

## UNIVERSITY OF MISSOURI

### Columbia, Missouri

Formalized research and patent policy, adopted 9 December 1955 by the Board of Curators of the University and revised 10 February 1956; applicable on a university-wide basis:

#### Rights of University and of Employee

(a) The University, as the employer and as the representative of the people of the State, shall have the ownership and control of any invention developed in the course of the employee's service to the University. Each employee of the University is required, and shall upon request, assign to The Curators of the University of Missouri all domestic and foreign rights to any invention made by the employee within the general scope of his duties as employee of the University, unless such requirement is waived in writing by the University. An invention shall be considered as having been made within the general scope of the employee's duties for the University:

(1) whenever his duties include research or investigation or the supervision of research or investigation, and the invention arose in the course of such research or investigation and is relevant to the general field of an inquiry to which the employee was assigned,

(2) whenever the invention was in a substantial degree made or developed through the use of University facilities or financing, or on University time or through the aid of University information not available to the public.

(b) An employee of the University shall be entitled to all rights resulting from any invention which was made by him outside the general scope of his University duties, as defined in paragraph (a) of this section.

(c) If the University finds that an invention made by an employee of the University outside the general scope of his University duties is used or liable to be used in the public interest and executes a certificate to that effect, the employee may, if he wishes to do so, request that an application for a patent be filed and prosecuted at the expense of the University. Under such circumstances the invention may be manufactured and used by or for the University, the State of Missouri or the government of the United States for governmental purposes without the payment of any royalty.

(d) The requirement relative to the assignment of domestic patent rights set forth in paragraph (a) of this section may be waived in whole or in part in writing by the University in the case of any invention as to which it finds, upon grounds to be specified by it, that the interests of the University do not require the full assignment of such rights.

(e) The requirements relative to the assignment of foreign patent rights to the University set forth in paragraph (a) of this section may be waived in whole or in part in writing by the University if the University determines as to an invention that no foreign patent protection shall be procured or that foreign patent protection shall be procured only in specified foreign jurisdictions. An employee of the University shall not file in any foreign jurisdiction any patent application relating to an invention made within the general scope of his University duties unless the University has waived in writing the requirement that foreign rights be assigned to the University.

#### Report of Inventions

(a) Every invention made by an employee of the University shall be reported by

such employee through his supervisor, head of department and dean to the Patent Committee of the University, unless the invention obviously is unpatentable. If the invention is the result of group work, the report shall be made by the supervisor or the head of the department and shall be signed by all employees participating in the making of the invention.

(b) The report shall be made as promptly as possible, taking into consideration such factors as possible publication or public use, reduction to practice and the necessity for protecting the University's rights in the invention. Although it is not necessary to withhold the report until the process or device is reduced to practice, reduction to practice assists in the preparation of a patent application and, if pursued, protects the interests of the University and of the inventor. If an invention is reduced to practice after the invention report is filed, the Patent Committee must be notified forthwith.

(c) For the protection of the rights of the University and of the inventor, invention reports and memoranda or correspondence concerning them are to be considered as confidential documents.

#### Duties of the Patent Committee

(a) It shall be the duty of the Patent Committee to review and make recommendations to the Board of Curators upon all invention reports and such other matters affecting patents as may be referred to or come before the committee.

(b) If any employee-inventor shall claim an invention as his own the Patent Committee shall afford him the right to appear personally before the committee and present such evidence relating thereto as he may have, and the Patent Committee shall make independent investigation upon said claim.

(c) The Patent Committee shall seek to reach an agreement with the employee-inventor upon the division of financial returns upon the patent.

(d) In arranging with the employee upon the division of financial returns upon the patent, the committee shall take into consideration that it is the purpose of the University to encourage and recognize individual and cooperative achievement in research and investigation, and make fair provision for the employee, keeping in mind, however, that the full rights to the patent are vested in the University until other agreements are made with the employee.

(e) The Patent Committee shall give consideration as to whether it will be to the best interest of the University to place the matter with the Research Corporation of New York for development by that company in accordance with its general procedures, or for the University to make application for the patent in its own name.

(f) In those cases in which the inventor acknowledges all patent rights are vested in The Curators of the University of Missouri and in which the inventor and the Patent Committee have agreed upon a percentage to be paid to the inventor, which in no event shall exceed 15% of the net proceeds received by the University upon any patent rights upon said invention, and where the Committee has recommended that the same be referred to Research Corporation, the President of the University, upon approving such reports, in his discretion may order the same submitted to Research Corporation before the report is submitted to the Board of Curators. In such cases the report of the Committee shall be submitted to the Board of Curators with the report of the President's action thereon. In all other cases the report of the Committee shall be submitted to the Board of Curators for approval before any action is taken thereon. After determination by the President or by the Board of Curators, as the case may be, it shall be the duty of the Patent Committee to carry out the orders and directions of the President or the Board with reference to the patent, and it shall see that all necessary

steps are taken to protect the interests of the University and of the employee-inventor.

(g) If the reported invention is submitted to the Research Corporation of New York and that organization advises that it is not to the best interest of the University to seek a patent thereon, the Board of Curators may in its discretion, upon application of the employee-inventor, release all its rights in the invention and in such event if the employee-inventor thereafter obtains a patent upon such invention the University shall have no interest therein.

#### Report of Patent Committee to the Board of Curators

When a report of invention is presented to the Committee, the Committee shall promptly investigate the same and shall make report thereon to the Board, not later than the third Board meeting after the report is received by the Committee. In making a report to the Board, the Committee shall make recommendation upon the following matters:

- (a) Approval or disapproval for application for patent.
- (b) Recommendation as to whether the matter shall be assigned to Research Corporation or application for patent be made by the Board.
- (c) Recommendations as to the division of income from the patent between the University and the employee-inventor or employee-inventors.
- (d) If the employee-inventor claims the invention as his own, a recommendation on the validity of the claim.
- (e) If the employee-inventor is the owner of the invention and requests the University to take out patent thereon, a recommendation as to whether the University should assume the obligation of obtaining the patent.
- (f) If the employee-inventor requests the University to disclaim as to foreign or domestic rights, a recommendation thereon.

Patent management agency: Research Corporation under a patent development agreement with the University; as indicated in the policy statement, the equities of inventors in their inventions are recognized and, when an invention is assigned to the University or Research Corporation, the inventor receives not to exceed 15% of the net income derived by the University from the sale or exploitation of patents obtained on the invention.

### WASHINGTON UNIVERSITY St. Louis 30, Missouri

No formalized research or patent policy, although the formulation of such a policy is currently under study; as a general practice the University at present observes a laissez-faire attitude except with respect to inventions originating in the School of Medicine; patents on such inventions may be taken out provided the patent rights are assigned to some nonprofit organization and no pecuniary profit accrues to any person or stock corporation; arrangements for sponsored research are subject to approval of the Provost of the University and, when an invention is made in the course of such research and under the terms of the contract the patent belongs to the sponsor, the inventor is asked to make the assignment to the sponsor.

No patent management agency but faculty members are encouraged to utilize the facilities of Research Corporation or a similar nonprofit organization in the exploitation of patents on their inventions.

## Montana

### EASTERN MONTANA COLLEGE OF EDUCATION Billings, Montana

Formalized research and patent policy, adopted 10 July 1961 by the Montana State Board of Education, as ex-officio Regents of the University of Montana, for units of the University System, including Eastern Montana College of Education (see Montana State College below for policy statement); applicable on a college-wide basis.

No patent management agency other than the business manager of the College; the equities of inventors in their inventions are recognized and, when an invention is assigned to the College, the inventor receives not less than 15% of the gross income derived from the sale or exploitation of the invention or, when an invention resulting from sponsored research is assigned to the sponsor, 50% of the royalty income received by the College from the sponsor.

### MONTANA SCHOOL OF MINES Butte, Montana

Formalized research and patent policy, adopted 10 July 1961 by the Montana State Board of Education, as ex-officio Regents of the University of Montana, for units of the University System, including Montana School of Mines (see Montana State College below for policy statement); applicable on a school-wide basis.

No patent management agency; the equities of inventors in their inventions are recognized and, when an invention is assigned to the School, the inventor receives not less than 15% of the gross income derived from the sale or exploitation of the invention or, when an invention resulting from sponsored research is assigned to the sponsor, 50% of the royalty income received by the School from the sponsor.

### MONTANA STATE COLLEGE Bozeman, Montana

Formalized research and patent policy, adopted 10 July 1961 by the Montana State Board of Education, as ex-officio Regents of the University of Montana, for units of the University System, including Montana State College; applicable on a college-wide basis:

I. All patentable inventions or discoveries made by employees of the University of Montana System (including all its various branches and divisions, and hereinafter called the System), in connection with their assigned duties and/or by the use of any of the System's facilities, shall be considered the property of the System. This policy shall not include copyrights. The term employees includes:

- (1) Regularly employed staff members,
- (2) Part-time or special staff members,
- (3) Students employed by any of the System's units, and
- (4) Any other persons using the System's research facilities.