


<p>Name of Policy: Patent policy.</p> <p>Policy Number: 3364-70-04</p> <p>Approving Officer: President</p> <p>Responsible Agent: Vice President for Research Development</p> <p>Scope: all University of Toledo campuses</p>	 <p>Original effective date: May 28, 2009</p>
<p><input type="checkbox"/> New policy proposal</p> <p><input type="checkbox"/> Major revision of existing policy</p>	<p><input checked="" type="checkbox"/> Minor/technical revision of existing policy</p> <p><input type="checkbox"/> Reaffirmation of existing policy</p>

(A) Policy statement

Consistent with Ohio law, it is the policy of the university to treat all individuals—faculty, staff and students—equally with respect to their rights as inventors of discoveries, inventions, or patents.

(B) Purpose of policy

Provide a guideline for the ownership and disposition of any discoveries, inventions, or patents that results from research, investigation or work conducted on university property or by university faculty, staff or students.

(C) Procedure

Any rights in discoveries, inventions or patents shall be governed by the following regulations.

Pursuant to section 3345.14 of the Ohio Revised Code, all rights to and interests in discoveries, inventions, or patents, which result from any research, investigation or work conducted in any laboratory or facility of The University of Toledo (hereinafter "UT") or by a University of Toledo faculty, staff member, or student (collectively "UT Personnel") acting within the scope of their employment or with funding, equipment, or infrastructure provided by or through UT, shall be the sole property of UT, its successors and assigns. Assignments or waivers of such rights, titles and interests may be made to external sponsoring agencies or others, as provided in subsequent clauses of this policy.

Promptly after the conception and/or making of an invention or discovery, UT Personnel must complete and submit an invention disclosure and any necessary supplemental information to UT's office of research development. The disclosure shall contain sufficient information for the office of research development to make an informed judgment regarding the patentability and commercialization potential of the invention or discovery and to allow the patent committee to make an informed recommendation regarding the desirability for UT to retain rights in the invention or discovery. All information, which may reasonably be related to an invention or discovery or patentable invention, shall be treated as confidential information by UT personnel.

UT may, alone or with the assistance of an external organization(s), make application for patents on any such inventions or discoveries selected by UT for patenting. UT personnel shall, whenever requested by UT, make, sign, execute and deliver all applications, assignments and other papers which shall, in the opinion of UT or its legal or patent counsel, be deemed necessary, proper or desirable for obtaining letters patent of the United States and any other countries, and for transferring all such discoveries, inventions, improvements, patentable ideas, methods, processes, trade secrets and letters patent and applications therefore to UT, its successors and assigns. Additionally, UT personnel shall cooperate with and assist the office of research development with its efforts to evaluate, market, and license the invention or patent.

The president of UT may appoint another administrative official as his/her designee for the management of UT patents and other intellectual property. Unless otherwise specified by the president, his/her designee shall be the vice president for research development. The vice president for research development shall appoint one or more committee(s) (the "Patent Committee") consisting of the faculty, administrative staff, and any other members with expertise deemed desirable for evaluating UT intellectual property. The patent committee will:

Advise whether the discovery or invention, which is the property of UT, has sufficient value or is of a sufficient interest to UT to warrant its retention; or, whether the same should be relinquished to the agency, which sponsored the research leading to the invention or discovery, if required by said agency policies; or to UT inventors; or, shall be otherwise dealt with.

Advise whether to pursue patent protection and development of a discovery or invention, which is the property of UT.

The president of UT or the vice president for research development is hereby empowered and authorized to act on or reject the patent committee's determinations, and to sell, assign, convey, or grant any such discoveries and inventions or any rights or shares in such discoveries and inventions, including patent rights, to such persons, firms or governmental agencies for such consideration or upon such terms and conditions, including dedication to the public, as shall be deemed by him/her to be in the proper and best interest of UT.

The president of UT or the vice president for research development is authorized by the board of trustees to make arrangements with external sponsors of research to obtain research funding from such sponsors. Such arrangements may include, but are not limited to, assigning all rights to inventions or discoveries to the sponsor, or granting an exclusive or nonexclusive license to the sponsor with or without royalties to be returned to UT. Any such agreement must be in writing and signed by an authorized officer or agent of UT. Such agreements will be in consultation with the inventor(s); however, UT retains the final decision.

The net income from any invention or discovery will be shared between UT and the inventor(s). Forty percent (40%) of the net income will belong to the inventor(s) or the heirs and the legatees of the inventor(s). The remaining sixty percent (60%) of the net income will be the property of UT and will be distributed in accordance with the following schedule.

<u>Distribution Schedule</u>			
Inventor(s) Research Account	Inventor(s) College	Inventor(s) Department	Research Development Tech Fund
10%	5%	5%	40%
Shall be used solely to support the Inventor's ongoing University research.	Shall be used by the Dean(s) of the College(s) in which the Inventor(s) has (have) primary appointment	Shall be used for departmental purposes by the Chair(s) of the Department(s) in which the Inventor(s) has (have) primary appointment	Will accrue to the University and be used as a gap fund that can be utilized by the Office of Research Development

Net income from any invention, discovery or patent shall be earnings received by UT from the invention or discovery after payment of all costs incurred by UT in connection with the invention or discovery. Such costs shall include, but not be limited to, the cost of pursuing patent protection, developing the invention, any investment in the invention, marketing the invention and/or licensing the invention. If there is a plurality of joint inventors, that part of the net income accruing to the inventors will be distributed on a pro-rata basis, unless another percentage disbursement of the inventor's share is specifically requested in writing by the inventors.

<p>Approved by:</p> <p><u>/s/ laj</u> Lloyd A. Jacobs, M.D. President</p> <p><u>May 28, 2009</u> Date</p> <p><i>Review/Revision Completed by: Vice President for Research Development Director, Technology Licensing and Contracts Research Council</i></p>	<p>Policies Superseded by This Policy:</p> <ul style="list-style-type: none"> • <i>I-2-9 Patents and Copyrights (former Main Campus policy, adopted 2/10/99)</i> • <i>III-2-VI Intellectual Property (former Main Campus policy, adopted 2/10/99)</i> • <i>03-003 Patent Policy and Regulations (former Main Campus policy, revision date 9/1/03)</i> <p>Initial effective date: May 28, 2009</p> <p>Review/Revision Date:</p> <p>Next review date: May 28, 2012</p>
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