



## Policy 01:013 – Patents and Copyright

The University recognizes that patentable discoveries, inventions, and advancements in technology sometime arise in the course of research conducted by faculty, staff, and students using University facilities. The University encourages the concept that patentable discoveries, inventions, and advancements in technology produced at the University shall be used for the greatest possible public benefit. When University support makes the research effort possible or when it provides support for the discovery or development of a patentable invention, it shall have an interest in any discovery, invention, advancement in technology, including reimbursement for its costs. To that end, the University encourages the application for and prosecution of patents for such inventions and the licensing thereof in the interest of the public, the inventor(s), and the University.

### **Patent Ownership**

As a general rule, title to all inventions, discoveries, or advancements in technology developed solely through individual initiative and personal time, and not involving University or external sponsorship or significant use of University facilities, services, or equipment, shall be vested in the employee producing the patentable materials. Furthermore, the general obligation of faculty members to produce scholarly and creative works shall not, for purposes of this policy, be construed as a University assignment.

With the exception of inventions made through individual initiative and personal time or resources, every invention or discovery or part thereof that results from research or other activities conducted at the University, or that is developed with the aid of the University's facilities, staff or through funds administered by the University, shall be the property of the University; and, as a condition of employment or enrollment and attendance, such invention or discovery shall be assigned by the inventor(s) to the University. Personal time shall mean time other than that devoted to normal or assigned functions in teaching, University service, or research on University premises or utilizing University facilities. University facilities shall mean any facility, including equipment and material, available to the inventor(s) as a direct result of affiliation with the University, and which would not be available to a non-University individual on the same basis.

Patents or inventions made by University faculty, staff, or students, may be applied for in any country by the University or through an authorized agent(s) or assignee(s). The University shall exercise its right of ownership of such patent(s), with or without financial gain, with due regard for the public interest, as well as the interests of inventors and sponsors concerned.

## **Duty to Disclose Discoveries, Inventions, and Advancements in Technology**

All individuals whose discoveries, inventions, and advancements in technology are covered by this policy have a duty to promptly disclose their discoveries, inventions, and advancements to the University. The duty to disclose arises as soon as the individual has reason to believe that the discovery, invention, or advancement is patentable. Certainty about patentability is not required before a disclosure is made. Individuals shall execute such declarations, assignments, or other documents as may be necessary in the course of invention evaluation, patent prosecution, or protection or patent rights, to insure that title in such inventions shall be held by the University, or by other sponsoring agencies, as indicated within this policy.

## **Waiver and Release of University Rights**

The University, after consultation with the inventor(s), shall cause its rights to subsequent patents, if any, to be waived to the inventor if the University concludes that no University facilities, time, or materials were used in the development of the discovery, invention, or advancement in technology, that it was made on personal time, and that such waiver would not conflict with any pertinent agreement between the University and a sponsoring agency. The University, may cause its rights to the discovery, invention, or advancement in technology, if any, to be released and waived to the inventor(s) if the University concludes that the discovery, invention, or advancement is clearly one that is non-patentable, that it does not warrant further evaluation as to patentability, or if the discovery, invention, or advancement has been returned to the University after negative evaluation by the University, or an authorized agent(s).

## **Copyright**

As a general rule, all rights to copyrightable material are the property of the creator. The distribution of royalties, if any, is a matter of arrangement between the creator and publishers or licensees. Different treatment may be accorded by the University in case of specific contracts providing for an exception, in cases where the University or sponsor may employ personnel for the purpose of producing a specific work, where different treatment is deemed necessary to reflect the contribution of the University to the work (as in the case of software or audiovisual materials), or where a sponsored agreement requires otherwise.

## **Distribution of Royalties**

The University shall share revenue which it receives from patents or inventions with the inventor(s). When specific provisions of grants or contracts govern revenue distribution, the revenues the University receives may be exclusive or payments of royalty shares to sponsors or contractors. Moreover, the University may contract with outside persons or organizations to obtain, manage and defend patents, and any royalty shares or expenses contractually committed to such persons or organizations may be deducted before revenues accrue to the University.

The University's revenues from patents or inventions will be applied first to reimburse the University for its direct expenses incurred in licensing the patent or invention. Thereafter, the revenues will be distributed as follows:

- 50% to Inventor(s) and/or heirs and assigns;
- 15% to Inventor(s)'s department;
- 15% to Inventor(s)'s College or Division; and
- 20% to University.

The University reserves the right to suspend distribution of income when there is reason to believe that substantial deductible costs will be incurred in the future. The inventor(s) will be informed of such decisions.

*Approved 8/99*