



3344-17-02 Patents policy.

- (A) Research is recognized as an integral part of the educational process to generate new knowledge; to encourage the spirit of inquiry; and to develop scientists, engineers, and other scholars. As a result of such research, new discoveries and inventions may be made by faculty members of the university. Discoveries and inventions may have material commercial value or potential as revenue producers; may contribute significantly to scientific, technological, social and cultural progress; and may qualify for

- (2) Invention includes discoveries, products, processes, compositions of matter and improvements that are or may be patentable.
- (3) Sponsored research agreement includes any sponsored research grant, contract, fellowship, or other special arrangement to fund faculty research by third parties.

(D) Disclosure

- (1)

whichever the office of research may deem appropriate under the circumstances, shall be approved.

(E) Disclosure and review process

(1) Within thirty days of a disclosure of an invention, the office of research shall notify the inventor whether his/her disclosure is incomplete, with notations of the additional information required, or shall refer the disclosure to the patent review committee.

(2)

(c) Three members shall be appointed by the president.

(2) Duties

(a) The committee will review the merits of the invention and make recommendations to the president for the management of the invention, including its development, patenting, and exploitation.

(b) The committee shall make an initial determination of whether the university or any other party has rights to the invention and, if so, the basis and extent of those rights.

(c) If the committee determines that the university has rights to the invention, the committee will make one of the following recommendations to the president:

(i) The university should pursue legal protection of the invention, through patent or otherwise, and seek commercial development of the invention;

(ii) The university should dedicate its rights to the public, adhering to the wishes of the inventor or creator where feasible; or

(iii) The university should transfer or waive its rights in favor of permitting the inventor or creator to protect and develop the invention at his or her own expense, and whether and what conditions should be attached to a transfer or waiver. At a minimum, such a transfer shall be subject to the retention of a non-transferrable, royalty-free license in favor of the university to be used in eqppgevkqp ykvj vjg wpxgtukv{øu o kuukqp qh teaching, research and service.

- (d) The committee, on at least an annual basis, or more frequently, shall review the patent policy as a whole and recommend changes to the contract implementation committee.
- (e) If there are two or more claimants to an invention within the university and they cannot reach an

university) among those persons concerning which of the claimants shall be considered inventors or creators for the purposes of this policy and in what fraction each shall share in the benefits of the policy;

(5)

- (3) No person may enter into any agreement respecting the assignment, licensing, or exploitation of any patent or other rights to any invention developed in the course of research supported by funds or utilizing facilities administered by the university pursuant to an agreement with an external sponsor without the written consent of the office of research. Such consent shall be given or withheld in accordance with the objectives set forth in this policy.

(I) Rights to inventions and patents

- (1) All rights with respect to inventions from research activities of faculty members, other employees, and students of the university that are supported by the university or by university facilities, equipment, or resources shall be assigned to and controlled by the university.
- (2) All rights with respect to inventions resulting from personal and independent research activities that are not supported by the university or by university facilities, equipment, or resources shall be the sole property of the inventor.
- (3) Upon request of the patent review committee or the office of research, the appropriate university department chair or dean shall investigate and report to the requesting party the extent to which university facilities and resources were used to support research activities resulting in an invention disclosed in accordance with this policy.
- (4) All rights to inventions resulting from sponsored research grants, contracts, fellowships, or special arrangements shall be controlled by the terms of those agreements. Faculty members, other employees, and students accepting sponsored research grants shall execute such agreements in a manner that will enable the university to conform with the requirements of the sponsoring agencies and shall abide by the provisions of such agreements and the sponsored research section of this policy.

(J) Distribution of income

- (6) Where rights to an invention are transferred or waived to the inventor, the allocation of these rights and any resulting future income shall be specified in writing by the office of research and approved by the president. A copy of the transfer or waiver shall be promptly supplied to the inventor.

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