

08.100 Intellectual Property Philosophy and Objectives

08.101 Statement of Philosophy and Objectives. The Board recognizes that research, scholarship, and effort on the part of employees and students of the System Administration and the Institutions will result in intellectual property. It is the Board's policy: (1) to encourage the development of intellectual property for the best interest of the public, the creator(s), inventor(s), or author(s) (referred to in these Regents Rules as the "creator"), the System Administration and the Institutions, and the research sponsor; (2) to provide protection of intellectual property through patents, copyrights, and trademarks; (3) to give consideration to patents or commercialization of research in the award of tenure, where appropriate; and (4) to ensure that monetary and other benefits derived from intellectual property are equitably distributed to the creator, the System Administration or Institution, and other parties as appropriate.

08.102 Applicability. Chapter 08 of these Regents Rules regarding intellectual property applies to all persons associated with the System Administration and the Institutions including, but not limited to: employees, including faculty and staff, fellows, interns, and residents, whether paid or unpaid; contractors performing work for hire; and students, both full-time and part-time. Compliance with these Regents Rules as well as applicable System Administration and Institution policies and procedures regarding intellectual property is a condition of employment for anyone employed by the System Administration or the Institutions, and a condition of enrollment or continued enrollment for students.

08.103 Types of Intellectual Property. Chapter 08 of these Regents Rules regarding intellectual property shall apply to all types of intellectual property, including but not limited to invention, discovery, trade secret, technology, scientific or technological development, research data, computer software, and works of authorship regardless of whether

subject to protection under patent, trademark, copyright, or other laws.

08.104 Use of Facilities and Resources. Except as the Chancellor for the System and the System Administration or the President of an Institution or their designee may approve in writing, with an appropriate interest being retained, neither the facilities nor the resources of the System, the System Administration, or an Institution may be used: (1) to create, develop, or commercialize intellectual property outside the area of expertise for which an individual was hired; or (2) to further develop or commercialize intellectual property that has been released to the creator.

08.105 System Administration Intellectual Property Policies. The System Administration shall adopt policies and procedures related to intellectual property in accordance with its needs as determined by the Chancellor.

08.106 Institution Intellectual Property Policies. Each Institution shall adopt policies and procedures for intellectual property administration and commercialization that are consistent with Chapter 08 of these Regents Rules and address:

1. disclosure of scientific and technological developments, including inventions, discoveries, trade secrets, and computer software;
2. institutional review of scientific and technological disclosures, including consideration of ownership and appropriate legal protection;
3. guidelines for licensing scientific and technological developments;
4. clear identification of ownership and licensing responsibilities for each class of intellectual property;
5. royalty participation by the creator and the Institution;
6. equity and management participation on the part of the creator or other institutional employee or employees in business entities that utilize technology created at the Institution; and

7. a procedure the creator may use to appeal decisions related to administration and commercialization of intellectual property, in which the decision of the President of the Institution shall be the final decision.

08.107 Reporting.

1. Disclosures of Intellectual Property. Annually, each President shall provide the Chancellor with a report listing the titles and a brief description of each disclosure received since the last report. The Chancellor shall prepare a similar report for the System Administration. The Chancellor shall provide the reports to the Board.
2. Status of Licensing Agreements. Annually, each President shall provide the Chancellor with a report on the status of any licensing agreements, including the distribution of revenues earned from such agreements. The Chancellor shall prepare a similar report for the System Administration. The Chancellor shall provide the reports to the Board.
3. Equity or Business Interests. Pursuant to Texas Education Code § 51.912 and in accordance with the requirements of Texas Education Code § 51.005, the Board shall file an annual report identifying: (1) all employees who have an equity interest in or serve as employees, officers, or members of the board of directors or other governing board of business entities that have agreements with the System, the System Administration, or an Institution relating to the research, development, licensing, or exploitation of intellectual property when the employees have conceived, created, discovered, invented, or developed the intellectual property; and (2) individuals who, at the request of the System Administration or an Institution, serve as members of the board of directors or other governing board of business entities that have an agreement with the System, the System Administration, or an Institution relating to the research, development, licensing, or exploitation of intellectual property in

which the System, the System Administration, or an Institution has an ownership interest. Each President shall submit the report through the Chancellor to the Board. The Office of the Chancellor will transmit the report to State officials as required in Texas Education Code § 51.005.

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