

08.200 Rights and Obligations

08.201 System Administration or Institution Ownership.

1. Intellectual Property Created in the Course and Scope of Employment or with the Use of Facilities and/or Funds. Unless otherwise stated in System Administration or Institution policies on intellectual property or these Regents Rules, intellectual property made with the use of System Administration or Institution facilities and/or resources or during the course of regularly assigned duties of employees shall become the property of the System Administration for System Administration employees or the Institution for an Institution's employees. Persons subject to this Regents Rule and System Administration or Institution policies on intellectual property shall, upon request, assign all applicable intellectual property to the System Administration or Institution, except for intellectual property that might be owned by third parties pursuant to sponsored research agreements or intellectual property resulting from independent work or approved consulting activities that did not involve the use of System Administration or Institution facilities.
2. Intellectual Property Related to Certain Research Grants. Unless terms of the sponsored grant or contract state otherwise, intellectual property developed in the course of or resulting from research supported by a grant or contract with the federal government or an agency thereof or a non-profit or for-profit governmental entity, shall belong to the System Administration or Institution that obtained the research grant or contract.
3. Works for Hire. The System Administration or an Institution shall have sole ownership of intellectual property created by an independent contractor who

was hired specifically to produce the work or an employee who was assigned to produce the work as part of his or her job duties.

4. Offers of Intellectual Property.
  - a. If an individual chooses to offer the System Administration or an Institution certain intellectual property to which the System Administration or Institution has no claim, the System Administration or Institution may accept ownership to the intellectual property provided that:
    - i. the individual offers the intellectual property to the System Administration or Institution without reserving rights to the property;
    - ii. the individual warrants that he or she owns all right, title, and interest to the intellectual property and that to the best of his or her knowledge the intellectual property does not infringe on any existing copyright or other legal rights; and
    - iii. the individual agrees to all provisions, including the distribution of income provisions, of Chapter 08 of these Regents Rules and applicable policies on intellectual property of the System Administration or Institution.
  - b. Assignment Agreement. If the System Administration or Institution agrees to accept an offer of intellectual property, the individual is required to execute an assignment agreement that meets the requirements of these Regents Rules. The agreement may include terms to allow the individual to recover expenses of protecting the intellectual property from any license or to permit a share of royalty income later generated by the intellectual property.

- c. Charitable Donations. After appropriate due diligence in coordination with the Office of General Counsel, the System Administration or an Institution may accept charitable donations of intellectual property from governmental or private entities.

08.202 Non-System Administration or Non-Institution Ownership.

1. Intellectual Property related to the Creator's Academic or Professional Field. Unless otherwise stated in these Regents Rules or System Administration or Institution policies, the System Administration and the Institutions shall not assert an ownership interest in scholarly or educational materials, artworks, musical compositions, and dramatic or nondramatic literary works related to the creator's academic or professional field. This declination of ownership applies to works authored by an employee or a student.
2. Intellectual Property unrelated to an interest of the System Administration or its Institutions. The System Administration and the Institutions do not own intellectual property unrelated to an individual's employment responsibilities or course of study, developed on his or her own time, without System Administration or Institution support or use of System Administration or Institution facilities or resources.
3. Intellectual Property related to Certain Research Contracts. Intellectual property made with the use of System Administration or Institution facilities and/or resources may be owned by a party other than the System Administration or an Institution when the ownership is governed by the terms of a research contract approved in accordance with these Regents Rules and System Administration or Institution policies and executed by an appropriate representative for the System Administration or Institution.
4. Release of Rights to Intellectual Property. Absent a contractual obligation to a research sponsor, the

System Administration or an Institution may elect to release its rights to intellectual property to the creator or release its rights to a third party for commercialization, with the following provisions:

- a. A perpetual, royalty-free license to use the intellectual property, and any corresponding patents or copyrights, for research, education, or service purposes shall be retained by the System Administration or Institution.
- b. The System Administration or Institution shall receive a share of all proceeds generated from commercialization of the intellectual property after the creator has recovered documented out-of-pocket costs for obtaining legal protection for the invention or copyrightable work, the amount of such share to be negotiated at the time of the release.
- c. If the intellectual property is released to the creator, any other interest which he or she might otherwise be entitled to in regard to the System Administration or Institution's share of proceeds derived from the intellectual property must be explicitly declined.

08.203 Policy Regarding Compensation. When the System Administration or an Institution elects to protect intellectual property in its name, the System Administration or the Institution may award to the creator a reasonable share, as defined by the System Administration's or the Institution's policy, of net proceeds from royalties or other income or value after deduction of the directly assignable costs of patenting, marketing, licensing, and protection of intellectual property rights.

08.204 Obligations to Sponsors. The Chancellor for the System Administration and the President of each Institution shall coordinate reporting requirements and other obligations to research sponsors regarding inventions or economically significant tangible research property developed under a research contract or grant including, but not limited to,

obligations to the U.S. government pursuant to 37 CFR Part 401 with the appropriate System Administration or Institution offices.

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