

UTHSCSA HANDBOOK OF OPERATING PROCEDURES

Chapter 2	General Policies and Procedures	Effective:	December 2000
Section 2.6	Intellectual Properties	Revised:	September 2001
Policy 2.6.1	Intellectual Properties	Responsible Party:	Director of Intellectual Property Law and Contracts, Office of Technology Ventures

INTELLECTUAL PROPERTIES

Overview

While the discovery of patentable processes or inventions and the creation of other intellectual property is not the primary objective of the Health Science Center, for any such discoveries or creations, it is the objective of the Health Science Center to provide an intellectual property policy that will encourage the development of inventions and other intellectual creations for the best interest of the public, the creator, and the research sponsor, if any, and that will permit the timely protection and disclosure of such intellectual property whether by development and commercialization after securing available protection for the creation, by publication, or both. The policy is further intended to protect the respective interests of all concerned by ensuring that the benefits of such property accrue to the public, to the inventor, to the Health Science Center and to sponsors of specific research in varying degrees of protection, monetary return and recognition, as circumstances justify or require. Finally, the policy promotes the objectives of the Bayh-Dole Act (35 U.S.C. §§ 200 et. seq.) to encourage reporting and commercialization of technologies developed using federal (i.e., NIH, NSF) funds.

Policy

The intellectual property policy set forth below and in the Board of Regents' *Rules and Regulations*, at <http://www.utsystem.edu/bor/RegMSWord/TWOXIIrrr.doc> shall apply to:

- all faculty and staff of the Health Science Center;
- anyone using Health Science Center facilities under the supervision of Health Science Center faculty and staff;
- undergraduates;
- candidates for masters and doctoral degrees; and,
- postdoctoral and pre-doctoral fellows.

Except for intellectual property included in subsections 1 and 2 below, this policy shall apply to, and the Health Science Center may

UTHSCSA HANDBOOK OF OPERATING PROCEDURES

Chapter 2	General Policies and Procedures	Effective:	December 2000
Section 2.6	Intellectual Properties	Revised:	September 2001
Policy 2.6.1	Intellectual Properties	Responsible Party:	Director of Intellectual Property Law and Contracts, Office of Technology Ventures

assert

ownership in, intellectual property of all types (including, but not limited to, any invention, discovery, trade secret, technology, scientific or technological development, and computer software) regardless of whether subject to protection under patent, trademark, copyright, or other laws:

1. The Health Science Center shall assert its interest in scholarly or educational materials, artworks, musical compositions and dramatic and non-dramatic literary works related to the author's academic or professional field, regardless of the medium of expression, as follows:

- a. The Health Science Center shall not assert ownership of works, covered by this subsection, authored by students, professionals, faculty, and non-faculty researchers.

The Health Science Center encourages these authors to carefully manage their copyrights. The Health Science Center retains certain rights in these works as set forth in the *Handbook of Operating Procedures (Handbook)*, Chapter 2, Section 2.3.2, Use of Copyrighted Materials.

- b. The Health Science Center normally shall assert ownership in software as an invention; however, original software that is content covered above or that is integral to the presentation of such content, shall be owned in accordance with subsection 1a, above.
2. Notwithstanding the above subsection, the Health Science Center shall have sole ownership of all intellectual property created by faculty and staff who were hired specifically or required to produce it or commissioned by the Health Science Center. Except as may be provided otherwise in a written agreement approved by the President, the policy relating to the division of royalties shall not apply to intellectual property owned solely by the Health Science Center pursuant to this subsection.
 3. Any faculty and staff of the Health Science Center who as a

UTHSCSA HANDBOOK OF OPERATING PROCEDURES

Chapter 2	General Policies and Procedures	Effective:	December 2000
Section 2.6	Intellectual Properties	Revised:	September 2001
Policy 2.6.1	Intellectual Properties	Responsible Party:	Director of Intellectual Property Law and Contracts, Office of Technology Ventures

result of his or her activities creates intellectual property that is subject to this policy, other than on government or other sponsored research projects where the grant agreements provide otherwise, should have a role in the ultimate

determination of how it is to be made public, whether by publication, by development and commercialization after securing available protection for the creation, or both.

4. The Health Science Center will provide review and management services for patentable inventions as well as other intellectual property either by its own staff, through a related foundation, or by other means.
5. It is a policy of the Health Science Center that intellectual property be developed primarily to serve the public interest. This objective usually will require development and commercialization by exclusive licensing, but the public interest may best be promoted by the granting of nonexclusive licenses for the period of the patent. These determinations, and others, will be recommended and made in accordance with the administrative procedures hereinafter set out and with the approval of the Health Science Center.
6. Neither the facilities nor the resources of Health Science Center may be used to:
 - a. create, develop or commercialize intellectual properties unrelated to an individual's employment responsibilities; and,
 - b. further develop or commercialize intellectual properties that have been released to an inventor except as the Health Science Center may approve where the Health Science Center retains an interest under the terms of the release.

UT System Policy In Plain English

UT System's Intellectual Property Policy is located at <http://www.utsystem.edu/ogc/intellectualproperty/polguide.htm>. The policy answers fundamental questions about intellectual property, in plain English and includes, but is not limited to, the following topics:

UTHSCSA HANDBOOK OF OPERATING PROCEDURES

Chapter 2	General Policies and Procedures	Effective:	December 2000
Section 2.6	Intellectual Properties	Revised:	September 2001
Policy 2.6.1	Intellectual Properties	Responsible Party:	Director of Intellectual Property Law and Contracts, Office of Technology Ventures

-
1. What is intellectual property?
 2. To whom does this policy apply?
 3. Ownership (the starting point)?
 4. Who are professional and researchers?
 5. What is considered to be within the scope of my employment?
-

Institutional Intellectual Property Advisory Committees

The Health Science Center's Institutional Intellectual Property Advisory Committee (IIPAC) shall help administer the intellectual property policy and to make recommendations to the President for further referral to the UT System Administration and the Board of Regents (in those cases when action by the UT System Administration and/or the Board of Regents is required). The IIPAC is composed of faculty members from the representative schools, and is charged with assessing and approving all patentable inventions created and reduced to practice at the Health Science Center.

Office of Technology Ventures

The Health Science Center's Office of Technology Ventures (OTV) is the single point of entry for faculty and staff seeking advice on technology development and intellectual property resulting from their research, and for community and industry representatives seeking bioscience research partners at the Health Science Center. The OTV is managed by two directors; one oversees business development and commercialization, and the other oversees intellectual property law and contracts.
