

Whose Work Is It, Anyway? Navigating University Policies Relating to Ownership of Intellectual Property

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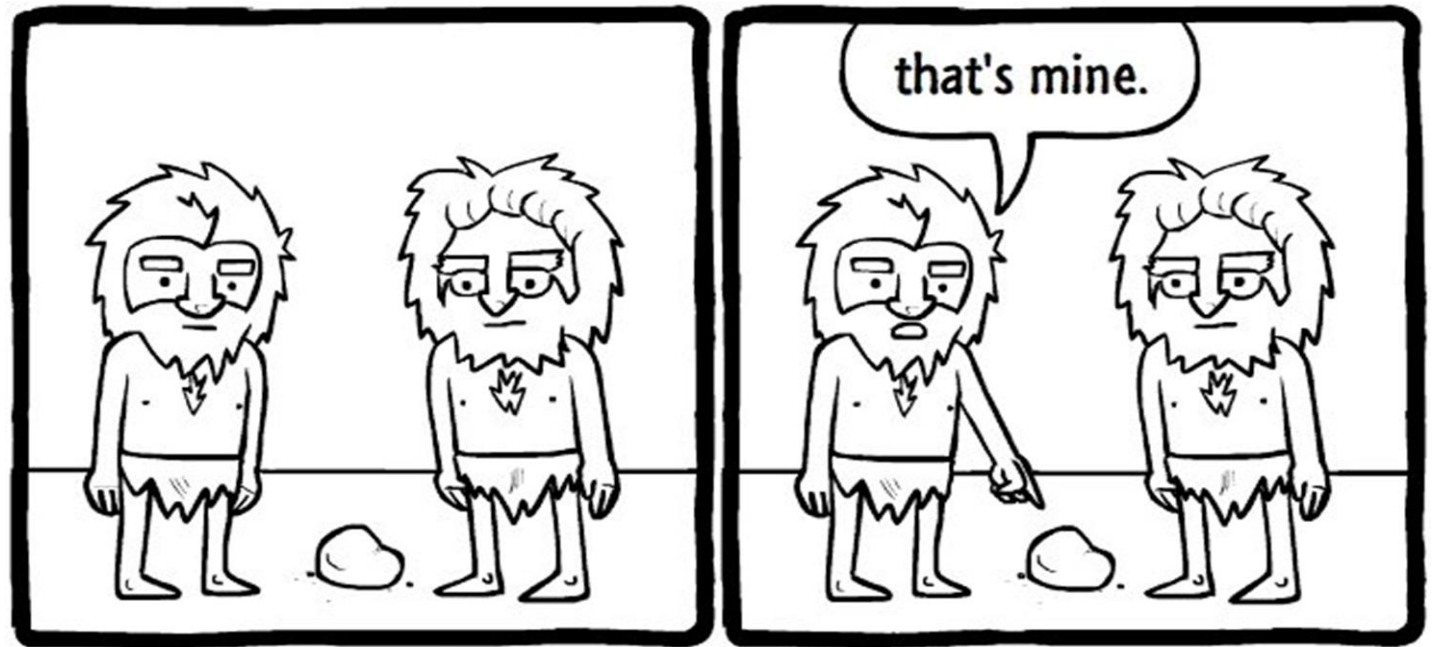
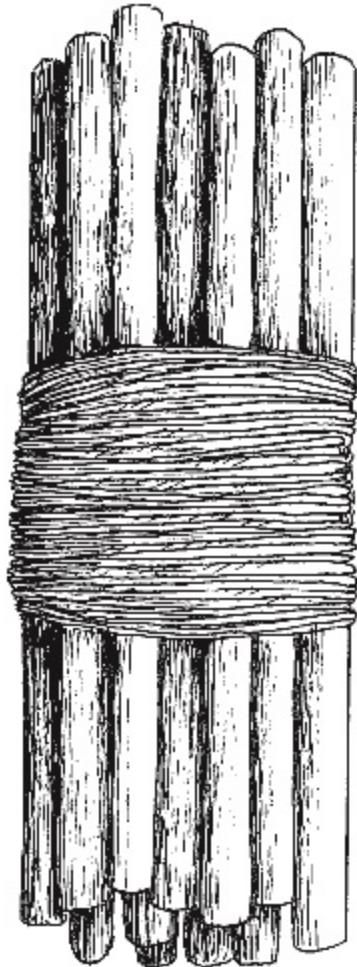


Overview

- I. What is Property?
- II. Considerations Relating to Intellectual Property
 - Why do we have intellectual property?
 - What are the types of intellectual property?
 - What rules apply to intellectual property created by faculty, staff, and students?
- III. Considerations Relating to Authorship
 - What is authorship and why does it matter?
 - What are UNC Charlotte's policies and procedures for managing issues relating to authorship?
 - What tools are available to UNC Charlotte faculty and students to navigate issues relating to authorship?
- IV. Final Thoughts



Property 101: Understanding Your Bundle of Sticks



Philosophics. (2018, February 10). On Property. Retrieved October 20, 2025, from <https://philosophics.blog/2018/02/10/on-property/>

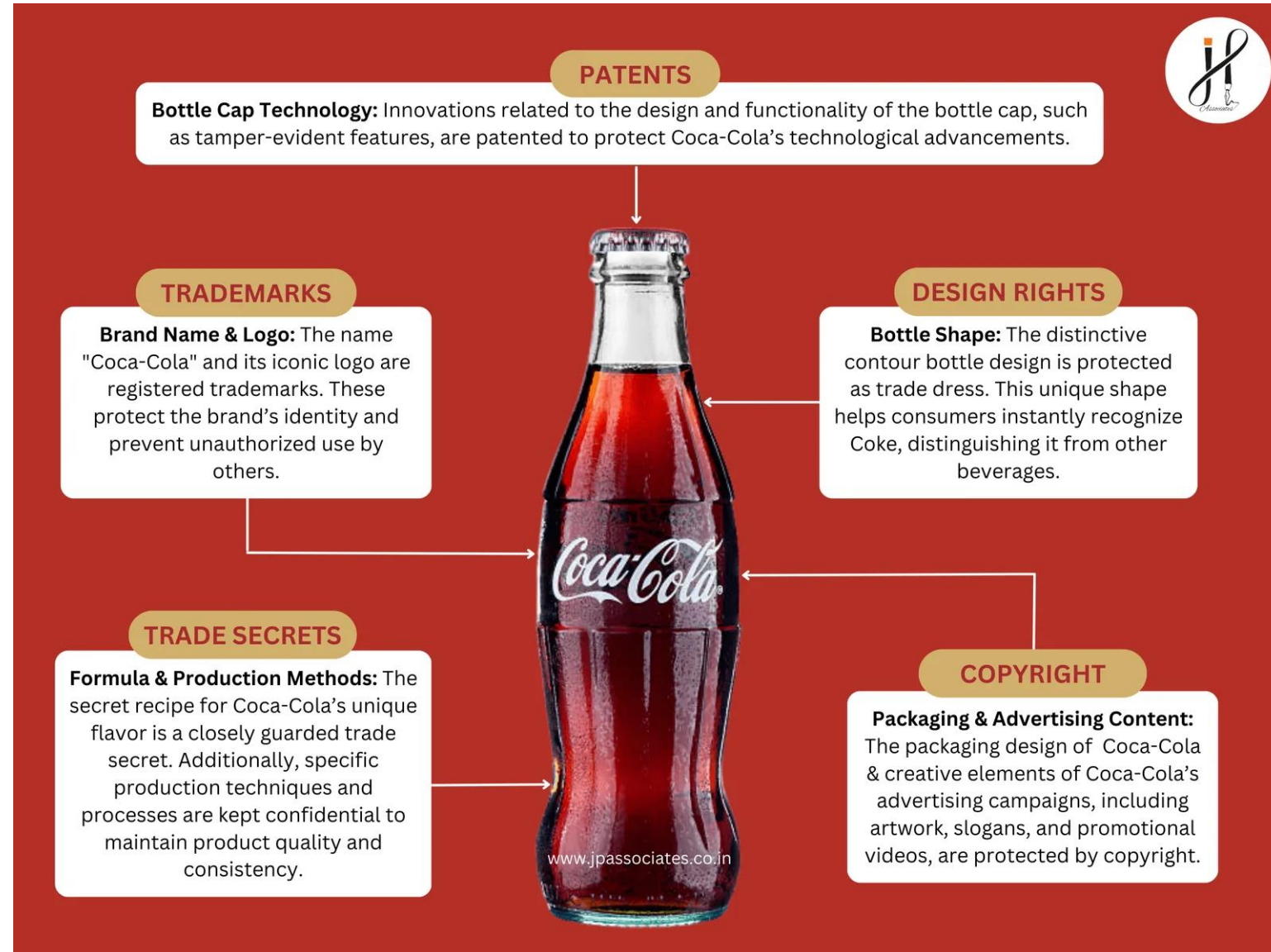


The Benefits of Intellectual Property

- ❑ The concept of intellectual property is based on the belief that allowing people to benefit from the product of their good idea promotes the flourishing of society.
- ❑ At UNC Charlotte, our mission to create and disseminate knowledge. As long as our economic development aligns with this primary goal, we believe it's one of the ways that we can better serve the people of North Carolina.
- ❑ Of course, our ultimate duty is to our students, research, or reputation. However, if we can generate income without violating these commitments, that's fantastic!



“How Much IP is Present in a Bottle of Coke?”





Types of Intellectual Property

- Patents – protects the implementation of an idea by excluding others from making, using, importing, or selling materials or processes
- Copyrights – excludes other from copying or performing the expression of an idea
- Trademarks – indicate the source of goods
- Trade Secrets – secrets that give you a competitive advantage



What is a Trademark?





Trade Secrets

- Can be anything that gives you an advantage in commerce
- You must take steps to protect it.





How Do You Get a Copyright?

- Comes into existence as soon as the expression is fixed in a tangible medium
- Can also register with the copyright office
- The creator is the owner unless the creator has previously agreed that the work is a “work for hire”
- Independent creation is a defense against infringement
- Term of copyright: in general, author’s life plus 70 years but it’s a bit more complicated

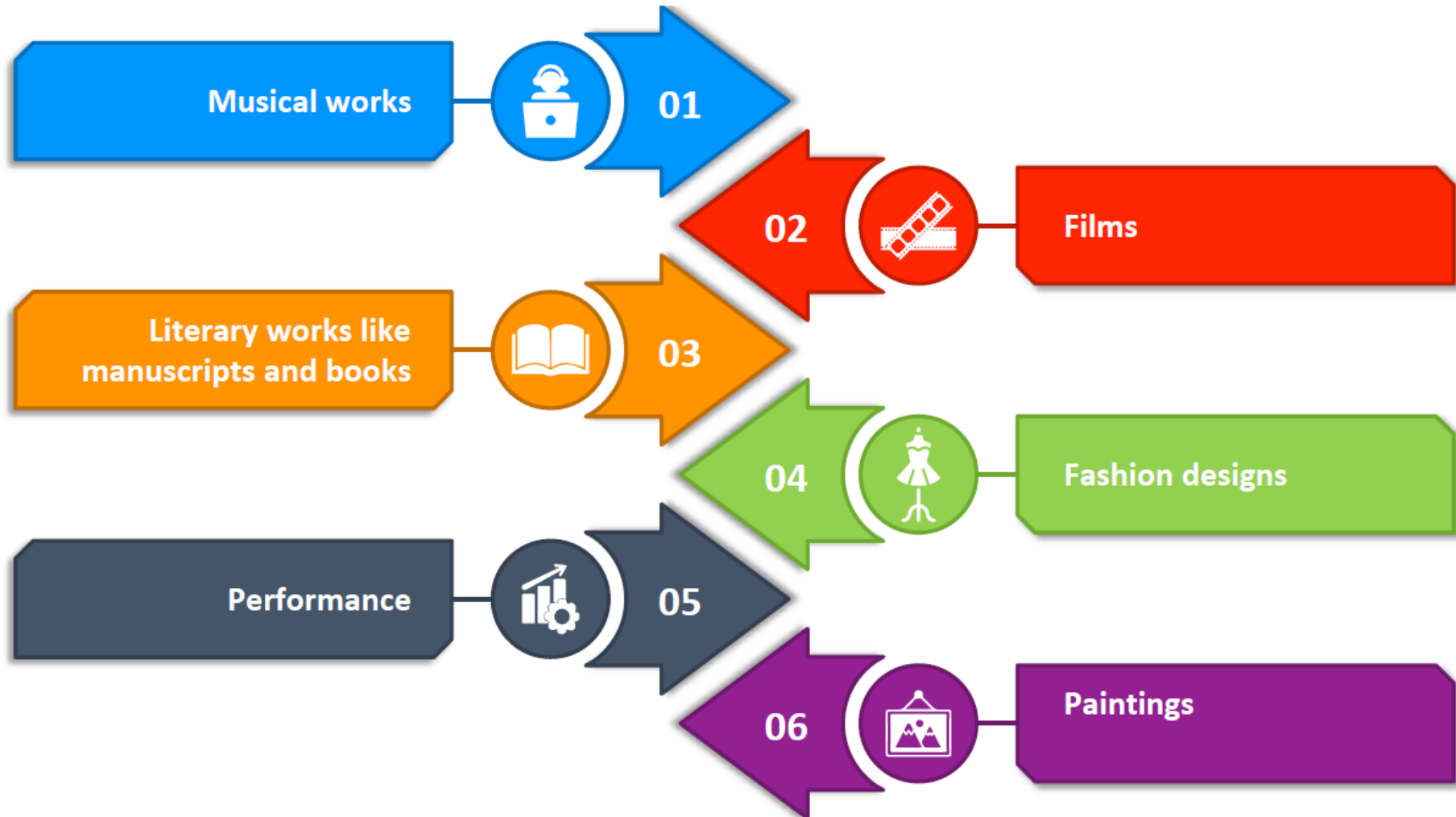


What is a Copyright?





What Types of Items are Copyrightable?





UNC Charlotte Copyright Policy

- **EPA Employees and Faculty**
 - Usually own their creations **but** are deemed to have given the university a license to use them.
 - * Exceptions: exceptional use of university resources and certain, multi-author works
- **SPA Employees** (including students when paid by the University for work)
 - Work made **within the scope of employment** is owned by the university;
 - This rule also applies to post-docs.
- **Students**
 - Usually own their work **but**, as a condition of enrollment, have given the university a license to reproduce and use it.
- All of these “default” ownership positions can be superseded by contracts (e.g., sponsored works).



Patents

- Patents are the strongest form of IP (in terms of what they protect)
- Patents protect the *implementation* of ideas, including the rights to make, sell, use, and import the covered invention
- Must be new, useful, and non-obvious (to a person of ordinary skill in the relevant art)
- But you can't patent everything!



Patents

- What do you get if you receive meet the standard for a patent?
 - The right to exclude others form the invention for a limited period of time.
 - Not a right to use the invention.
- What do you give up by getting a patent?
 - Your patent must teach others how to make and use the invention
- What do you risk by not patenting?
 - Someone else can patent it and exclude you from using it.
- Damages for infringement?
 - Injunction, lost profits, reasonable royalty – but the cost of litigation is huge!



The Patent Policies

- UNC Charlotte Policy #301
- UNC System Policy # 500.2
- The policies apply to employees as a condition of employment.
- The policies apply to students as a condition of enrollment.
- Because UNC Charlotte is a State institution, any intellectual property we own is held “in trust for” (for the benefit of) the State of North Carolina. For this reason, we are careful to protect intellectual property that involves the use of university facilities, staff, or funds.



UNC System Policy #500.2

- With the exception of “Inventions made on Own Time” ... **every invention or discovery or part thereof that results from research or other activities carried out at a constituent institution, or that is developed with the aid of the institution's facilities, staff, or through funds administered by the constituent institution, shall be the property of the constituent institution and, as a condition of employment or enrollment and attendance, shall be assigned by the University inventor to the constituent institution in a manner determined by the constituent institution in accordance with these policies.**
- **Personnel or students who claim that inventions are made on personal time have the responsibility to demonstrate that inventions so claimed are invented on personal time.**

****Practically speaking, this means that UNC Charlotte owns inventions by faculty, staff, or students that: result from university research OR involve the use of university time, faculties, staff, or materials.****



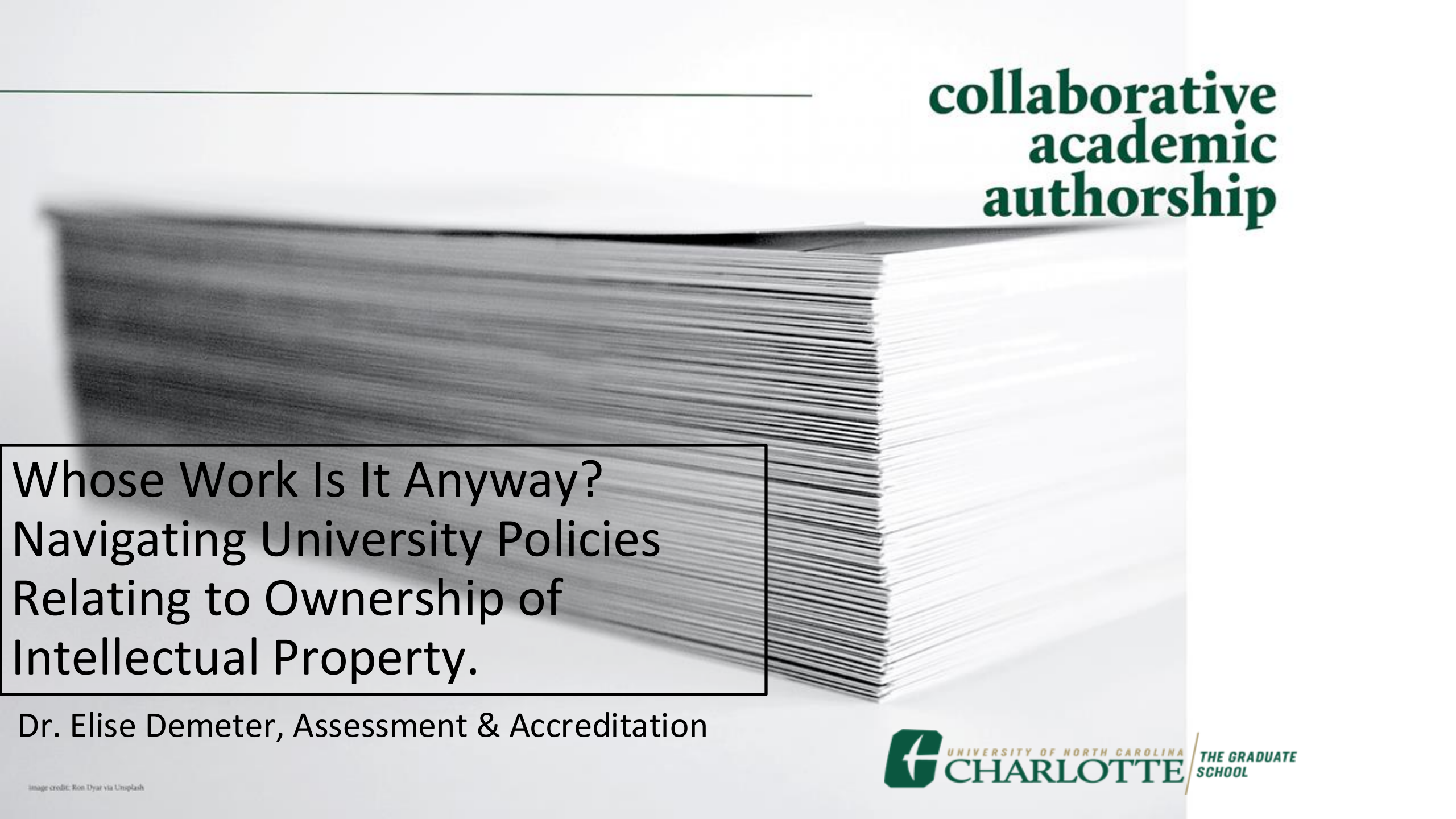
UNC Charlotte's Office of Research Commercialization and Partnerships

UNC Charlotte's Office of Research and Commercialization Partnerships (ORCP) identifies, protects, and commercializes university research and intellectual property. The office works closely with faculty, students, and staff to help bring new technology and innovation to market. The office is available to assist the UNC Charlotte community in the following areas:

- **Invention and Patent Process** – ORCP is available to review new research and ideas to discuss intellectual property protection strategies such as patents, copyrights, trademarks, etc.
- **Commercializing** UNC Charlotte technology through start-up company formation and out-licensing transactions.
- **Bayh-Dole Compliance.** All inventions which result from federally funded research must be properly reported and managed under the Federal Bayh-Dole Act.
- **Confidentiality and Non-disclosure Agreements.** ORCP is the main point of contact for all confidentiality and non-disclosure agreements between the university and other parties.
- **Material Transfer Agreements.** Required before faculty and staff send or receive any physical material for research purposes. ORCP is the main point of contact for these types of agreements between UNC Charlotte employees and outside parties.

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**collaborative
academic
authorship**

**Whose Work Is It Anyway?
Navigating University Policies
Relating to Ownership of
Intellectual Property.**

Dr. Elise Demeter, Assessment & Accreditation

let's talk about *authorship.*



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Developed by the University of North Carolina at Charlotte Graduate School for use by scholars everywhere.

photo by Christine @ weointechchat.com via Unsplash

Institutional drive towards healthy authorship practices & research climate



Why focus on authorship?



Authorship establishes **credit & accountability** for intellectual contributions.



Authorship practices are often part of the '**hidden curriculum**' of graduate education.



[freebie.photography](#)

Perceptions of authorship ethics influence perceptions of research climate; poor perceptions may lead to more detrimental research practices



<https://flic.kr/p/221vxSD>

Transparent practices may be particularly helpful in interdisciplinary teams.

Students & faculty differ in perceptions of authorship practices

“When you are a grad student, you have very little power in decisions made in a lab. Unless the PI or faculty advisor asks for feedback and engages you in the process, it is nearly impossible to convey to professors concerns about authorship;

The belief behind that is: grad students should just be lucky to have manuscripts/projects in the first place and need to accept the authorship position they are given.

Also, sometimes authorship decisions are made because of who 'needs' manuscripts versus an actual reflection of the contributions made - which is unfair and can negatively affect grad students.”

- Graduate student survey respondent

What matters for authorship determinations?

- One-third of collaborative researchers at Charlotte have experienced authorship disputes
- Students more likely than faculty to agree “*I have concerns about the lack of guidance for authorship distribution.*”

“The few times I have brought up these issues with new faculty, I was told to mind my own business and that I didn’t ‘**understand how the system works**’.”

- Charlotte

student (2020)

What matters for authorship determinations?

Faculty & students have differing perceptions of what's important

- Faculty grant higher importance than students on individuals' **intellectual contributions**
- Students place higher importance than faculty on **sharing a data set & technical work**.
- Students also view **academic rank, seniority** & researcher **prestige** as more important criteria than faculty.



UNC Charlotte encourages open dialogue among collaborators *early and often.*

authorship?

Find out more about our authorship policy at
<https://legal.charlotte.edu/policies/up-318>.



UNC CHARLOTTE “AUTHORSHIP POLICY AND RESOLUTION PROCEDURES”



<https://legal.charlotte.edu/policies/up-318>

UNIVERSITY OF NORTH CAROLINA CHARLOTTE | Authorship Policy & Resolution Procedures

University Policy #318

Section I Policy Statement & Purpose

Research contributes to the public fund of knowledge when the results are published, presented, or otherwise disseminated. With that step, researchers take public responsibility for the work. This responsibility includes both credit and accountability, and is typically conveyed by being named an author.

However, the role authorship plays in careers, awards, grants, and the like means that the stakes are high, and authorship decisions can evoke tension and conflict among collaborators. This conflict may in turn negatively affect relationships between faculty and students or between collaborators within the institution, across the country, or internationally. Vulnerable groups, such as graduate students, post-doctoral students, junior faculty, or those underserved in the academy, can be most at risk in such conflicts. In the worst cases, these disputes can and projects or lead to publication restrictions. Although many disciplines and periods promote authorship standards, collaborators may not be aware of them and may even disagree about them. For example, due to different disciplinary authorship practices, having authorship assumptions among collaborators largely unstated.

Because institutions have an interest in and are sometimes responsible for resolving authorship disputes, it is important to establish policies to support good authorship processes and address potential disputes. This Policy is part of UNC Charlotte's commitment to fostering a culture of transparency, openness, and research integrity. The Policy is intended to help enforce healthy, transparent authorship practices that can prevent disputes, and to offer clear processes to resolve them if they occur. It includes productive and historically successful approaches to resolving authorship and resolving authorship disputes.

Section II Definitions

In cases in which a manuscript has been submitted for publication consideration, the Corresponding Author is the person who identified themselves as responsible for communicating between the publisher and collaborators on the project.

Generally, the designation of an individual as Lead Author refers to an individual who has taken a prominent role in the generation of ideas for and conduct of the research, as well as in drafting the manuscript in question, but the criteria for designation of Lead Author may vary by discipline.

In sponsored research, the Principal Investigator is the individual usually identified as such on the grant proposal of which the research is part. However, an individual who leads a research project may occasionally be identified as a Principal Investigator even if the research project is not sponsored by external funding.

Section III Scope & Applicability

This Policy applies to UNC Charlotte faculty (as defined in University Policy 302.23, Tenure Policies, Regulations, and Procedures), staff, and students conducting research, scholarship, or other creative academic activity as part of their employment or enrollment at UNC Charlotte, as well as potential disputes between individuals in these categories (e.g., faculty/student or faculty/faculty collaborations). Authorship disputes covered by the Policy include disputes that occur pre- and post-publication.

This Policy is distinct from University Policy 303, Responding to Allegations of Misconduct in Research and Scholarship. Prior to initiating an authorship dispute process under this Policy, in which research integrity might be implicated, the Research Integrity Office and the Dean of the Graduate School should discuss the case to make a determination about the appropriate process to be applied.

This Policy is also distinct from University Policy 403, Code of Student Academic Integrity. Prior to initiating an authorship dispute process under this Policy in which student academic integrity is at issue, the Dean of the Graduate School should discuss the case with the Director of Student Conduct and Academic Integrity to make a determination about the appropriate process to be applied.

Policy Features

- Aims to foster good authorship practices
- Acknowledges appropriate disciplinary variation, particularly in authorship ordering conventions
- Rehearses common requirements for authorship (e.g., “significant contribution”)
- Recommends positive practices (e.g., authorship agreements, frequent and open conversations)
- Rehearses common prohibitions (e.g., guest/ghost authorship)
- Provides for non-binding dispute resolution

UNC CHARLOTTE AUTHORSHIP AGREEMENT

FEATURES:

- Living document – not a contract
- Structured as prompts for discussion
- Emphasizes the need to discuss early in & throughout a collaboration
- Establishes “cut” date for authorship if someone fails to respond
- Asks collaborators to articulate:
 - Dissemination goals and timing
 - Chosen authorship standards
 - Tentative author list and tasks



Available on Niner Commons
<https://doi.org/10.55370/nc.921>

AUTHORSHIP COURSE



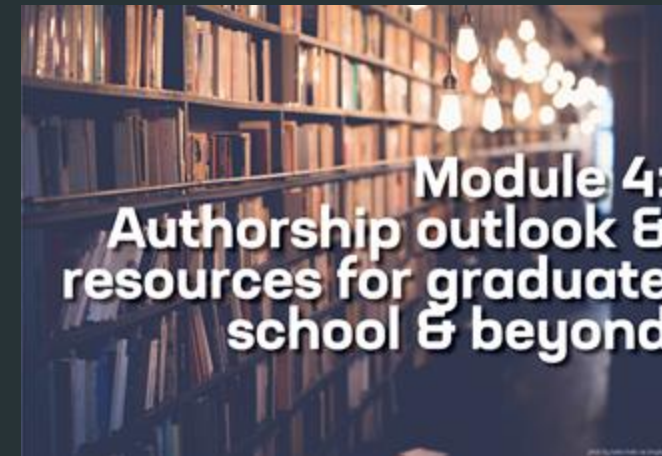
Common terms, common authorship criteria, differences in conventions by disciplines.



Ethical authorship. Ethical concerns presented via podcast-style media—employs real stories captured in our survey; case studies.



Handling authorship challenges. Complexities in authorship decisions, how to justify decisions, identification of unethical practices. Interactive simulation allows for student practice.



Resources. UNC Charlotte Authorship policy, Authorship Agreement form

TESTING & RECEPTION TO OUR TOOLS

“The authorship guide created by your team is one of the most useful items I have come across in my career. You solved a problem here, and I will be using this document in my grad classes and research lab.”

- Faculty Member, Public Health Sciences

“I’m using the authorship agreement form to work through these issues with a colleague at another university. She and I have a good relationship and have spoken easily about authorship matters. But we are entering into a more complicated paper writing exercise with several others where the roles and contributions are murky, so we agreed this form would be a good way to lead conversations with others involved in the newly-planned paper.”

- Faculty Member, Engineering

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Culture of Openness and
Transparency with Institutional
Authorship Policies.

YOUR IDEAS MATTER

*getting credit
does, too.*



Questions?