

PATENT AND COPYRIGHT POLICY – FIELD OF WORK**I. Purpose**

This policy establishes the University of Arkansas System’s interpretation of the term “field of work” as used in Board Policy 210.1 (Patent and Copyright Policy). The purpose of this policy is to provide consistent guidance across all campuses and units regarding the determination of ownership of Inventions¹ created by faculty and staff. Under Board Policy 210.1, the term *field of work* refers to the broader academic discipline and research domain associated with an individual’s University appointment. Its inclusion in the definition of University Research makes clear that University Research includes research topics, publications, teaching subjects, and related scholarly activities. Inventions arising within this domain may be subject to University ownership.

As stated in Board Policy 210.1, the University “has a responsibility for and an interest in the advancement of knowledge and creative work that will enhance its education mission and promote the economic and social welfare of the public it serves, particularly the people of the State of Arkansas. This responsibility and interest are advanced by engaging in research.... [T]he university has the responsibility of insuring that ... Inventions and Works are used and controlled in a manner that benefits the public, the Inventor or Author and the University to the fullest extent possible.” The University should implement this policy in a way so as to “determine the rights and interests of all parties in University Research ... according to established, uniform procedures”.

II. Policy Context

Board Policy 210.1 provides that the University generally owns Inventions that arise from “University Research.” University Research means “any research or development activity which is directly related to [1] the duties and responsibilities or [2] the field of work for which the person has been employed, appointed, or compensated by or through the University or [3] for which facilities owned, operated, or controlled by the University are used.” (This policy further defines facilities in ways not relevant to this UASP.)

Prior to the 2016 policy revision, University Research meant “any research or development activity which is directly related to the duties and responsibilities for which a person has been compensated by or through the University or for which facilities owned, operated, or controlled by the University are used.”

The inclusion of “field of work” in the 2016 revision of Board Policy 210.1 clarified that the scope of University Research extends beyond a narrow interpretation of the concept of scope of employment (the range of activities that employees are reasonably expected to perform as part of their employment). This clarification recognizes that the work of faculty

¹ Capitalized terms are defined in Board Policy 210.1.

and some staff encompasses, as Board Policy 405.1 notes, “academic responsibilities in the areas of teaching, scholarly, and creative activity, and service.” These responsibilities thus include broader scholarly and research activities, including research topics, publications, and teaching areas.

III. Definition of “Field of Work”

For purposes of Board Policy 210.1 and this UASP, “field of work” is broadly defined to include the general academic discipline, department of appointment, professional expertise, fields in which the individual conducts research activities, publishes, teaches, or seeks external funding, and any research domain (area of knowledge) associated with an individual’s University appointment. The term *field of work* thus includes the full range of scholarly, creative, and academic activities, and academic unit affiliations that define an individual’s professional role. An Invention may fall within an individual’s field of work even if the specific project was not formally assigned by the University or is beyond the individual’s regular areas of teaching and research.

IV. Relationship to Duties and Responsibilities

Board Policy 210.1 establishes two independent bases for University ownership of intellectual property: [1] duties and responsibilities and [2] field of work. The phrase *duties and responsibilities* refers to projects or tasks for the University, including sponsored research and institutional initiatives, and includes the traditional legal concept of *scope of employment*, the range of activities that employees are reasonably expected to perform as part of their employment. *Field of work* refers to the broader professional domain associated with the individual’s appointment and expertise and includes ongoing scholarly activities such as research topics, domain expertise, publications, and teaching areas. Inventions may be subject to University ownership if they arise from duties and responsibilities and/or the individual’s field of work.

V. Determination of “Field of Work”

In evaluating whether an Invention falls within an individual’s field of work, the University may consider relevant factors, including:

1. The individual’s general academic discipline (such as electrical engineering)
2. The department of appointment
3. The subject matter of the individual’s research program or domain expertise
4. Research activities conducted by the individual
5. The individual’s publications and scholarly activities
6. Courses taught or academic areas of expertise
7. Grant proposals or sponsored research related to the Invention
8. The involvement of graduate students, postdoctoral researchers, or research staff

These factors reflect the broader scope of academic activity recognized in Board Policy 210.1 and support a determination of whether the Invention is reasonably related to the individual's University appointment.

VI. Consulting and Outside Activities

Faculty consulting and entrepreneurial activities are encouraged as part of the University's mission of engagement and innovation. However, Inventions developed during such activities may still fall within the individual's field of work. An Invention that aligns with an individual's research topics, publications, or teaching areas may arise from University Research even if developed outside the University.

Accordingly, individuals must disclose Inventions promptly in accordance with University policy. Consulting agreements must not assign rights to intellectual property in a manner that conflicts with Board Policy 210.1 and individuals are encouraged to consult with the appropriate Technology Licensing Office (TLO) prior to entering into agreements involving intellectual property.

VII. Administration

Each campus TLO is responsible for reviewing Invention Disclosures and determining ownership and commercialization pathways in accordance with Board Policy 210.1 and this UASP. In cases where the relationship of an Invention to an individual's field of work is unclear, additional information may be requested, including details regarding research activities, funding sources, and external engagements.

VIII. Inquiries

Questions regarding this UASP or the application of Board Policy 210.1 should be directed to the appropriate campus TLO or sponsored research office or the Office of the General Counsel.

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