



ADM-103: INTELLECTUAL PROPERTY

Purpose

The purpose of this policy is to specify and protect the interests of INCOSE in its intellectual property rights, and to describe the means by which INCOSE has addressed protection of its rights and recognition of the intellectual property rights of others. It is the policy of INCOSE that intellectual property of INCOSE must be:

- (a)** Effectively managed and controlled;
- (b)** Protected by seeking statutory protection, and by enforcing common-law rights as appropriate; and
- (c)** Properly identified by requiring INCOSE employees, contractors, members, agents or consultants to execute appropriate agreements.

Applicability

It is the policy of INCOSE that intellectual property rights of third parties be respected and not infringed by INCOSE employees, contractors, members, agents or consultants.

Definitions

For the purposes of this policy, the term “Intellectual Property” includes technical, scientific or engineering information, which can comprise of technology and/or know-how, which generally includes innovations, inventions and discoveries, patents processes, manufacturing methods, production techniques, trade secrets, trademarks, service marks, mask works, copyrights and copyrightable information. The term “Information” is defined in ADM-102: Confidential Information.

Policy Content

It is the intent and purpose of INCOSE to use participation of members and non-members to develop products following policy TEC-107. These products relate to all facets of systems engineering and will be published as prescribed in policy TEC-101. It is the intent of INCOSE to retain intellectual property rights granted to them by the owner to such products and technical information in the form of nonexclusive, unencumbered licenses that grant INCOSE the right to use such Intellectual Property in perpetuity and that reserve to the owner all intellectual property rights, such as copyright. Participants in product development and authors of technical information as prescribed in policy TEC-107 shall be responsible for determining the ownership and the availability of intellectual property for licensing to INCOSE. Participants shall ensure that any and all documents deemed necessary or appropriate by INCOSE are executed to license Intellectual Property owned by the participant, the participant's employer, or another party by prior agreement with the participant. It is the responsibility of the President to personally, or through a designee, review and execute or approve for execution, on behalf of INCOSE, all proposed agreements or arrangements involving the licensing, sale, exchange, or other transfer of rights in intellectual property; and ensure that such designee will be a primary participant, when deemed appropriate, in any negotiation or discussions relating thereto. INCOSE shall establish procedures and standards for preparation and use of appropriate documents for the purpose of obtaining authorization to license intellectual property rights for use by INCOSE. INCOSE shall retain legal counsel as necessary to provide guidance on the application of this policy to particular circumstances; and provide clauses to be used in contracts and consultant agreements and approve modifications or exceptions to such clauses on a case-by-case basis.

This authorization to use material covered by this policy may be granted by any of three (3) means:

- (a)** Universal agreement executed by the intellectual property rights holder that authorizes product team members to incorporate material into INCOSE products or services;
- (b)** An agreement specific to the scope of a particular product, executed by the intellectual property rights holder that authorizes project team members to incorporate material into INCOSE; or
- (c)** Specific publication clearance for a specific item, obtained according to the normal publications' clearance process to which a contributor is subject.

Consequences of Non-compliance

Any violation of this policy shall be grounds for disciplinary action, up to and including dismissal from membership in or employment by INCOSE. Perceived INCOSE benefit shall not be accepted as justification for non-compliance with this policy.

Related Policies

ADM-102: Confidential Information

TEC-101 Sale & Distribution of INCOSE Technical Products

TEC-107 INCOSE Technical Product & Services Development & Deployment

Related Procedures, Templates, and Forms

PUB-FORM-01: INCOSE Intellectual Property General Release Form

SUPERSEDES: ADM-103 dated 1 February 2021

APPROVED BY: INCOSE Board of Directors, Q1 BoD Meeting Torrance CA, 29 January 2023

POLICY OWNER (RACI Responsible R): Associate Director for Publications

MAINTAINED BY (RACI Accountable A): Secretary