

APPENDIX D.
PATENT AND COPYRIGHT POLICY
The Texas State University System

1. COPYRIGHT POLICY.

- 1.1 PURPOSE AND SCOPE. The purpose of The Texas State University System copyright policy is to outline the respective rights which a component university and members of the system shall have in the intellectual property created by its faculty, staff, and students.

action that limits the institution's right to use the instructional materials and shall provide written notice on the courseware itself of the institution's right of use.

1.3.7 Copyright of mediated courseware developed at the specific direction or with the significant use of funds, space, equipment, or facilities of a component institution shall not be used without its written consent. The institution shall have the right to modify the courseware and decide who will utilize it in instruction. The institution may specifically agree to share revenues and control rights with the employee.

1.3.8 Definitions.

1.3.8.1 For purposes of this policy, the provision of office or library facilities alone shall not be construed as constituting a significant use of funds, space, equipment, or facilities, unless they were provided specifically to support the development of the material in question.

1.3.8.2 Mediated courseware, includes but is not necessarily limited to, instructional materials delivered over the Internet, synchronous or asynchronous video or audio courses, components of courses, or instructional support materials.

1.4 DISTRIBUTION OF COPYRIGHT ROYALTIES.

1.4.1 Creators of copyrightable material not owned by a component university, or to which a component university has relinquished any ownership claim, own the copyrights in their works and are free to publish them, register^{23.2(f)} Gehth f

university under the terms of the funding agreement and this policy.

- 1.5 REVISION OF MATERIALS. Materials owned by a component university under the terms of this policy shall not be altered or revised without providing the author a reasonable opportunity to assume the responsibility for the revision. If the author declines the opportunity to revise such material, the assignment of responsibility for the revision will be made by the President.
- 1.6 WITHDRAWAL OF MATERIALS. Materials owned by a component university shall be

- right freely to publish the results of its research after a reasonable period necessary to protect the rights of the parties and to allow for the filing of a patent application.
- 2.8 UNIVERSITY PATENT COMMITTEE. The President of each component university shall appoint a University Patent Committee, consisting of no less than three members, one of whom shall be designated by the President to serve as chairman of the Committee. Such Committee shall perform the duties delineated in this policy and such other duties as may be assigned to it by the President.
- 2.9 DUTY TO DISCLOSE DISCOVERIES AND INVENTIONS. All individuals covered by this policy have a duty to disclose in writing their inventions and discoveries promptly to the pertinent University Patent Committee.
- 2.9.1 The duty to disclose arises as soon as the individual has reason to believe, based on his or her own knowledge or upon information supplied by others, that the invention or discovery may be patentable.
- 2.9.2 Certainty about patentability is not required before a disclosure should be made.
- 2.9.3 Individuals shall execute such declarations, assignments, or other documents as may be necessary in the course of invention evaluation, patent prosecution, or protection of patent rights, to insure that title in such inventions shall be held by the component university, where this policy indicates the University shall hold title, or by such other parties as may be appropriate under the circumstances.
- 2.10 REVIEW BY PATENT COMMITTEE. The University Patent Committee, after receiving disclosure of an invention, shall forward a recommendation to the University President concerning such discovery. Such recommendation shall include: (1) the committee's opinion whether the University has an ownership interest in the invention in question, or whether such invention was one developed on personal time and without use of University facilities, and (2) whether and how the University should assert and exploit its ownership

