

Policies of the University of North Texas	Chapter 8
08.003 Research Intellectual Property	Intellectual Property

Policy Statement. The purpose of this policy is: (1) to encourage the creation, development, and management of Intellectual Property, Patents, copyrights, and trademarks in the best interest of the public, the Creator(s), UNT, and the research sponsor, if any; (2) to provide for protection of Intellectual Property through Patents, copyrights, and trademarks, (3) to ensure that monetary and other benefits derived from Intellectual Property, Patents, copyrights, and trademarks are equitably distributed to the Creator(s), UNT and other parties as appropriate; and (4) to address ownership issues related to Intellectual Property developed at or on behalf of UNT.

Application of Policy. This policy applies to all UNT faculty, staff and students. This policy does not apply to Intellectual Property under UNT Policy 06.032.

Definitions.

1. **Creator.** “Creator” means any member of the UNT faculty or staff, and any other persons employed by UNT, whether on a full-time or a part-time basis; visiting faculty and researchers; and any other persons, including students, who create or discover Intellectual Property while employed by UNT or while using UNT facilities, resources or equipment. Intellectual Property can be created by one or more individuals, each of whom, to be considered a Creator, must have conceived of an essential element or provided creative input into the conception of the Intellectual Property.

2. **Creator-Owned Intellectual Property.** “Creator-Owned Intellectual Property” means Intellectual Property owned by the Creator. Creator-Owned Intellectual Property includes Intellectual Property unrelated to a Creator's employment responsibilities or field of study at UNT and that is developed on his or her own time without significant use of UNT facilities, resources or equipment. Intellectual Property created with the use of an office, library, or desktop computer are examples of facilities and equipment that are not considered significant. Unless created as a Work Made for Hire, as Sponsor-Supported Intellectual Property, or as assigned in the course and scope of employment, pedagogical, scholarly or artistic works by UNT faculty, staff or students are also included as Creator-Owned Intellectual Property (examples are most textbooks, course materials and refereed materials). Creator-Owned Intellectual Property also includes works of students created in the course of their education, such as theses, dissertations, papers and journal articles unless otherwise designated in another UNT Policy.

3. Intellectual Property. “Intellectual Property” means any new and useful process, scientific or technological development, technology, machine, composition of matter, life form, article of manufacture, software, tangible property, research data, or any work that is subject to protection by patents, copyrights, trademarks, or trade secrets. It includes such things as new or improved devices, circuits, chemical compounds, drugs, genetically engineered biological organisms, data sets, software, musical processes, or unique and innovative uses of existing inventions. Intellectual Property may or may not be patentable, copyrightable or subject to a trademark.
4. Intellectual Property Advisory Committee (IPAC). “Intellectual Property Advisory Committee (IPAC)” means a UNT committee chaired by the Intellectual Property Officer and with seven other permanent members drawn from the UNT staff and faculty, who may have experience in the topical areas of the patent disclosures. The Vice President for Research and Economic Development shall appoint the members of the IPAC. Members of the IPAC shall serve a two-year term from the date of appointment with a maximum of two consecutive terms. All permanent members of the IPAC will have full voting rights on a disclosure or application submitted to the IPAC. Meetings of the IPAC shall require a quorum of at least five members.
5. Intellectual Property Officer. The “Intellectual Property Officer” means the individual appointed by the Vice President for Research and Economic Development with the responsibility of overseeing and administering the UNT Intellectual Property program in accordance with this policy and for administering Patents, copyrights and trademarks related to University-Owned Intellectual Property and Sponsor-Supported Intellectual Property.
6. Patent. “U.S. Patent” means a grant which gives the owner of an invention that is covered by the Patent the right to exclude all others from making, using, or selling the invention in the United States. In the United States, a Patent provides that exclusive right for up to twenty years. To qualify for U.S. Patent protection as an invention, intellectual Property must be deemed new, useful, and non-obvious to one skilled in the art, and must not have been in public use or on sale in the United States or described in a printed Publication as defined below, anywhere in the world for more than one year prior to the filing date of the U.S. Patent application. There is a one year grace period that protects inventions disclosed by or derived from the inventor, but any other public disclosure will invalidate an invention’s patentability.

Patent rights in many foreign countries can be lost if there has been any disclosure of the invention, verbal or written, anywhere in the world prior to filing the foreign Patent application. However, if the U.S. Patent application has been filed prior to any disclosure, some foreign countries allow Patent applications to be filed within one year of the U.S. filing date even if there has been an intervening Publication.

7. Patentable Intellectual Property. “Patentable Intellectual Property” means Intellectual Property for which a Patent may be obtained.
8. Publication. “Publication” means a public disclosure of Intellectual Property, which may be verbal or printed. Printed Publications include abstracts and, in certain instances, grant proposals, funded or unfunded. A public disclosure is a non-privileged communication to someone other than those with a professional need to know within UNT. The issuance of a Publication may jeopardize the ability to secure a Patent in the U.S. or in foreign countries. Questions surrounding the implications of Publication can be addressed by the VPR Office.
9. Sponsor-Supported Intellectual Property. “Sponsor-Supported Intellectual Property” means Intellectual Property created under a grant or sponsored research agreement with an external agency or entity. Ownership of Sponsor-Supported Intellectual Property is determined in accordance with the terms of the grant or sponsored research agreement. In the absence of contract terms that specifically designate ownership, Sponsor-Supported Intellectual Property is owned by UNT.
10. University-Owned Intellectual Property. “University-Owned Intellectual Property” means Intellectual Property owned by UNT. University-Owned Intellectual Property includes Works Made for Hire that are commissioned by UNT or that a Creator is assigned to create in the course and scope of her/his employment with UNT; Intellectual Property created with significant use of UNT facilities, resources or equipment; Intellectual Property assigned to UNT; and Sponsor-Supported Intellectual Property that is designated as university owned in the applicable grant or sponsored research agreement or for which ownership has not been specifically designated. Intellectual Property that would otherwise be designated as Creator-Owned Intellectual Property shall be considered to be University-Owned Intellectual Property if the University pays for Patent, copyright or trademark protection with the consent of the Creator.
11. Work Made for Hire. “Work Made for Hire” means: (1) a work prepared by an employee within the scope of his/her employment; or (2) a work specially ordered or commissioned if the parties expressly agree in a written contract that the work shall be considered a Work Made for Hire.
12. VPR Office. “VPR Office” means the Office of Vice President for Research and Economic Development.

Procedures and Responsibilities

1. UNT employees and Creators will actively participate in the protection of Sponsor-Supported and University-Owned Intellectual Property. Until notification has been provided to the VPR Office and permission has been granted, UNT employees and Creators will avoid Publication of Intellectual Property that may constitute Sponsor-Supported or

University-Owned Intellectual Property. The University has the option of declining the patenting of any technologies that have been publicly disclosed in seminars, published papers, master's theses, dissertation defenses or elsewhere prior to any patent office filing.

Responsible Party: UNT employees and Creator

2. By accepting employment with or enrollment in the University, the Creator will assign and does hereby assign to the University all of his or her rights, title and interest in and to Works Made for Hire, University-Owned Intellectual Property and Sponsor-Supported Intellectual Property. The Creator agrees to execute documents and take action as required by this policy and as requested by the University to facilitate protection of the assignment to the University. When University-Owned Intellectual Property or Sponsor-Supported Intellectual Property is created, the Creator must complete and submit an Intellectual Property Disclosure Form to the VPR Office. The Intellectual Property Disclosure Form is available on the VPR Office website (link provided below). A Creator is not required to disclose Intellectual Property that clearly constitutes Creator-Owned Intellectual Property, but must make a disclosure if there is any question about ownership.

Responsible Party: Creator

3. The VPR Office shall review a submitted disclosure for completeness and suitability for protection by Patent, copyright, or trademark and suitability for further development or commercialization. If Intellectual Property is determined to deserve further consideration, the Creator's disclosure shall be forwarded to the IPAC.

Responsible Party: VPR Office

4. The IPAC shall review referred disclosures and make recommendations to the Intellectual Property Officer regarding suitability of Intellectual Property for Patent, copyright or trademark protection and what marketing, licensing or other commercialization efforts should be taken. Recommendations may also be made regarding placing Intellectual Property on hold, sending it back to the Creator for further development or releasing it to Creator.

Responsible Party: IPAC

5. The Intellectual Property Officer determines whether Patent, copyright or trademark protection shall be pursued for Intellectual Property. The Intellectual Property Officer also administers and makes decisions regarding marketing, licensing or commercialization of Intellectual Property. With the approval of the Vice President for Research and Economic Development, Intellectual Property may be released to the Creator, but UNT shall retain a perpetual, irrevocable, non-exclusive, royalty free license to use the intellectual property and any corresponding patent(s) for research and education purposes.

Responsible Party: Intellectual Property Officer

6. As requested by the VPR Office, the IPAC, or the Intellectual Property Officer throughout the review process, the Creator shall make adjustments to the submitted disclosure; provide information as required to determine the potential marketability of Intellectual Property and suitability for Patent, copyright or trademark protection; complete paperwork necessary to obtain protection of Intellectual Property; make assignments as necessary to pursue Patents or clarify ownership of University-Owned Intellectual Property and Sponsor-Supported

Intellectual Property; provide responses to office actions and assist in the marketing, licensing or commercialization of Intellectual Property. The Creator must assign to UNT any interest in a patent equivalent to the property interest that the Intellectual Property Officer determines to belong to UNT under this policy.

Responsible Party: Creator

7. For Patentable Intellectual Property, if it is determined that a Patent application should be prosecuted, the prosecution shall be carried out by the Intellectual Property Officer and the VPR Office in a diligent manner and without expense of any kind to the Creator. If the Patent application is discontinued, the Vice President for Research and Economic Development shall issue a letter notifying the Creator that ownership of all commercial Patent rights revert to the Creator(s), however, UNT shall retain a perpetual, irrevocable, non-exclusive, royalty free license to use the intellectual property and any corresponding patent(s) for research and education purposes.

Responsible Party: Intellectual Property Officer and VPR Office; Vice President for Research and Economic Development

8. The IPAC shall review ongoing and pending Patents referred by the Intellectual Property Officer and make recommendations regarding the continuation of Patent protection, marketing, licensing or other commercialization efforts for University- Owned Intellectual Property.

Responsible Party: IPAC

9. Net revenues earned on any Patents, trademarks, copyrights related to University- Owned Intellectual Property will be distributed by the VPR Office as described below after all expenses associated with the particular University-Owned Intellectual Property have been recovered by UNT and payments have been made to any third party as required under any licensing, commercialization or sponsored research agreement. Net revenues received by UNT will be distributed as follows:
 - i. 50% as direct payment to the Creator(s); and

- ii. 50% for support of research and economic development at UNT.

If a Creator dies, the Creator's share of net revenues will be distributed to the Creator's heirs. If a Creator leaves UNT, the Creator is still entitled to receive his/her share of net revenues. In the event of multiple Creators of Intellectual Property, all named Creators shall receive an equal share, with the total distribution made to all Creators being equal to the net revenues to be received by the Creator under this policy, unless the Intellectual Property Officer is provided with an Intellectual Property disclosure signed by all Creators specifying the percentage each Creator is entitled to receive. However, the revenue splitting requirement in this policy shall not apply to University-Owned Intellectual Property that are Works Made for Hire or that are subject to an alternate revenue splitting arrangement in a contract entered into between the Creator(s) and UNT. A Creator of University-Owned Intellectual Property may agree to a full waiver or reduction of his/her share of net revenues as provided in this policy in exchange for equity participation in a business entity that has an agreement with UNT regarding the University-Owned Intellectual Property.

Responsible Party: VPR Office

10. Upon request in writing by the Creator, the Vice President for Research and Economic Development shall consider an appeal of a determination made under this policy. The Vice President for Research and Economic Development shall resolve any dispute regarding protection and commercialization of University-Owned Intellectual Property. In the event that a Creator does not agree with the decision of the Vice President for Research and Economic Development, the Creator shall have the right to request in writing that the matter be reviewed by the President. The decision by the President regarding any dispute shall be final.

Responsible Party: Vice President for Research and Economic Development and President

References and Cross References.

Regents Rules, Chapter 08

UNT Policy 06.032, Online Courseware Intellectual Property

UNT Policy 08.001, Copyright Compliance Policy

Forms and Tools.

Intellectual Property Disclosure Form, UNT Economic Development and Technology Transfer Website.

Approved: 01/05

Effective: 08/03/2015

Revised: 10/10; 08/03/2015