

HEALTH SCIENCE CENTER HANDBOOK OF OPERATING PROCEDURES

Chapter 12	Intellectual Property	Effective:	December 2000
Section 12.1	Technology Development	Revised:	February 2004
Policy 12.1.1	Intellectual Property Policy	Responsible Party:	Vice President for Research

INTELLECTUAL PROPERTY POLICY

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/rules/90000Series/90101_2004_12_1001.pdf 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 assert

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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*, [Section 2.3.2](#), "Use of Copyrighted Material".

- 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 for that purpose, or those who were hired and required to produce it or those who were 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 income derived from this intellectual property.
 3. Any faculty and staff of the Health Science Center who as a result of his or her activities creates intellectual property that is subject to the intellectual policy set forth in the Regents' *Rules*

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and Regulations, other than on government or other sponsored research projects where the grant agreements provide otherwise, should cooperate with the South Texas Technology Management Office (STTM) 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.

The Health Science Center provides review and management services for patentable inventions, as well as other intellectual property.

4. The Health Science Center, through the STTM, has a fiduciary responsibility to serve the public interest by promoting and expanding the development and commercialization of its intellectual properties. This responsibility will be exercised in accordance with the administrative procedures hereinafter set out and with the approval of the Health Science Center.
5. 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, except as the President may approve; 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.

The University of Texas System Policy In Plain English

The University of Texas 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:

1. What is intellectual property?
2. To whom does this policy apply?
3. Ownership (the starting point)?

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4. Who are professional and researchers?

5. What is considered to be within the scope of my employment?

**Institutional
Intellectual
Property Advisory
Committee**

The Health Science Center's Institutional Intellectual Property Advisory Committee (IIPAC) shall assist the STTM, consistent with its charge, in administering intellectual property activities. 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 STTM 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.
