

Intellectual Property Policy

DEFAULT NON-RETENTION AND THE CUSTODY OF UNCLAIMED WORKS

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Authority:	Founder, pursuant to §14.4 of the Bylaws (Initial Period), adopting an Implementing Instrument under §5.17; read with §3.2 (Non-distribution) and Article VI (Dissolution)
Type:	POL — Policy, under the Document Type Code Standard (SCS/STD/2026/01)

Note. This Policy states the Society’s default rule for intellectual property created within its projects: the Society retains none of it, and it belongs to those who create it. The Policy expresses, in this domain, the Society’s founding commitment to generativity — that the works a relation produces, and the value they carry, should remain with those who generate them, and not be captured by the institution that convened them.

§1 Purpose

- (1) **Aim.** This Policy states how intellectual property created within the Society’s projects is owned and allocated. Its governing principle is non-retention: the Society claims no default ownership of what its projects produce, and treats the creators of a work, not the Society, as its natural home. The principle follows from the Society’s purpose (Article II) and its constitutive commitments (Article III).
- (2) **Basis in the Bylaws.** This Policy is an Implementing Instrument adopted under §5.17. It is adopted during the Initial Period by the Founder under §14.4, and is to be reviewed and ratified by the expanded Board on the terms of §5.17. It is read consistently with §3.2 (Non-distribution of assets) and Article VI (Dissolution), and it operates alongside the Project Intake and Approval Procedure contemplated by §5.17.
- (3) **What this Policy is not.** This Policy does not transfer, license, or dispose of any particular work. It sets the default rules and the procedure by which affiliation is determined; particular allocations are made in project terms, in agreements, or by the determinations described in §5.

§2 Scope

- (4) **Persons covered.** This Policy applies to every person who creates intellectual property in the course of a Society project — including project members, contributors, staff, volunteers, officers, partners, and contractors — to the extent of that creation.
- (5) **Works covered.** This Policy covers *Project IP*: copyright and, so far as applicable, patents, database and design rights, and related intellectual-property rights, in works and materials created in the course of a project of the Society.
- (6) **Exclusions.** This Policy does not apply to: (a) intellectual property that a person brings into a project already made, which remains that person’s; (b) third-party intellectual property used under licence; (c) the Society’s own name, marks, brand, logotype, and website, and its governance and organizational documents (the *SCS/. . .* instrument series), which remain the Society’s; (d) the foundational research papers and other works published by their authors through external venues under their own names, governed by those venues’ terms; and (e) personal data, which is governed by the Privacy Policy and the Information Management Policy.

§3 Definitions

- (7) **Project.** An activity brought under the Society’s governance framework through a Project Approval or equivalent instrument.
- (8) **Project Member.** A person recognized, in the project’s record, as taking part in the project.
- (9) **Creator.** The person or persons — natural, legal, or other recognized entity — who made a given work, according to the law of authorship and ownership applicable to it.
- (10) **Project IP.** The intellectual property described in §2, created in the course of a project.
- (11) **Affiliation.** The allocation of ownership of a given item of Project IP to a determinate holder or holders.
- (12) **Project Terms.** The approved terms of a project — its Project Approval, charter, or equivalent — and any written agreement adopted within it.
- (13) **Custodial Holding.** The Society’s holding of Project IP as custodian for an eventual rightful claimant, and not as beneficial owner, as set out in §6.

§4 Policy Statements

- (14) **Default of non-retention.** The Society claims no ownership of Project IP. It does not, by default, retain, acquire, or reserve any copyright or other intellectual-property right in the works created within a project.
- (15) **Ownership by the creator.** By default, the affiliation of Project IP vests in its Creator — whether a natural person, a legal person, or another recognized entity — according to the ordinary law of authorship and ownership applicable to the work. Where two or more

persons create a work together, it belongs to them jointly, in the shares that law or their agreement provides.

- (16) **Allocation by project terms or agreement.** The default gives way to any different allocation set out in the Project Terms or in a written agreement among the relevant parties. Such an allocation may assign, share, license, dedicate to the public domain, or place under an open licence the whole or any part of the Project IP. To the extent of any inconsistency, the Project Terms or agreement prevail over the default.
- (17) **Encouraged openness.** Consistent with the Society's commitment to open publication and generativity (Article III), Creators are encouraged, though not required, to release Project IP under open or free-culture licences, so that others may build upon it.
- (18) **No private inurement.** Nothing in this Policy permits the assets of the Society to inure to the benefit of any private person contrary to §3.2. Where the Society holds intellectual property, it holds it subject to that restriction and to Article VI on dissolution.

§5 Determination of Affiliation

- (19) **The project's members decide first.** Where the affiliation of an item of Project IP is unspecified, unclear, or in dispute, the members of the project determine it among themselves, by their own agreed and good-faith process, and record the outcome in the project's record. A determination consistent with this Policy's default and with the Project Terms needs no further approval.
- (20) **Escalation to the Board.** If the project's members cannot reach a determination within a reasonable period, or if a member refers the question, the matter is referred to the Board (or, during the Initial Period, to the Founder under §14.4). It is then discussed and a solution decided, consistently with the default of non-retention, the Project Terms, and the Society's purposes.
- (21) **Recording.** Every determination of affiliation is recorded in the project's record and, where the work is an information asset, in the Information Asset Register. The record notes the work, the holder or holders, any licence granted, and the basis of the determination.

§6 Custody of Unclaimed Intellectual Property

- (22) **When custody arises.** Where an item of Project IP has no identifiable owner — an unclaimed or orphan work — the Society holds it under Custodial Holding pending a claim.
- (23) **Custodial, not beneficial.** The Society holds such intellectual property only as custodian, in trust for an eventual rightful claimant, and not for its own benefit. It shall not license, transfer, assign, or otherwise exploit the work for gain while it is so held.
- (24) **Release on a claim.** The Society shall recognize and, where necessary, transfer or acknowledge the intellectual property to any person who establishes, to the reasonable satisfaction of the Board, that the work belongs to them. A contested claim is resolved under the procedure in §5.
- (25) **Stewardship pending a claim.** While it holds a work in custody, the Society preserves

it and takes only the steps needed to maintain it and to meet the Society’s transparency obligations under Article III. Recording that a work exists is not a use reserved to the owner and requires no allocation.

- (26) **On dissolution.** On dissolution of the Society, intellectual property held in custody is dealt with under Article VI (§6.2 Distribution of Assets; §6.3 Non-distribution at Dissolution): it passes to a successor of like purpose, and never to any private person.

§7 Roles and Responsibilities

- (27) **Policy owner.** The Board owns this Policy and is accountable for it; the Governance Committee keeps it under review and prepares amendments. During the Initial Period these functions are exercised by the Founder under §14.4.
- (28) **Project leads.** Those responsible for a project ensure that the affiliation of foreseeable Project IP is addressed at intake, reflected in the Project Terms where appropriate, and recorded as work proceeds.
- (29) **Records.** The officer responsible for the Information Asset Register maintains the record of affiliations and of works held in custody.

§8 Review and Revision

- (30) **Cadence.** This Policy is reviewed at least once every two years, and whenever a material change in applicable law or in the Society’s activities requires it.
- (31) **Trigger.** A dispute that the Board has had to resolve, or a change to the Project Intake and Approval Procedure, triggers an out-of-cycle review.
- (32) **Amendment.** Amendments are proposed by the Governance Committee and adopted by the Board as an Implementing Instrument under §5.17; a revision is published as SCS/POL/2026/01/Rev.M.

§9 Related Documents and Authority

- (33) **Bylaws (SCS/BYL/2026/01).** Article II (Purpose, Vision, and Mission); Article III (Constitutive Commitments), §3.2 (Non-distribution); Article VI (Dissolution), §6.2–§6.3; §5.16 (Document Identification); §5.17 (Implementing Instruments); and §14.4 (Initial Period).
- (34) **Standards and procedures.** Document Type Code Standard (SCS/STD/2026/01); the Project Intake and Approval Procedure contemplated by §5.17; the Project Approvals of the SCS/PA series.
- (35) **Related policies.** Information Management Policy; Privacy Policy; Stakeholder and Partnership Policy; Conflict of Interest Policy.

CERTIFICATION

The undersigned, being the Founder of Serendip Commons Society, certifies that the foregoing Intellectual Property Policy, identified as SCS/POL/2026/01, was adopted as an Implementing Instrument under §5.17 of the Bylaws (during the Initial Period, pursuant to §14.4), and published in accordance with §5.16.

Wanhong Huang, Founder
Serendip Commons Society

Date: July 19, 2026