



TECHNOLOGY TRANSFER OFFICE

UNIVERSITY OF COLORADO

BULLETIN

> Regent and Administrative Intellectual Property Policies on Discoveries and Patents

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CU Intellectual Property Policy on Discoveries and Patents

The [CU Intellectual Property \(IP\) Policy](#) was created by Regent action in 1983 and revised three times since, most recently in January 2003. Regent policy addresses higher order issues and Administrative policy addresses operational matters related to the execution of Regent policy. Today, CU researchers and inventors work in a policy environment similar to that of all major US research universities.

The Regent IP policy applies to all CU employees. In addition, it applies to persons collaborating with CU employees, and those engaged in substantial use of CU facilities. All persons included under this Regent IP policy are responsible for: informing collaborators of the policy, reporting discoveries to the Technology Transfer Office (TTO), assigning rights to discoveries to CU, cooperating with the TTO in obtaining, protecting, and maintaining the necessary rights for commercial development of discoveries.

No Administrative Policy Statement (APS) on Discoveries and Patents existed prior to 2003, which meant ambiguity permeated the policy environment. Today, CU's IP policy environment is not subject to interpretation — the APS clearly defines the relationships and roles of employees and the CU TTO with regard to inventions and their licensing to industry.

Scope

The CU IP on Discoveries and Patents policy is applicable to all employees of the University, including those receiving salaries, scholarships, fellowships or other remuneration from CU, part-time employees, student employees, employees on sabbatical who receive remuneration from CU and employees on leave of absence who make substantial use of CU facilities. Individuals substantially using CU facilities are also bound by this policy. Essentially, the presumption of IP ownership lies with the University. Covered IP includes any inventive idea (compound, device or process) or its reduction to practice, including know-how, and copyrightable works pertaining to the invention. The IP policy on Discoveries and Patents does not apply to ownership and copyright of scholarly and artistic works, rather those issues are governed by the Intellectual Property Policy on Educational Materials, and in such educational works, the presumption of ownership lies with the creator or author.

Responsibilities of Discoverers

Researchers should disclose all discoveries and cooperate with the TTO in all matters, including technical, marketing, patenting, and licensing. All sponsorship of research leading to discoveries must be acknowledged. Discoverers must provide address and account information to which net royalties may be delivered.

Responsibilities of the University

The CU IP policy is administered by the Vice President for Academic Affairs and Research. Only the VPAAR and those with delegated authority may execute this policy in the name of the University, including actions that bind CU in any IP agreement. Upon disclosure of a discovery, the TTO determines whether CU, the federal government, or other sponsoring entity has rights to the discovery, and provides for compliance with any conditions due such rights.

Basic Tenets of Regent Patent Policy

- ♦ CU owns IP created by its employees
- ♦ Narrow circumstances create a few exemptions
- ♦ Cooperation between inventors and technology transfer is necessary for success
- ♦ Faculty oversight committee created
- ♦ Division of royalty revenue income stipulated

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Responsibilities of the University, cont.

Proper and complete inventorship is investigated and determined. In cooperation with the inventors, the commercial potential of the discovery is assessed and the discovery is marketed to potential licensees. If it is probable that the invention can be commercialized for the public benefit, then a patent application will be filed and prosecuted. The TTO will endeavor to make a preliminary patenting decision within four months of invention disclosure. Should the TTO decide not to protect or market the discovery, it will be offered for release to the discoverers.

Committee on University Discoveries

Nine University employee members will provide review, oversight and appeal functions relative to the policy and its administration by the TTO.

Tangible Research Property

Agreements specifying the rights and obligations associated with the transfer of research materials shall be executed by the TTO. Remuneration up to \$5,000 is allowed to cover costs associated with delivery of materials through an MTA. Transfer involving remuneration in excess of \$5,000 will be treated as a license and remuneration will be considered royalty income.

Consulting

Consulting activities may not conflict with the Discoveries and Patents IP policy. Before an employee engages in consulting activities, this IP policy should be made clear to those outside entities. The TTO will assist CU employees and university officials in reviewing and revising consulting agreements to bring them into compliance with CU IP policy. Except with explicit authorization, consulting activity shall not diminish CU IP rights. Distinction is made between discovery oriented and evaluation oriented IP, the latter of which is not claimed as CU IP. Consulting work in a field related to the investigator's university research requires disclosure to TTO of all discoveries.

Distribution of net receipts

As of January 16, 2003, the Discoveries and Patents IP policy directs net royalties to be divided as follows: 25% to discoverer(s), 25% to discoverer(s) lab, 25% to CU, and 25% to discoverer(s) Campus. The Campus share will be divided between units based on a formula specific to each campus. Distribution of inventor's share of royalties continues beyond employment with CU, and is directed to the estate of deceased inventors. Upon discontinuation of active research, the 25% discoverer's lab share is divided 10% to the University and 15% to the Campus per the Campus distribution formula. Royalty distribution based on inventions disclosed previous to January 16, 2003 will be the same as above except, the 25% share to the Campus is directed to the inventor's department (a grandfather clause relative to previous policy).

Special circumstances

CU will make no ownership claim to discoveries made without significant use of CU facilities and the discovery is not related to the employee's university research or field of expertise. However CU may claim ownership rights in the above cases if CU otherwise owns the discovery.

Software

All software shall be disclosed to the TTO on a special Software Disclosure Form. Software may be patented and licensed, or copyright-registered and licensed. Alternatively, software can be distributed via an Open Source License. The TTO will use its best efforts to determine, within five days, the appropriate means for conveyance or return its rights in the software to the employee.

To learn more about TTO processes: <http://www.cu.edu/techtransfer/about/bulletins.html>

To download disclosure forms: <http://www.cu.edu/techtransfer/disclose/>

For more info or to submit a disclosure, email ttocontact@cu.edu

www.cu.edu/techtransfer