

## **A Brief Description of Key Points in the University's Intellectual Property Policy**

The University's Intellectual Property Policy (Doc. T96-040) is a fourteen-page document which should be read carefully by any graduate student who expects to be involved in research which could have commercial implications. There are three sections of the policy which are particularly important – Section III.B, Section III.C and Section III.G.

The first of these sections discusses the ownership of intellectual property. Basically, this section states that if you are employed by the University or make extensive use of University resources, then intellectual property developed by you through that employment or usage is owned by the University. However, you, along with any co-inventors, have rights to some of the benefits which may arise if the University commercializes the intellectual property, as will be explained shortly. Students will generally own the copyright of the text of their theses, although the University will have a royalty-free license to reproduce and publish the work.

Section III.C discusses the administrative procedures associated with inventions and copyrightable works. The University requests that if a student has made a patentable invention or created a copyrightable work he or she (along with any co-inventors) disclose this to the University so it can be protected by patent or copyright. If the inventors do not wish to protect the intellectual property in question they are, of course, free to publish it, but this will dramatically reduce the probability that the work will ever lead to a useful product or service.

Section III.C also discusses how the University evaluates the disclosure to determine whether or not the University wishes to protect the work in question. Under some circumstances the University may determine that you rather than the University are the owner of the work, and under some circumstances the University may decide that it does not want to bear the expense of protecting the work. You may then, if you wish, go through a simple process to have the work released to you and the other inventors (if any) as a group. In case of disagreement, there is an appeals process.

As mentioned above, you and your co-inventors have an interest in the proceeds which result from the commercialization of your intellectual property. This is discussed in Section III.G. Basically, 30% of non-equity income will be distributed to the inventors, with the sharing of this 30% to be agreed upon by the inventors in advance. If the University accepts equity in a company which is commercializing the intellectual property, the inventors may either elect to receive 30% of the University's equity or may negotiate directly with the company for equity, but not both.

There are other sections which discuss tangible research materials, confidentiality, appeals and so forth. As mentioned above, students with a serious interest in intellectual property matters should read the full policy carefully, since in signing the participation agreement you are agreeing to be bound by the actual policy, not merely by this brief summary of the policy's main features.

The full policy is available on the web at <http://www.umass.edu/research/ora/intel.html>

Individuals who desire clarification of any points in the full policy should call the campus office of Commercial Ventures & Intellectual Property.