

POLICY BASIC DETAILS

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POLICY DETAILS

Policy Content

PATENT AND COPYRIGHT POLICY

I. Patent and Copyright Policy

A. Preamble

As a state-supported institution of higher learning, the University of Arkansas has a responsibility for and an interest in the advancement of knowledge and creative work that will enhance its educational mission and promote the economic and social welfare of the public it serves, particularly the people of the State of Arkansas. This responsibility and interest are advanced by engaging in research, the results of which may, on occasion, have commercial applications which are patentable or copyrightable. While Inventions and copyrightable works are not the primary objectives of University Research, when they occur the University has the responsibility of insuring that such Inventions and Works are used and controlled in a manner that benefits the public, the Inventor or Author and the University to the fullest extent possible.

To achieve this purpose, the University adopts this policy to meet the following objectives:

1. Assist the faculty, students, and staff in matters related to Inventions, patents, and copyrights and provide an environment that will encourage the disclosure and development of meaningful Inventions and Works;
2. Obtain the proper benefits for Inventors and Authors and for the University from commercial applications of University Research and apply funds accruing to the University from these applications to the support of research and other scholarly activities at the University;
3. Encourage and facilitate collaborations with sponsors of University Research by appropriately allocating the rights to Inventions and Works which result from Sponsored Research consistent with federal laws; and
4. Determine the rights and interests of all parties in University Research and Sponsored Research according to established, uniform procedures.

B. Definitions

The following definitions are employed in interpreting and implementing this policy:

1. "University" means the University of Arkansas and any entity or activity under the authority of the Board of Trustees of the University of Arkansas.
2. "University Research" means any research or development activity which is directly related to the duties and responsibilities or the field of work for which a person has been compensated by or through the University or for which facilities owned, operated, or controlled by the University are used.

3. "Sponsored Research" means University Research for which the University has received external support. (For purposes of this policy, external support includes funds received by the University as part of a lease agreement.)
4. "Invention" refers to any material capable of legal protection arising out of University Research and includes any discovery, invention, process, know-how, trade secret, design, model, computer software (if patentable), strain, variety, or culture of an organism, or portion, modification, translation, or extension of these items but excludes Works as defined hereinafter which are not patentable. It includes marks used in connection with these. (The term "mark" refers to trademarks, service marks, collective marks, and certification marks.) It also includes tangible research property, i.e., tangible items produced in the course of research such as, but not limited to, e.g., biological materials, engineering drawings, integrated circuit chips, computer databases, prototype devices, circuit diagrams, and equipment. (Items of tangible research property may be associated with one or more intangible properties such as patents, copyrights, and trademarks.)
5. "Inventor" means a person who creates, develops or discovers an Invention and includes the definition of "inventor" used in United States Patent Law.
6. "Work" means an original work of authorship arising out of University Research which is protectable by copyright. It includes books, journals, software, computer programs, musical works, dramatic works, videos, multimedia products, sound recordings, pictorial and graphical works and other similar works.
7. "Author" means a person who develops or creates a Work and includes the definition of "author" used in the United States Copyright Act. The University may also be an Author under certain circumstances such as when a Work constitutes a "University Work."

C. Statement of Policy

1. It shall be the policy of the University that ownership of all Inventions created by any person or persons to whom this policy is applicable shall reside in the University. This policy is established in furtherance of the commitment of the University to the widest possible distribution of the benefits of University Research, the protection of Inventions resulting from such research, and the development of Inventions for the public good.
2. Inventors may obtain rights in Inventions which the University has chosen not to claim under this policy or pledged to a third party as a result of a grant, contract, cooperative agreement, or other Sponsored Research agreement.
3. Rights to Works shall be determined according to the provisions of this policy which apply to copyrights.

D. Applicability of Policy

1. This policy shall apply to all persons employed, compensated or appointed by the University and to anyone using facilities owned, operated, or controlled by the University, including, but not limited to, full or part-time faculty, staff, and students. However, undergraduate students are excluded from the application of the policy unless they are paid by or through the University or participate in Sponsored Research. This policy shall also apply to all Inventions and Works financed, in whole or in part, from funds under the control of the University.
2. Employees engaged in external consulting work or business are responsible for ensuring that agreements emanating from such work are not in conflict with this policy or with contractual commitments of the University. Such employees should provide affirmative notice to the other parties to such agreements, informing them of the obligations of the employees to the University and the possible applicability of this policy to such agreements.

E. Obligations of Inventors and Waiver and Notice Rights

1. Disclosure. All persons to whom this policy is applicable shall furnish to the University a full and complete disclosure of any Invention promptly after it is created or conceived or first reduced to practice. Such persons shall cooperate in a timely and professional manner with the University or with patent or other counsel in protecting Inventions and perform all acts necessary for the University to fulfill its obligations under University Research, including the execution of confirmatory assignments. The University may require technical advice and assistance from Inventors in the development and licensing of their Inventions.

F. Distribution of Revenues

1. In consideration of the disclosure and assignment of Inventions other than those made in a Plant

Breeding Program, the Inventor, or the Inventor's heirs, successors, or assigns shall receive fifty percent (50%) of the first two hundred thousand dollars (\$200,000) of Net Revenues from the commercialization of an Invention. The remaining fifty percent (50%) shall be distributed to the University in the following manner: forty-five percent (45%) to the chief executive officer of the Inventor's campus or division for distribution within the campus or division for patent administration and research purposes; and five percent (5%) to a fund

to be managed and distributed by the University for patent administration and research purposes. Any Net Revenues above \$200,000 shall be distributed as follows:

- (a) thirty-five percent (35%) to the Inventor or the Inventor's heirs, successors, or assigns
 - (b) sixty percent (60%) to the chief executive officer of the Inventor's campus or division for distribution within the campus or division for patent administration and research purposes; and
 - (c) five percent (5%) to a fund to be managed and distributed by the University for patent administration and research purposes. If there are joint Inventors, Net Revenues shall be distributed equally among them absent a mutual agreement to the contrary.
2. In consideration of the disclosure and assignment of Inventions made in a Plant Breeding Program, the Inventor, or the Inventor's heirs, successors, or assigns shall receive thirty-five percent (35%) of the first two hundred thousand dollars (\$200,000) of Net Revenues