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Policy 5J: Intellectual Property Policy on Discoveries and Patents for their Protection and Commercialization ^[1]

Source: Regent Action 5/19/83, 6/20/85, 4/21/94, 1/16/03, 3/2/06

Objectives

This policy of the University of Colorado has been established to accomplish the following objectives:

- To encourage the faculty and staff employees of the University to make all discoveries available for public use and benefit as efficiently and quickly as possible;
- To protect the University's primary role of teaching and research by regulating the involvement of the University, its faculty, staff employees, and all collaborators in the development of discoveries;
- To protect the potential equities of the University, its faculty and staff employees in discoveries; and
- To advance and encourage research within the University by providing a method of using royalty income from discoveries for research purposes.

Definitions

- The term "discovery" or "discoveries," as used in this policy, shall mean any inventive idea and/or its reduction to practice which relates to: new processes or methods of producing a new and useful industrial result; any composition of matter, including chemical and biological compounds; any new devices; any new plant; any new design in connection with the production or manufacture of an article, any new computer hardware and/or software programs; any knowledge supporting these inventive ideas, systems, devices, compositions, programs or processes; and any new use or improvement of existing systems, devices, compositions, programs or processes.
- The term "discoverer" or "discoverers" shall refer to any individual or group of individuals responsible for a discovery.
- The term "included persons" shall refer to all faculty members and other employees (including students on appointment as University employees).
- The term "collaborator" or "collaborators" shall refer to any person or persons who participate with an included person on a discovery.
- The term "substantial use of University resources" means use of University funds,

programs, equipment, space or other physical assets that goes above and beyond those customarily and currently provided to included persons.

- The term "discoveries in which the University has an interest" shall include discoveries made while performing duties required by a university grant or contract, and/or made with the substantial use of University resources, and/or made as a result of the use of sponsored program funds supplied or administered by the University, and/or made in fulfillment of an included person's work responsibilities.

Scope of Policy

- This policy shall apply to all included persons of the University.
- This policy shall apply to any other persons using University facilities.
- This policy shall apply to any person not in an above-mentioned category who collaborates with included persons in a discovery.
- Should the terms of a University approved third-party grant or contract, including consultation agreements approved by the University, be in conflict with the terms of this policy, the terms of the approved third-party grant or contract shall control.

Responsibilities of Participating Parties

Every included person, as a condition of employment, or of his/her education, and every user of University facilities shall comply with this policy and hereby agrees as follows:

- To inform all collaborators of the terms and conditions of this policy;
- To report to the Technology Transfer Office, in writing, all discoveries in order for the Technology Transfer Office to determine whether or not the University has an interest in the invention. Such report shall be made within a reasonable time after the discovery is made and within reasonable time prior to its submission for publication;
- To cooperate with the Technology Transfer Office in deliberations and activities, as provided herein;
- To assign to the University, its designee, or a sponsoring agency if required under agreements governing research, any and all rights in and to discoveries in which the University has an interest, as determined by the terms of this policy;
- To execute all documents necessary to complete a patent, license, or other commercial application, and all documents necessary to accomplish a licensing agreement or other agreement for commercial development; and
- To cooperate reasonably with the Technology Transfer Office in obtaining, protecting, and maintaining rights necessary to the commercial development of discoveries in which the University has an interest. It will be the responsibility of the University to disseminate the policy to all included persons and to all other users of University facilities. However, the failure of the University to do so shall, in no way, affect the rights and obligations of the University or of included persons under the terms of this policy.

Committee on University Discoveries

The Committee on University Discoveries (CUD) is made up of faculty and staff of the University. The CUD shall advise the Principal Technology Transfer Officer on matters related to this policy and shall serve as the appeals board. The CUD shall also provide such other technical advice and expertise as the Technology Transfer Office or its designee, or the University, may request, or as initiated by the CUD itself.

Principal Technology Transfer Officer

The University shall employ and appoint a member of its staff to serve as the Principal Technology Transfer Officer to perform such duties and responsibilities, as it shall prescribe.

Division of Receipts

The Technology Transfer Office agrees to share and distribute net receipts received from the commercialization of any discovery developed under the terms of an agreement as follows:

- 25 percent to discoverer(s) personally;
- 25 percent to a University campus account for support of discoverer's(s') research;
- 25 percent to an account for the benefit of the University; and
- 25 percent to the Campus Chancellor, which will be directed to research with technology transfer potential and distributed on a percentage basis as determined at each individual campus.

The Campus Chancellors' Offices will make information regarding this distribution readily available. Net receipts for each discovery shall be defined as all sums received by the Technology Transfer Office from the development and commercial exploitation of the discovery after first deducting all unreimbursed legal expenses incurred by the Technology Transfer Office in securing the intellectual property protection of that particular discovery or bundle of discoveries if licensed as a group. The above distribution schedule shall not apply when it is in conflict with the terms and conditions of an approved third-party grant or contract with the University. In such case, the terms of the approved third-party grant or contract will control. In the event that a discoverer is no longer employed by the University, the 25 percent designated to his/her research account shall be divided 10% to an account for the benefit of the University and 15% to the Campus Chancellor, which will be distributed in a manner identical to the Campus Chancellor share mentioned above.

Last Amended: March 2, 2006

History:

05/19/83, 06/20/85, 04/21/94, 01/16/03

Source URL: <http://www.cu.edu/regents/policy-5j-intellectual-property-policy-discoveries-and-patents-their-protection-and>

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