

1. Title

Rules for Intellectual Property: Purpose, Scope, Authority

2. Rule and Regulation

- Sec. 1 Purpose. To balance the interests of the many contributors to the substantial creation of intellectual property at and by U. T. System, the Board of Regents promulgates these rules on intellectual property with the purpose to (a) provide certainty in research pursuits and technology-based relationships with third parties; (b) create an optimal environment for research, development, and commercialization opportunities with private industry; and (c) encourage the timely and efficient protection and management of intellectual property.
- Sec. 2 Individuals Subject to this Policy. This intellectual property policy applies (a) to all persons employed by the U. T. System or any of its institutions including, but not limited to, full and part-time faculty and staff and visiting faculty members and researchers, and (b) to anyone using the facilities or resources of the U. T. System or any of its institutions, including, but not limited to, students enrolled at a U. T. System institution whether undergraduate or master's and doctoral degrees, and postdoctoral and predoctoral fellows. All individuals subject to this policy must assign their rights in intellectual property included under this policy (see Section 3 below) in accordance with the provisions of [Series 90102](#).
- Sec. 3 Intellectual Property Included. Except as set forth in Sections 4 and 5 below and [Series 90102](#) of the Regents' *Rules and Regulations*, this policy applies to all types of intellectual property, including, but not limited to, any invention, discovery, creation, know-how, trade secret, technology, scientific or technological development, research data, works of authorship, and computer software regardless of whether subject to protection under patent, trademark, copyright, or other laws.
- Sec. 4 Interest in Certain Copyrights. Notwithstanding Section 3 above, the Board of Regents will not assert its interest in the copyright of scholarly or educational materials, artworks, musical compositions, and literary works related to the author's academic or professional field, regardless of the medium of expression. This applies to works authored by students, professionals, faculty, and non-faculty researchers. The Board

of Regents encourages these creators to manage their copyrights in accordance with the guidelines concerning management and marketing of copyrighted works (<http://www.utsystem.edu/ogc/intellectualproperty/COPYMGT.HTM>) consistent with applicable institutional policies.

- Sec. 5 Copyright Interest in Certain Software. The Board of Regents asserts ownership in software; however, copyrights in original software that is content covered by Section 4 above or that is integral to the presentation of such content shall be owned by the creator in accordance with Section 4 above.
- Sec. 6 Works for Hire and Institutional Projects. Notwithstanding the provisions of Sections 4 and 5 above, the Board of Regents shall have sole ownership of all intellectual property created by (a) an employee, student, or other individual commissioned, required, or hired specifically to produce such intellectual property by the U. T. System or any of its institutions and (b) an employee or student as part of an institutional project. Except as may be provided otherwise in a written agreement approved by the institution or U. T. System, the provisions of the Regents' *Rules and Regulations*, [Series 90102](#), Number 2, Section 2.5 relating to division of royalties shall not apply to intellectual property owned solely by the Board of Regents pursuant to this Section.
- Sec. 7 Role of Creator. Any person subject to this policy who creates intellectual property (other than a work for hire under Section 6 above or on government or other sponsored research projects where the grant agreements provide otherwise), may give reasonable input on commercialization of inventions; provided however, that the president(s) of the applicable institution(s), or his or her designee(s), in his or her sole discretion, will make final decisions, including determinations under Section 5 above, whether and how to develop and commercialize an invention.
- Sec. 8 Use of Facilities and Resources. Neither the facilities nor the resources of the U. T. System or any of its institutions may be used (a) to create, develop, or commercialize intellectual property outside the course and scope of employment of the individual (see Regents' *Rules and Regulations*, [Series 90102](#), Number 2, Section 1) or (b) to further develop or commercialize intellectual properties that have been released to an inventor (see Regents' *Rules and Regulations*, [Series 90102](#), Number 2, Sections 2.2 and 2.3) except as the institution's president may

approve where the U. T. System retains an interest under the terms of the release.

Sec. 9 Use of Research Data. Research data or results created by an employee are owned by the Board of Regents and, except to the extent that rights to such research data have not been contractually assigned or licensed to another, the creator shall have a nonexclusive license to use such data for nonprofit educational, research, and scholarly purposes within the scope of the employee's employment, subject to adherence to other provisions of this policy.

3. Definitions

None

4. Relevant Federal and State Statutes

None

5. Relevant System Policies, Procedures, and Forms

Regents' *Rules and Regulations*, [Series 90102](#) – Intellectual Property Rights and Obligations

Regents' *Rules and Regulations*, [Series 90103](#) – Equity Interests

Regents' *Rules and Regulations*, [Series 90104](#) – Business Participation and Reporting

Regents' *Rules and Regulations*, [Series 90105](#) – Execution of Legal Documents Related to Intellectual Property

Regents' *Rules and Regulations*, [Series 90106](#) – Income from Intellectual Property

6. Who Should Know

Administrators
Faculty
Staff
Students

7. System Administration Office(s) Responsible for Rule

Office of General Counsel

8. Dates Approved or Amended

February 8, 2007

9. Contact Information

Questions or comments regarding this rule should be directed to:

- bor@utsystem.edu