


<p>Name of Policy: Patent Policy</p> <p>Policy Number: 3364-70-04</p> <p>Approving Officer: President</p> <p>Responsible Agent: Technology Transfer Representative</p> <p>Scope: all campuses</p>	 <p>Revision date: September 23, 2011</p> <p>Original Effective date: June 1, 2009</p>				
<table border="0"> <tr> <td><input type="checkbox"/> New policy proposal</td> <td><input checked="" type="checkbox"/> Minor/technical revision of existing policy</td> </tr> <tr> <td><input type="checkbox"/> Major revision of existing policy</td> <td><input type="checkbox"/> Reaffirmation of existing policy</td> </tr> </table>		<input type="checkbox"/> New policy proposal	<input checked="" type="checkbox"/> Minor/technical revision of existing policy	<input type="checkbox"/> Major revision of existing policy	<input type="checkbox"/> Reaffirmation of existing policy
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(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. UT Personnel shall and do hereby assign such rights, titles and interests to The University of Toledo. 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 technology transfer group. The disclosure shall contain sufficient information for the technology transfer group 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 technology transfer group 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 Associate Vice President for Technology Transfer (or similar position such as a executive or senior director) . The Associate Vice President for Technology Transfer (or similar position such as a executive or senior director) 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 Associate Vice President for Technology Transfer (or similar position such as a executive or senior director) 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 Associate Vice President for Technology Transfer (or similar position such as a executive or senior director) 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 signatory of UT. Such agreements will be in consultation with the inventor(s); however, UT retains the final decision.

Employees of UT are not permitted to sign agreements, which assign or license intellectual property to a third party. Should any employee execute such an agreement, this policy will take precedence and UT will not honor the agreement.

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 Technology Transfer Group

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>September 23, 2011</u> Date</p> <p><i>Review/Revision Completed by:</i> <i>Associate Vice President for Technology Transfer</i> <i>Associate General Counsel and Director, Technology Licensing</i> <i>Research Council</i></p>	<p>Policies Superseded by This Policy:</p> <ul style="list-style-type: none"> • <i>Previous 3364-70-04 effective date February 11, 2011</i> <p>Initial effective date: 6/1/2009 Review/Revision Dates: February 11, 2011; September 23, 2011 Next review date: September 23, 2014</p>
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