

**MOUNT CARMEL  
POLICY/PROCEDURE**

**SUBJECT: INTELLECTUAL PROPERTY**

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DEPARTMENT OVERSIGHT & MAINTENANCE:      Legal Services, Administrative

**DEFINITIONS**

**Assignment:** The transfer of rights and title in real, personal or intellectual Property by a written instrument with the result that the assignee is vested with rights of ownership.

**Confidentiality or Non-Disclosure Agreement:** Either part of a contract or a separate agreement between disclosing and recipient parties in which recipient agrees not to release confidential information unless expressly permitted by Mount Carmel.

**Copyright:** A copyright owner has the exclusive right to reproduce the work, prepare derivative works, distribute by sale or otherwise, and display or perform the work publicly. Under federal copyright law, copyright exists in "original works of authorship" fixed in any tangible medium of expression, now known or later developed from which the work can be communicated in some manner.

**Creator:** Person or persons, who have participated in the creation of an invention, discovery or patentable advancement.

**Enabling Disclosure:** A description of an invention, in a patent application or in a publication that could allow a person skilled in the art to replicate the invention.

**Invention Disclosure:** Typically used to describe a formal (written) description of an invention that is confidentially made by the Inventor to his/her employer. The invention disclosure should be an enabling one that includes details and should be sent to the Intellectual Property Team by the inventor.

**Intellectual Property (IP):** Intellectual property includes any patentable invention, any copyrightable subject matter, or trade secret. It also includes works of art, and inventions or creations developed on a proprietary basis.

**Patent:** A U.S. patent is a grant that gives the owner of the invention covered by the patent the right to exclude all others from making, using, selling or importing the invention in the United States. To qualify for U.S. patent protection, an invention must comprise a machine, article of manufacture, process, composition of matter, or some improvement on those. It must be deemed useful, novel, and non-obvious to one skilled in the art, and must not have been in public use or on sale in the United States or described in a publication as defined below, anywhere in the world for more than one year prior to the filing date of the U.S. patent application.

**Patent Ownership:** The owner of a patent is the entity that holds the patent assignment. Ownership originally vests in the inventor(s), but law or agreement may require that patents be assigned to an employer or another.

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**Publication:** As related to inventions and patents, a publication is a public enabling disclosure of an invention, and may be verbal or printed. Printed publications include abstracts, professional reports and presentations. A public enabling disclosure is a non-privileged, non-confidential communication, which may jeopardize the ownership rights of the intellectual property. Questions about the implications of publication can be addressed to Mount Carmel Legal Services or the Trinity Health Intellectual Property Review Team.

**Trade Secret:** Trade secrets comprise confidential data, information or compilations used in research, business, commerce or industry, such as scientific and technical data and business, commercial or financial information that is not publicly known which is useful in an enterprise and that confers competitive advantage on one having a right to use such information. The secrecy of the information must be maintained to preserve its trade secret status.

**Trademark:** A trade or service mark consists of a word, symbol, phrase or design, or combination of these, and exists for the exclusive use of the holder in identifying the source of a product or service. Marks can be registered in the U.S. Patent and Trademark Office.

#### **POLICY:**

1. Ownership of Intellectual Property - unless otherwise agreed by the parties in writing, all inventions, improvements, discoveries, publication, proprietary know-how, and trade secret information relating to the business of Mount Carmel, which is conceived, designed, developed, or reduced to practice by a creator employed by Mount Carmel, or creator contracted to do so, belongs to Mount Carmel and the individual or entity possesses no right, title or interest in the invention, improvement, discovery, publication, proprietary know-how, or trade secret.
2. Copyright - Except as otherwise permitted by law, associates of Mount Carmel will not reproduce or use any copyrighted materials without the express permission of the copyright holder, unless licensed under an agreement with the Copyright Clearance Center (CCC); Broadcast Music Inc. (BMI); American Society of Composers, Authors and Publishers (ASCAP) or Motion Picture Licensing Corporation (MPLC), or other similar licensing bodies, to do so.
3. Trade Secrets - The operations of Mount Carmel involve valuable, confidential, and proprietary data and information of various kinds, including new techniques, developments, improvements, inventions, and processes relating to operations, services, suppliers, markets, costs, profits, patients, or other information acquired, disclosed, or made known to associates or contractor while under contract or in the employ of Mount Carmel which, if used or disclosed, could adversely affect the their businesses or give competitors an advantage.

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The value of a trade secret rests in the maintenance of secrecy through reasonable protective measures. Mount Carmel takes affirmative steps with regard to both outsiders and associates to ensure the security of its trade secrets. Therefore:

- a. Associates must sign confidentiality non-disclosure agreement.
  - b. Associates must use discretion when disseminating information and trade secrets should be disclosed only to other associates with a need to know.
  - c. Trade secrets must be disclosed to third party in a manner consistent with guidelines developed by Mount Carmel Legal Services. Prior to disclosure of any trade secret, Mount Carmel Legal Services will track all inquiries relating to possible trade secret disclosure and will evaluate the form of protection, if any, which is needed prior to release in a manner consistent with the guidelines established by the Trinity Health Intellectual Property Review Team
  - d. If deemed necessary by Mount Carmel Legal Services or the Trinity Health Intellectual Property Review Team, third parties, including independent contractors, consultants, and vendors of goods or services will be required to sign confidentiality or non-disclosure agreements.
4. Responsibilities of the creators of intellectual property.
- a. The creator of intellectual property must promptly disclose to Mount Carmel Legal Services or the Trinity Health Intellectual Property Review Team in a thorough and timely manner all inventions, discoveries and other original works related to the business of Mount Carmel that are conceived, designed, developed, or reduced to practice while employed by Mount Carmel or if creator is contracted to do so. Consistent with the guidelines established by the Trinity Health Intellectual Property Review Team, Mount Carmel Legal Services will track all intellectual property inquiries and evaluate the form of intellectual property protection, if any, which is needed prior to publication of the intellectual property. With respect to inventions and trademarks, Mount Carmel Legal Services will obtain the appropriate legal protection of intellectual property. Mount Carmel Legal Services will review invention disclosures and will consult with the inventor(s) and others as necessary to investigate the patentability and commercial potential of inventions. If a patent protection is sought, the creator shall provide such assistance as may be necessary throughout the transfer process to protect and effectuate transfer of the intellectual property, including assignment or transfer of the intellectual property to Mount Carmel. The creator shall arrange for the retention of all records and documents that are necessary to the protection of Mount Carmel's interest in the intellectual property.

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5. Responsibilities of Mount Carmel with respect to intellectual property: Mount Carmel will provide the necessary support relating to legal protection of Mount Carmel's intellectual property, including the facilitation of the transfer of intellectual property, the development of mechanisms for the licensing and management of intellectual property, the education of associates, the defense and protection of Mount Carmel's and the creator's intellectual property against third party claims or unauthorized use; and the resolution of any disputes that arise between and among Mount Carmel and creators of intellectual property.

**RESPONSIBLE**

**PERSONS:** Associates, applicable contractors

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**DEVELOPED BY:** Legal Services      **ORIGINAL DATE:** 5/08

**REVIEW/REVISION DATE:** 5/10

**REPLACES:** Administrative P/P "Intellectual Property"

**REVIEWED BY:** Administrative Policy Team      5/3/10

    \_Donald R. Hackett\_\_\_\_\_5/25/10\_\_  
    Vice President                      Date

**APPROVAL FOR IMPLEMENTATION BY:** Accreditation Council  
**DATE:** 6/17/10