

Approved
STATE BOARD OF REGENTS
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STATEMENT OF PATENT POLICY

Iowa State University

Iowa State University, deriving its support most largely from public sources, dedicates its activities and services to the promotion and support of public welfare. Most of the results of research and development produced by the faculty and staff of the University are placed in the public domain through publication and other forms of disclosure. Occasionally, however, original inventions may be produced by members of the faculty or staff utilizing University resources, and these may better be dedicated to the public service through obtaining patents and controlling licensing and distribution arrangements to assure that the public interest will be served.

The various agencies of the Federal Government require that when any invention, process, or new development which is thought to be patentable arises from studies supported in whole or in part with funds from federal sources, it must be reported to the appropriate agency. The agency then joins with the University to determine appropriate distribution of rights in the invention, to determine whether patent prosecution should be sought, and to assure that the ultimate rights resulting under any such patent issued thereon shall be disposed of and administered in the public interest. The University has the same responsibility and reserves similar rights where other than federal sources if support have been utilized. The inventor retains the right in either case to share in any net proceeds arising from the patented invention.

The University must, if patent protection is sought and obtained, assure that appropriate patent and licensing arrangements will be made so that its obligations to the public and to granting or supporting agencies will be met. This will apply to all inventions arising out of activities of its faculty or staff when University facilities or resources have been utilized. The University does not in its own name obtain or retain patent rights.

Prior rights of granting or supporting agencies are acknowledged as part of the conditions under which support is provided and accepted. The University must, however, be satisfied that the patent will be beneficially used. Patents will be sought only where patent protection is justified or essential to insure proper development or use, and appropriate management, including financial management, of the invention.

When inventions which are thought to be patentable and for which patent protection should be sought arise during the course of the normal activities of the employees of the University, utilizing University resources, information concerning the invention should be furnished to the appropriate administrative officer of the University.

Where an invention has resulted from research supported by Federal funds, the inventor(s) will inform the appropriate agency of the potentially patentable invention, and the University will then inform the appropriate agency of the potentially patentable invention. If it is deemed appropriate by the University and the Federal agency to seek patent prosecution, the agency generally will consider its requirements for control of the patent to have been met, as will the University, when the inventor assigns his rights to the Iowa State University Research Foundation (or similar nonprofit research management corporation approved by the University and the agency). The Foundation or other corporation will then be designated and will act for the University in meeting all the requirements relating to the disclosure, obtaining of patents, and managing of licenses. The inventor shall be guaranteed an appropriate share (no less than 15%) in the net proceeds resulting from the invention after expenses of obtaining the patent have been met. According to established policy of the Iowa State University Research Foundation, the remaining net income from the invention after appropriate reserve and management expenses have been deducted is dedicated to the support of research and education at Iowa State University.

In some cases, but rarely, other disposition of patent rights may be required, or the supporting agency and the University may formally release their rights of decision regarding disposition of potentially patentable inventions. In the latter situation, after a formal release has been issued by the University the inventor will be free to proceed, at his own expense, to seek and obtain a patent and handle it as he chooses. In the absence of such formal release the University and supporting agency retain such rights.

For purposes of establishing, interpreting and administering the patent policies at Iowa State University, the Research Council will be the cognizant advisory body exercising whatever administrative functions may be assigned to it by the President of the University. The Vice President for Research and the Vice President for Business and Finance will act jointly or separately as designated by the President of the University performing the necessary executive functions relating to administration of the University patent policies.