



Who owns the Intellectual Property that I create?



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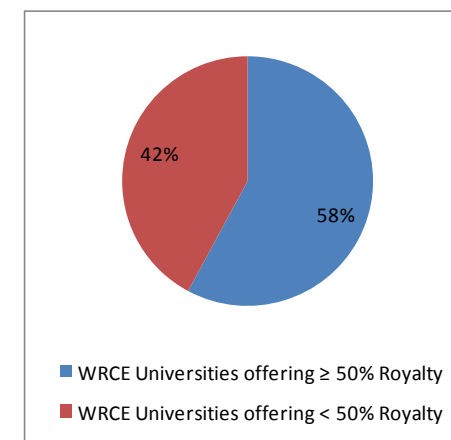
For a digital copy of this brochure, visit:
<http://www.ttu.edu/biodefense/core.php>

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Q: Who owns the Intellectual Property that I create?

A: It depends on what kind of Intellectual Property you create. In general, the University owns patents created by an employee, but the employee retains rights to copyrighted material. See table on reverse for more detail.

Inventor Royalty of WRCE Universities



While Universities of the WRCE generally retain ownership to patents created during employee research, the inventor is often entitled to a royalty payment based on income created beyond the cost of research and patent filing. WRCE member universities further adhere to the **Intellectual Property Agreement and Management Plan for the Collaborators with the Regional Center of Excellence.**

Generally, the author of a copyrighted work, like a textbook or article, is entitled to all the income generated from the work. However, many universities have exclusions for software because software can often be eligible for both copyright protect and patent protection.

DISCLAIMER: This information is not intended to be legal advice, which may turn on specific facts. Readers should seek specific legal advice before acting with regard to this information.

Employee Intellectual Property Agreements by University

| School | Patent Ownership | Copyrighted Works Ownership | Royalty | | | | | | | Source | Reference |
|------------------------------------|--|---|--|-----------------------------|------------|-------------------------|-----------------|--------------------|-------------------|---|--|
| | | | Net Royalty | Individual | University | Dept. | Unit or College | Graduate Education | Technology Office | | |
| Texas Tech | University | Author unless institutional work for hire | 0-\$100k | 50% | 30% | 10% | 10% | 0% | 0% | Texas Tech Operating Policy and Procedure Ch. 74.04 | http://www.depts.ttu.edu/opmanual/OP74.04.pdf |
| | | | \$100k-\$500k | \$50k plus 40% over \$100k | 30% | 15% | 15% | 0% | 0% | | |
| | | | >\$500k | \$210k plus 30% over \$500k | 30% | Set by Board of Regents | | 0% | 0 | | |
| Baylor College of Medicine | University | Author if independently authored, must provide royalty-free license to College | Any Amount | 50% | 25% | 25% | 0% | 0% | 0% | Baylor College of Medicine Policy on Patents and Other IP Ch. 20.8.1 | http://www.bcm.edu/blg/BAYLOR_PATENT_POLICY.pdf http://www.professor.rice.edu/professor/Patent_and_Software_Policies.asp?SnID=512462910 |
| Rice University | University, but if University does not pursue patent, Inventor | Author unless separate contractual agreement | Any Amount | 37.50% | 30% | 14% | 0% | 18.50% | 0% | Rice University Policy No. 333, 334 | |
| Texas A&M University* | University | Author if independently authored, must provide royalty-free license to College | PATENTS BEFORE JUNE 1, 2006 | | | | | | | Texas A&M University System Policies and Regulations Ch. 17.01 | http://policies.tamus.edu/17-01.pdf |
| | | | Any Amount | 42.50% | 39.50% | 0% | 0% | 0% | 18% | | |
| | | | PATENTS AFTER JUNE 1, 2006 | | | | | | | | |
| | | | Any Amount | 37.50% | 37.50% | 0% | 0% | 0 | 25% | | |
| Texas Southern University | University, unless invention offers little use to students | Author unless work specifically funded by TSU or work for hire | COPYRIGHTABLE WORKS AFTER JUNE 1, 2006 | | | | | | | Texas Southern University Manual of Administrative Policies and Procedures 08.02.01 | http://www.tsu.edu/PDFFiles/Admin/MAPP/General%20Counsel/08.02.01%20IP%20Policy_001.pdf |
| | | | Any Amount | 40% | 40% | 0% | 0% | 0% | 20% | | |
| | | | First \$100k | \$1k plus 50% | 50% | 0% | 0% | 0% | 0% | | |
| | | | Second \$100k | 40% | 60% | 0% | 0% | 0% | 0% | | |
| | | | Third \$100k | 30% | 70% | 0% | 0% | 0% | 0% | | |
| >\$300k | 25% | 75% | 0% | 0% | 0% | 0% | | | | | |
| University of Houston | University, unless rare contract for sponsored research | Author if written work, University if A/V work or software | Any Amount | 40% | 40% | 13% | 7% | 0% | 0% | University of Houston Faculty Handbook Ch. 21.08 | http://www.uh.edu/fs/2007_Faculty_Handbook_security.pdf |
| University of the Incarnate Word | University | Author unless software | Any Amount | 50% | 50% | 0% | 0% | 0% | 0% | University of the Incarnate Word Faculty Handbook Ch. 11 | www.uiv.edu/facultyhandbook/documents/facultyhandbook52010.doc |
| University of North Texas | University, but if University does not pursue patent, Inventor with royalty-free license to University | Author unless software | Any Amount | 50% | 50% | 0% | 0% | 0% | 0% | University of North Texas Policy 16.13.1 | http://policy.unt.edu/policy/16-13-1 |
| University of Texas* | University, unless institute's president elects not to assert interest | Author unless software | Any Amount | 50% | 50% | 0% | 0% | 0% | 0% | University of Texas Rules and Regulations of the Board of Regents Rule 90102 | http://www.utsystem.edu/bor/rules/90000Series/Complete90000.pdf |
| Stephen F. Austin State University | University | Author | Any Amount | 50% | 50% | 0% | 0% | 0% | 0% | Stephen F. Austin Faculty & Staff Policy Manual Ch. 20 | http://www.sfasu.edu/policies/intellect_prop.asp |
| New Mexico State University | University unless does not have significant university use | Author unless developed with significant use of university resources | Any Amount | 50% | 0% | 16.66% | 16.66% | 0% | 16.66% | New Mexico State University Policy Manual Ch. 5.94.11 | http://www.nmsu.edu/manual/documents/nmsu-policy-manual091710links.pdf |
| University of New Mexico | University | Author unless contractual agreement otherwise | Any Amount | 40% | 20% | 0% | 0% | 0% | 40% | University of New Mexico Faculty Handbook Ch. E70 | http://handbook.unm.edu/E70.html |
| Louisiana State University* | University | Author unless extraordinary use of University resources | Any Amount | 40% | 60% | 0% | 0% | 0% | 0% | Louisiana State University Permanent Memoranda PM16, PM64 | http://www.lsu.edu/userfiles/file/PMs/pm-16rev1.pdf http://tulane.edu/wfmo/employee-support/upload/Current-Staff-Handbook-revised-06152010.pdf |
| Tulane University | University | Author if communication medium (book, article), University if functional medium like software | Any Amount | 50% | 50% | 0% | 0% | 0% | 0% | Tulane University Staff Handbook Section 6E | https://stillwater.sharepoint.okstate.edu/Policies/Shared%20Documents/Intellectual%20Property.pdf |
| Oklahoma State University* | University | Author unless extraordinary use of University resources | Any Amount | 50% | 30% | 20% | 0% | 0% | 0% | Oklahoma State University Policy and Procedures 1-0202, 1-0201 | http://www.ou.edu/provost/ouncfhhb.pdf |
| University of Oklahoma | University | Author | Any Amount | 35% | 30% | 10% | 10% | 0% | 15% | University of Oklahoma Faculty Handbook Ch. 3.27.2 | http://www.ou.edu/provost/ouncfhhb.pdf |
| University of Arkansas | University | Author unless software | First \$200k | 50% | 50% | 0% | 0% | 0% | 0% | University of Arkansas Faculty Handbook Section 7-4, 7-15 | http://www.uar.edu/provost/relatedinfo.pdf |
| >\$200k | 35% | 65% | 0% | 0% | 0% | 0% | 0% | | | | |
| Arizona State University | University unless written agreement otherwise | Author | Any Amount | 25% | 75% | 0% | 0% | 0% | 0% | Arizona State University Board of Regents Policy Manual Ch. VI, Item 6-908 | https://azregents.asu.edu/rc/Policy%20Manual/6-908-Intellectual%20Property%20Policy.pdf |
| University of California | University unless patent is not pursued | Author unless work is explicitly sponsored or commissioned by University | Any Amount | 35% | 50% | 15% | 0% | 0% | 0% | University of California Policy | http://www.ucop.edu/ott/genresources/policy_pdf/patentpolicy08.pdf |

- IP policies for private companies and research labs of WRCE are not publicly available. These policies are usually listed in an employee handbook. See your local HR manager for a copy.

- Highlights of WRCE Intellectual Property Agreement regarding joint inventions:

- inventing parties must have written permission of other inventing parties before commercialization of joint inventions [Sec.5.1] and are obligated to supply other inventing parties with a copy of any manuscript prior to submission for publication [Sec. 9.3]
- if parties cannot agree on bringing an suit for patent infringement, one of the parties may bring a suit (bearing the cost of litigation and retaining ownership of any monies resulting from such suit) [Sec. 8.1]
- each party will use reasonable efforts to maintain other party's confidential information for a period of five years from receipt [Sec. 9.1]

*Universities with multiple campuses (i.e. University of Texas at Austin and University of Texas Health Science Center at Houston) adhere to the same system-wide IP policy.

PLEASE NOTE: Federal law mandates that a patent application must be filed within **one year** of

- (1) printed publication,
- (2) public use, or
- (3) sale

of the invention to be patent eligible. *See* 35 U.S.C. 102(b). If your University opts not to pursue a patent on your invention but allows you to do so independently, you must file a patent application within this one year time period to avoid loss of patentability.