**ARTICLE XI, INTELLECTUAL PROPERTY, PATENTS AND COPYRIGHTS**

**GENERAL SCOPE**

Except in the case of works written or produced for hire, and subject to any restrictions imposed by outside sponsoring or funding organizations, a Faculty Member who writes or produces any work shall have exclusive rights thereto, including the ownership of copyright.

It is recognized that there are usually three (3) interests involved in connection with research work and invention performed with the resources of the University. These three (3) interests are the Faculty Member researcher or inventor, the University, and the general public whose taxes support the University. If the research is financed wholly or in part by an outside agency, there exists an additional interest. Rights, royalties, and other net profits shall be shared fairly amongst the parties. The Faculty Member will receive a share of the net profits from the sale or exploitation of patents according to the following schedule: (a) for total net profit up to $100,000, the amount assigned to the Faculty Member shall be 2/3; (b) for total net profit above $100,000 up to $200,000, the amount assigned to the Faculty Member shall be 1/2; (c) for total net profit above $200,000 up to $300,000, the amount assigned to the Faculty Member shall be 5/12; and d) for total net profit above $300,000, the amount assigned to the Faculty Member shall be 1/3.

**A. CLASSROOM LECTURES AND THE RECORDING OF PRESENTATIONS**
Faculty Members shall own all rights to materials prepared on their own initiative for classroom, educational or professional purposes, and shall be exclusively entitled to the benefit of any royalties derived therefrom.

For personal educational purposes, students may record classroom lectures or other presentations, using tape recorders or other electronic or mechanical devices, unless the Faculty Member denies permission for such recording. Permission shall not be denied when the student requires such devices as the result of a physical disability.

B. DISTANCE LEARNING AND MULTIMEDIA PRESENTATIONS

The Employer may transmit or record for transmission any classroom instruction, lecture or other instructional or performance event produced by Faculty as a part of a program of distance learning, e.g., HITS and SkyBridge, where the Faculty Member has received either an equivalent reduction in other classroom assignments or overload compensation as set forth in Article XXI, Salaries. The Employer, however, may not sell or re-transmit in future semesters any such recording except under the terms of a written Agreement between the Employer and the Faculty Member providing each party with a fifty percent (50%) interest in the net profits from either the sale or rebroadcast.

Faculty Members engaged in technology mediated instruction or distance learning require adequate training, equipment and technical support. Where these are not available the Faculty Member may not be required to engage in technology mediated instruction or distance programs.

The class size (the total of all students at all sites) will not exceed the seat load of a comparable, traditionally taught class unless agreed to by the Faculty Member.

C. PATENTS AND COPYRIGHTS

The rights of Faculty Members relating to patents and copyrights shall be governed by the University of Hawaii Patent and Copyright Policy (effective 1/22/68, revised 6/22/81), the Executive Policy E5.500 Administration of the Patent and Copyright Policy, and the Administrative Procedures A5.500, A5.501, and A5.502 (as in effect on 3/85), which are incorporated herein by reference. (See R-11, R-12, R13, R-14, R-15 of...
D. REVIEW AND AMENDMENT

Immediately upon ratification of this Agreement, the parties will meet to prepare a Memorandum of Understanding to address the joint use rights and ownership of distributive instructional programs where both the Faculty Member and other UH material and human resources have contributed to the creative production of such programs.

The parties recognize that the issue of intellectual property is complex and that there may be a need to amend or modify the current University or Hawaii Patent and Copyright Policy. Therefore, a Joint Committee shall be established to periodically review the issue of intellectual property rights and the applicable policies and procedures. The Joint Committee shall be comprised of three (3) representatives appointed by the UH President and three (3) representatives appointed by UHPA. The Joint Committee shall meet at least once each academic year and report its deliberations, findings, and recommendations, if any, to the Employer and the Union.

Related content
- Download 2003-2009 UH Faculty Contract (PDF)
- 2003-2009 References