agreement does not state otherwise.

H. Student Work

A student work is a Work that is produced or created by a registered full-time or part-time undergraduate or “special status students” of Hope without the Exceptional Use of Hope facilities or equipment or the direct use of Hope funds (where student financial aid and/or scholarships would not be considered “Hope funds”), that is produced or created outside of any employment by Hope, and that is not sponsored, contracted, or commissioned by Hope.

I. Commissioned Work

A commissioned work is defined as a Work that is produced or created pursuant to a written agreement with Hope and for Hope purposes by:

- a) Individuals not under the employ of Hope; and/or
- b) Hope employees acting outside the scope of their regular Hope employment, as determined by their existing Hope employment contract or job description.

J. Work Made for Hire

A “work made for hire” is defined by the United States Copyright Act (Section 101) to be a copyrightable work “prepared by an employee within the scope of their employment.” Pedagogical, scholarly, and artistic works are typically NOT considered by Hope to be “works made for hire.” Pedagogical and scholarly works include but are not limited to books, scholarly articles and papers written for publication in journals, computer programs developed for or through instructional practices or research and scholarly activities, presentations and scholarly papers prepared for seminars and conferences, and teaching materials, including classroom lectures, seminars, presentations, and online media. Artistic works include, but are not limited to, photography, film, audio-visual works, sculpture, painting, choreography, and the like. Course and program descriptions are deemed to be works made for hire.

The Copyright in (i)2.6 (nc)or-5.9 ()0.5 ()11.3 (beha (,)4)-1 ()11.3 (beha (,)4)p.9 (s)-2 ()2.n7736 (i)

Appendix B: Invention Disclosure Form

The Invention Disclosure Form is available online at
https://docs.google.com/forms/d/e/1FAIpQLSfthHoDE_LX0GjT0BVnDD3HrYGF8rFogkvftZjV4uKtzcP7Bg/viewform