

Intellectual Property Rights at WMU under the WMU-AAUP Agreement

This guide is a summary of rights and policies for WMU-AAUP bargaining unit faculty at WMU. This document is purely to explain faculty rights and does not create any rules or policy. Always refer to the original documents for the exact contractual language.

Copyrights

Textbooks, scholarly books, other publications, and other copyrightable materials

Royalties for copyrights for textbooks, scholarly books, or other written documents and copyrightable materials are solely to the faculty member. The only exception to this is if WMU asked the faculty member to write the work and WMU provided the faculty member direct remuneration for writing the work. Sabbatical leave is *not* considered direct remuneration under this provision (see Article 43.§1.3).

Course and teaching materials

All written works (with a few exceptions) are copyrightable under U.S. law. The faculty member owns the copyright for such works, including course materials, in most circumstances (see Article 43.§3.1).

In addition, the Agreement (see Article 30.§5 and 43.§3) also provides the following:

- Courses and course delivery may not be recorded without the faculty member's consent.
 - Such recordings may not be used without the faculty member's consent.
- The copyright of recordings of courses, course presentations, computer-assisted instructional content, course content developed, or other digital materials created by the faculty member is owned by the faculty member.
- A faculty member who develops course content for use in eLearning has control over the future use, modification, and distribution of instructional material, and shall determine whether the material should be revised or withdrawn from use.
 - If WMU wishes to provide content developed by another instructor for use in a eLearning course, WMU must obtain written permission from the faculty member who developed that content. The faculty member has the rights, including withdrawing use, as described above.

In sum: Copyrights for works by WMU faculty members, including on instructional materials, are generally owned and controlled by the faculty member.

Patents

If a patent results from activities as part of the work for which WMU is paying the faculty member, or involves the use of any University space or equipment, royalties from the patent are shared equally between WMU and the faculty member (see Article 43.§1.1).

If the patent is the result of activities *not* part of the work for which WMU is paying the faculty member and *not* involving the use of any University space or equipment, then the faculty member is entitled to all royalties (see Article 43.§1.2).

In sum: Patents are generally shared 50/50 between WMU and the faculty member. If a faculty member develops a patent on his or her own time and not using any WMU space or equipment, then WMU does not share in the royalties.

Trademarks

There are specific rules and guidelines for using University trademarks and logos (see Article 43.§2 and the WMU Intellectual Property Policy).

Commercial trademarks resulting from work activities may be subject to some provisions in the WMU Intellectual Property Policy.

Disclosure of Intellectual Property

Faculty members are required under the WMU Intellectual Property Policy to disclose intellectual property to WMU using procedures described in the policy. This does not apply, however, to scholarly works, which the policy defines as “traditional items of scholarly activity such as textbooks, scholarly books, or other written documents” (unless WMU asked the faculty member to write the work and WMU provided the faculty member direct remuneration for writing the work - sabbatical leave is *not* considered direct remuneration under this provision).

In sum: Copyrights usually do not have to be disclosed to WMU, but patents, trademarks, and other intellectual property may be required to be formally disclosed to WMU.

Financial Arrangements with Students

When selecting a textbook or compiling a course-pack for courses, some instructors may also be authors who have published materials relevant to the course. Because there is a potential conflict of interest in assigning material from which the instructor receives royalties or otherwise profits, it is encouraged, but not required, for those profits to be donated to a student support program. However, the direct sale or rental of educational materials by faculty to students enrolled in their classes is prohibited without the explicit permission of the department or college (see Article 43.§1.4).

For additional information, see Articles 30 and 43 of the WMU-AAUP Agreement. This document was prepared using the 2017-2020 WMU-AAUP Agreement and the provision numbers therein, as well as the 2007 revision of the WMU Intellectual Property Policy. The WMU Intellectual Property Policy also provides guidelines and rules on intellectual property, but the WMU-AAUP Agreement is the applicable contract if and where the two have conflicting information. This version was last updated on 2018-01-12.