

<b>The University of North Texas at Dallas Policy Manual</b>	Chapter 08.000
<b>8.001 Intellectual Property Rights Policy</b>	<b>Intellectual Property</b>

**Policy Statement.** The University of North Texas at Dallas (UNT Dallas) recognizes that research, scholarship, and effort on the part of employees and students will result in the creation and use of intellectual property.

In the use of intellectual property, it is the policy of UNT Dallas that all faculty, staff and students respect the rights of ownership of intellectual property by adhering to United States copyright law. In regard to the use of intellectual property protected by copyright, the purpose of this policy is to: (1) provide a general outline of U.S. copyright law as codified in Title 17, U.S. Code; (2) encourage the lawful use of copyright-protected materials; (3) protect UNT Dallas against risk of copyright infringement; and (4) comply with federal legislation such as the TEACH Act and the Digital Millennium Copyright Act.

In regard to the creation of intellectual property by members of the University community, 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 Dallas, 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 Dallas and other parties as appropriate; and (4) to address ownership issues related to intellectual property developed at or on behalf of UNT Dallas.

**Application of Policy.** This policy applies to all UNT Dallas faculty, staff and students.

**Definitions.**

1. Academic period. “Academic period” means one academic term, which can mean a semester or a shorter unit of time during which a complete course is offered.
2. Copyright. “Copyright” is a form of protection provided by the laws of the United States ([17 U.S.C.](#)) to the authors of “original works of authorship,” including literary, dramatic, musical, artistic, and certain other intellectual works.
3. Copyright infringement. “Copyright infringement” means unauthorized use of copyrighted material in a manner that violates the copyright owner’s exclusive rights, as provided by law.

4. Course packet. “Course packet” means a compilation of any photocopied extracts from one or more sources (typically book chapters, journal articles or law reports) designed to support the teaching of a course.
5. Creator. “Creator” means any member of the UNT Dallas faculty or staff, and any other persons employed by UNT Dallas, 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 Dallas or while using UNT Dallas 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.
6. 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 Dallas and that is developed on his or her own time without significant use of UNT Dallas 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 Dallas 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 Dallas Policy.
7. DMCA. “DMCA” means the Digital Millennium Copyright Act.
8. Distance education. “Distance education” means any course offered by UNT Dallas that falls within the parameters of the TEACH Act; this may include distributed learning and/or online courses.
9. Distributed learning. “Distributed learning” means any course at UNT Dallas for which at least 50 percent of the course is conducted through digital transmission, such as the web, internet, videoconferencing, or CD-ROM.
10. Fair Use. “Fair Use” is a limited exception to copyright protection that states that reproduction of a portion of a copyrighted work without the copyright owner’s permission may be allowed under certain circumstances. Fair use is covered in section 107 of copyright law ([17 U.S.C. 107](#)):

17 U.S.C. sec. 107. Limitations on exclusive rights: Fair use.

Notwithstanding the provisions of section 106, the fair use of a copyrighted work, including such use by reproduction in copies or phonorecords or by any other means specified by that section, for purposes such as criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship, research, is not an infringement of copyright. In determining whether the use made of a work in any particular case is a fair use the factors to be considered shall include:

1. The purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes;
2. The nature of the copyrighted work;
3. The amount and substantiality of the portion used in relation to the copyrighted work as a whole; and
4. The effect of the use upon the potential market for or value of the copyrighted work.

11. 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.
12. Intellectual Property Advisory Committee (IPAC). “Intellectual Property Advisory Committee (IPAC)” means a UNT Dallas committee chaired by the Intellectual Property Officer and with three other permanent members drawn from the UNT Dallas staff and faculty, who may have experience in the topical areas of the patent disclosures. The Provost and Vice President for Academic Excellence and Student Success 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.
13. Intellectual Property Officer. “Intellectual Property Officer” means the individual with the responsibility of overseeing and administering the UNT Dallas 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. The Associate Provost for Academic Excellence shall serve as the Intellectual Property Officer.
14. Online course. “Online course” means any course that is conducted at least 50 percent through digital transmission via the Web or Internet.

15. Patent. “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, 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.

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.

16. Patentable intellectual property. “Patentable intellectual property” means intellectual property for which a patent may be obtained.

17. 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 Dallas or the UNT Research Office. 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 Provost and Vice President for Academic Excellence and Student Success.

18. Public domain. “Public domain” describes the body of creative work that is not protected by copyright, and which may be freely used by everyone. The reasons that the work is not protected may include: (1) the term of copyright for the work has expired; (2) the author failed to satisfy statutory formalities to perfect the copyright; or (3) the work is a work of the U.S. Government.

19. 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 Dallas.

20. TEACH Act. “TEACH Act” means [Technology, Education, and Copyright Harmonization Act of 2002, Pub. L. No. 107-273, §13301 \(2002\)](#). TEACH is an update to the copyright law and expands upon the ways copyrighted materials can be used without obtaining permission from the copyright holder in certain circumstances for distance education purposes.
21. University-owned intellectual property. “University-owned intellectual property” means intellectual property owned by UNT Dallas. University-owned intellectual property includes works made for hire that are commissioned by UNT Dallas or that a creator is assigned to create in the course and scope of her/his employment with UNT Dallas; intellectual property created with significant use of UNT Dallas facilities, resources or equipment; intellectual property assigned to UNT Dallas; 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.
22. 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.

## **PROCEDURES AND RESPONSIBILITIES**

**U.S. Copyright Law**. This section provides an overview of the basic principles of U.S. copyright law ([17 U.S.C.](#)). The U.S. Copyright Office, Library of Congress, provides informational brochures on United States copyright law and how it applies to various formats at <http://www.loc.gov/copyright/>. The UNT Libraries: Government Information Connection also provides comprehensive information on U.S. Copyright Law and Legislation at <http://www.library.UNT.edu/govinfo>.

**Copyright Ownership**. A copyright belongs to the author of a work unless the author grants the ownership in writing to someone else, such as the author’s publisher or record company. A work created for an employer as part of one’s job, known as a work for hire, is considered to be authored by the employer in most cases. The law regarding copyright ownership and transfer can be found in Title 17, Chapter 2 of the U.S. Code ([17 U.S.C. ch. 2](#)).

**Types of Works Eligible for Copyright Protection.** The types of works that can be copyrighted include literary, musical, dramatic, choreographic, pictorial, graphic, sculptural, and architectural works; motion pictures and other audiovisual works; sound recordings; and electronic works, including computer chips, software, and some databases.

Lack of a copyright notice on a work does not mean the work is not protected by copyright. A copyright notice is not required under U.S. law. The use of the copyright notice is the responsibility of the copyright owner and does not require advance permission from, or registration with, the Copyright Office.

**Rights of a Copyright Owner.** The owner of a copyright has the exclusive right to reproduce, distribute, perform, display, or derive other works from the copyrighted work, and to authorize others to do so. This right arises the moment a copyrightable work is created and put into tangible form. The rights of the copyright owner exist for a finite period of time, and are subject to certain limitations and exemptions. The exclusive rights of the copyright owner are described in Title 17, Chapter 1 of the U.S. Code ([17 U.S.C. ch. 1](#)).

**Copyright Exclusions and Limitations.** During the term of copyright, federal law allows for a number of exceptions to the copyright owner's "exclusive" rights by specifying that certain uses of copyrighted works, under conditions that are not likely to undermine the copyright holder's economic incentives to create and disseminate such works, are outside the control of the copyright owner.

Limitations and exemptions that pertain to academia include, but are not limited to the following:

[Section 107](#): **Fair Use**, which applies to activities such as quoting a small portion of a book for the purposes of criticism, comment, teaching, or scholarship, or creating a parody of an artwork;

[Section 108](#): **Reproduction by Libraries and Archives**, which applies to such activities as making archival copies, replacing lost or damaged copies, filling patron requests for photocopies, and filling interlibrary loan requests

[Section 109](#): **First Sale Doctrine**, which permits the lending, giving away, or resale of a physical copy of a work (such as a book or CD), providing the legal justification for lending libraries and used book stores; and

[Section 110](#): **Noncommercial Performances and Displays**, which permits certain performances and displays of copyrighted material in a face-to-face classroom, in distance education courses, in churches, restaurants, fairs, and other venues, at charitable functions held by fraternal organizations, and for the benefit of disabled persons. The TEACH Act

updated Section 110 in 2002 and provides an exemption for distance learning courses under specific circumstances.

Copyrightable works may be licensed under a **Creative Commons License**, which allows copyright holders to grant some or all of their rights in their work to the public, while still retaining other rights. If you would like to use work that is licensed under a Creative Commons License, you must check which rights have been granted to the public and ensure that your use stays within the limits of the license.

Responsible Party: All UNT Dallas faculty, staff and students are responsible for knowing the basic principles of U.S. copyright law.

**Compliance with U.S. Copyright Laws.** UNT Dallas faculty, staff, and students are responsible for determining whether the materials they use are copyright protected. If they are not protected, they may use the materials without obtaining permission. If the materials are protected, they must then determine whether there are any applicable exceptions to copyright protection, and if so, to what extent they may use the materials. If no exception applies, permission must be obtained to use the materials, and the way in which the materials can be used may be limited. Specific guidelines for certain types of materials and uses are provided below.

Please note that the majority of this section does not apply to the use of copyrighted materials in Distance Learning classes that are offered in an online, rather than a classroom, environment. For information regarding how to comply with copyright laws while using materials in an online environment, please see the section of this policy entitled “Compliance with the TEACH Act.”

**Use of Written Copyrighted Materials.** Articles, excerpts, chapters, and other creative works used as part of classroom teaching, course materials, scholarly research, or teaching preparation require copyright permission, unless there is an exception to copyright protection, or the work is in the public domain.

The fair use exception may apply to the following uses of copyrighted materials:

**Photocopying Print Materials for Research or Teaching Preparation.** Generally, instructors may make a single copy of any of the following for scholarly research or use in teaching or preparing to teach a class:

- i. A chapter from a book;
- ii. An article from a periodical or newspaper;
- iii. A short story, short essay or short poem, whether or not from a collective work;
- iv. A chart, diagram, graph, drawing, cartoon or picture from a book,

periodical, or newspaper.

Most single-copy photocopying for personal use in research, even when it involves a substantial portion of a work, may constitute fair use.

**Photocopying Print Materials to Distribute in Class.** Primary and secondary school educators, along with publishers, have developed the following guidelines, which allow a teacher to distribute photocopied material to students in a class without the publisher's prior permission, under the following conditions:

- i. The distribution of the same photocopied material does not occur every semester;
- ii. Only one copy is distributed for each student, which must become the student's property;
- iii. The material includes a copyright notice on the first page of the portion of material photocopied;
- iv. The students are not assessed any fee beyond the actual cost of the photocopying.

In addition, the educators agreed that the amount of material distributed should not exceed certain brevity standards, and the photocopying practices of an instructor should not have a significant detrimental impact on the market for the copyrighted work.

**Electronic and Print Course Packets.** Copyright permission for use in course packets is usually granted for one academic period.

#### **USE OF VIDEO, FILM, AND SOUND RECORDINGS AT PUBLIC EVENTS OR IN THE CLASSROOM.**

**Copying.** It is illegal to copy a film, video, or sound recording without the copyright owner's permission.

**Use of Video, Film, and Sound Recordings at Public Events.** Films, videos, and sound recordings may not be shown or played at public events unless licensed for public performance, or in compliance with an exception or limitation on copyright protection.

**Use of Video, Film, and Sound Recordings in the Classroom: Face-to-Face Classroom Teaching Exemption.** Most classroom uses of films, videotapes, and sound recordings are permissible, provided that the showing is by instructors, guest lecturers, or students and is done in connection with face-to-face teaching activities. Use of media is permitted in an educational institution without a public performance license as long as criteria outlined in U.S.C. Title 17, Chapter 1, Section 110 are met:

- i. It must be shown in a non-profit educational institution;
- ii. It must be shown in a classroom or similar place devoted to instruction;



- iii. It must be shown as part of a regularly scheduled course;
- iv. It must be shown as part of the face-to-face classroom teaching activities;
- v. It must be lawfully made;
- vi. It must be directly related to the course content;
- vii. It must be shown only to students enrolled in the course.

**Use of Electronic Databases and Periodicals.** Most of the electronic databases and periodicals in digital format that are made available to the UNT Dallas community through the University Libraries are subject to license agreements with outside vendors, which impose legal restrictions on the use of these resources. Students, faculty, and staff who use these resources must comply with the restrictions applicable to each resource.

**Use of Government Publications.** Works of the U.S. government are generally not protected by copyright in the United States and are automatically in the public domain ([17 USC § 105](#)); however, there are numerous exceptions and refinements to this rule. For a detailed explanation of how copyright law is applied to government publications, see Frequently Asked Questions About Copyright: [3.0 U.S. Government Works](#) and [4.0 Works Created Under a Federal Contract or Grant](#) on the CENDI Web site.

**Use of Photographs and other Visual Materials.** Photographs and other visual materials are generally protected by copyright; however, the fair use exception may apply. Under fair use guidelines no more than 5 images by an artist or photographer may be reproduced or incorporated as part of an educational multimedia project. When using photographs and illustrations from a published collective work, not more than 10% or 15 images, whichever is less, may be reproduced or incorporated as part of an educational multimedia project.

## **USE OF MUSICAL SCORES**

**Multiple Copies of Excerpts.** For academic purposes other than performance, multiple copies of excerpts of works may be made, provided that the excerpts do not comprise a part of the whole that would constitute a performable unit such as a section, movement, or aria. In no case may more than 10% of the whole work be copied. The number of copies may not exceed one copy per student.

**Single Copy of Entire Unit.** For academic purposes other than performance, a single copy may be made of an entire performable unit such as a section, movement, or aria solely for the purpose of scholarly research, or in preparation to teach a class, if the work is:

- i. confirmed by the copyright proprietor to be out of print, or
- ii. unavailable except in a larger work.

**Editing Musical Scores.** Printed copies that have been purchased may be edited or simplified, provided that the fundamental character of the work is not distorted, that the lyrics (if any) are not altered, and that no lyrics are added, if none exist.

**Use of Software.** UNT Dallas addresses compliance with software licensing agreements and the protection of copyrighted software in [UNT Dallas Policy 14.004](#).

**Responsible Party:** All UNT Dallas faculty, staff and students are responsible for complying with U.S. copyright law.

## COMPLIANCE WITH THE TEACH ACT

**The Use of Copyrighted Materials in the Online Environment.** Under the TEACH Act, the materials that may be used in the online environment are substantially similar to the type of materials, as well as the quantity or duration of the materials, that may be used in the classroom environment. Essentially, the TEACH Act allows an instructor to distribute materials online in the quantity and of the character that he or she would otherwise have used during a face to face class. The TEACH Act does not allow instructors to post materials with the intention of supplementing classroom materials with further examples that were not part of the classroom lesson, or for students' individual study outside of class time.

To be in compliance with the TEACH Act, and to lawfully distribute copyrighted materials in the online environment, UNT Dallas must:

- i. Provide notice to students when materials may be subject to copyright protection;
- ii. Limit the transmission of copyrighted materials to enrolled students;
- iii. Prevent stored materials from being accessible to anyone other than enrolled students;
- iv. Prevent the retention of materials by students for periods longer than the "class session;"
- v. Supervise the display or performance of copyrighted materials;
- vi. Ensure that materials used are an integral part of "mediated instructional activities;" and,
- vii. Ensure that materials used are not "typically purchased or acquired by the students" (e.g. textbooks).

**Responsible Party:** All UNT Dallas faculty, staff and students are responsible for complying with the TEACH Act.

**Compliance with the DMCA.** The DMCA, effected in 1998, implements two 1996 World Intellectual Property Organization (WIPO) treaties. It criminalizes production and dissemination of technology, devices, or services that are used to circumvent measures that control access to copyrighted works and criminalizes the act of circumventing an access control, even when there is no infringement of copyright itself. It also heightens the penalties for copyright infringement on the Internet. The most common violation of the DMCA that occurs in the university setting is illegal file sharing, especially of music files. Students and employees of UNT Dallas should be aware that if they violate the DMCA either by illegally sharing copyrighted files, or in any other way, they could face severe penalties.

**Responsible Party.** All UNT Dallas faculty, staff and students are responsible for complying with the DMCA.

**Copyright Infringement.** Anyone who makes unauthorized use of copyrighted material in a manner that violates the copyright owner's exclusive rights (except for the limitations and exemptions described above) is committing copyright infringement and may be subject to civil and criminal penalties as well as disciplinary action by UNT Dallas.

**Responsible Party:** All UNT Dallas faculty, staff and students are responsible for ensuring that they do not infringe on the copyrights.

**Sponsor-Supported and University-Owned Intellectual Property.** UNT Dallas employees and creators will actively participate in the protection of sponsor-supported and university-owned intellectual property. Until notification has been provided to the Associate Provost for Academic Excellence and permission has been granted, UNT Dallas 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 Dallas employees and Creator

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 Associate Provost for Academic Excellence. The Intellectual Property Disclosure Form is available in the Office of the Associate Provost for Academic Excellence. 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

The Provost and Vice President for Academic Excellence and Student Success 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: Provost and Vice President for Academic Excellence and Student Success

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

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 Provost and Vice President for Academic Excellence and Student Success, intellectual property may be released to the creator, but UNT Dallas 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

As requested by the Provost and Vice President for Academic Excellence and Student Success, 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 Dallas any interest in a patent equivalent to the property interest that the Intellectual Property Officer determines to belong to UNT Dallas under this policy.

Responsible Party: Creator

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 Provost and Vice President for Academic Excellence and Student Success in a diligent manner and without expense of any kind to the Creator. If the patent application is discontinued, the Provost and Vice President for Academic Excellence and Student Success shall issue a letter notifying the creator that ownership of all commercial Patent rights revert to the creator(s), however, UNT Dallas 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 Provost and Vice President for Academic Excellence and Student Success

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

Net revenues earned on any patents, trademarks, copyrights related to university-owned intellectual property will be distributed by the Provost and Vice President for Academic Excellence and Student Success as described below after all expenses associated with the particular university-owned intellectual property have been recovered by UNT Dallas and payments have been made to any third party as required under any licensing, commercialization or sponsored research agreement. Net revenues received by UNT Dallas 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 Dallas.

If a creator dies, the creator's share of net revenues will be distributed to the creator's heirs. If a creator leaves UNT Dallas, 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 Dallas.

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 Dallas regarding the university-owned intellectual property.

Responsible Party: Provost and Vice President for Academic Excellence and Student Success

Upon request in writing by the creator, the Provost and Vice President for Academic Excellence and Student Success shall consider an appeal of a determination made under this policy. The Provost and Vice President for Academic Excellence and Student Success 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 Provost and Vice President for Academic Excellence and Student Success, 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: Provost and Vice President for Academic Excellence and Student Success; President

### **References and Cross-references.**

Chapter 08, The Rules of the Board of Regents of the University of North Texas System

### **Forms and Tools.**

*Intellectual Property Disclosure Form* is available in the Office of the Associate Provost for Academic Excellence.

Approved: 4/27/2011

Effective: 4/27/2011

Revised: