

IP 101

The University of Texas at
 **TYLER**

Here is the Plan...

1. Patents
2. Copyrights
3. Trade Secrets
4. Trademarks
5. IP Process at UT Tyler
6. Questions



Regents' Rule 90101 (Patent)

(2) For purposes of this Rule, intellectual property includes, but is not limited to, any invention, discovery, creation, know-how, trade secret, technology, scientific or technological development, research data, work of authorship and software, regardless of whether subject to protection under patent, trademark, copyright, or other laws.

Source: <https://www.utsystem.edu/board-of-regents/rules/90101-intellectual-property>



Regents' Rule 90101 – Basics

- Rule 90101 Purpose
 - “intended to ... promote partnerships with the private sector” (Sec. 1)
 - “enable the ease of intellectual property ... transfer to the private sector” (Sec. 1)
- “All U.T. System Institutions shall (a) encourage and strengthen university-industry partnerships....” (Sec. 1.2)
- Patents further this purpose
- BOR owns most IP, including patents, with exceptions. (Sec. 2)
 - Students (Sec. 6)
 - Copyrighted works (Sec. 7)



Regents' Rule 90101 – Principles

Flexibility

- Institutions shall “remain understanding, flexible, and open to the varied circumstances of potential industry sponsors.” (Sec. 1.2)
- Use “flexibility and adaptability” when transferring BOR rights to sponsor. (Sec. 12.1(b))



Regents' Rule 90101 – Principles

How to work with Sponsors/Industry

- Rules contemplate licensing IP or transferring ownership of IP (e.g., assigning patents) to sponsors. (Sec. 2, 12; see *also* UTS 125, Sec. 4)
- Important limitations → publication rights, research use (Sec. 1.4)



Regents' Rule 90101 (Copyright)

(2) For purposes of this Rule, intellectual property includes, but is not limited to, any invention, discovery, **creation**, know-how, trade secret, technology, scientific or technological development, research data, **work of authorship** and **software**, regardless of whether subject to protection under patent, trademark, **copyright**, or other laws.



Examples of Sources for Free Photos Without Infringing*

[Stocksnap.io](https://www.stocksnap.io)

[Flickr.com](https://www.flickr.com)

[Freeimages.com](https://www.freeimages.com)

[Pixabay.com](https://www.pixabay.com)

However, these free sites do not indemnify. Sites that charge a fee, such as Getty, often do. ([gettyimages.com](https://www.gettyimages.com))



Key Copyright Rules and Policies

- **RR 90101(7)** – The Board of Regents will not assert an ownership interest in the copyright of scholarly or educational materials, artworks, musical compositions, and literary works related to the author’s academic or professional field, regardless of the medium of expression.
- **RR 90101(8)** – Works for hire are owned by the Board of Regents.
- **UTS 107(1)** – It is the policy of the System and its Institutions to respect US Copyright Law.
- **UTS 107(3)** – Software copyrights also require compliance with terms of licenses.
- **UTS 107(4)** – Fair use is allowed [consistent with Copyright Act].



Fair Use Factors

Factors in 17 U.S.C. §107	Good Facts	Not as Good Facts
Purpose and Character of Use (by us)	Educational, academic, research, non-profit	Commercial, for-profit, fundraising
Nature of Copyrighted Work (copyright owner's)	Factual published work	Artistic, expressive, not published
Amount and Substantiality of Portion Used (by us)	Small amount with citation	Large portion, or the "heart" of the work
Effect of (our) Use on the (copyright owner's) Market	Won't impact sales of copyrighted work	Educational work whose market is gutted by copying

See also 17 U.S.C. §110 re classroom and e-learning use of materials.



Copyright Pointers

- Copyright protection exists once the idea is fixed in any tangible medium.
- Copyright exists even if no “©”, but advisable to include with date to provide notice and make easier to track (e.g., DMCA notices).

Individual: © Dr. Jane Doe 2019

Work For Hire: © The University of Texas System 2019

Web: © 2019 The University of Texas System. 210 West 7th Street, Austin, Texas 78701-2982. (512) 499-4200



- Copyright Clearance Center: we renewed System license through June 2020, can check resources on Rightfind on www.copyright.com.



Regents' Rule 90101 (Trade Secret)

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Regents' Rule 90101 – Data

- General rules apply to data
 - “promote partnerships with the private sector” (Sec. 1)
 - BOR owns data (Sec. 2)
- Unique considerations for sharing or licensing data
 - Privacy concerns
 - Public accountability
 - Tax consequences



Regents' Rule 90101 (Trademark)

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Purpose of a Trademark

To Avoid Confusion

What do you expect if you schedule a virtual appointment with UT Health?



IP Process at UT Tyler

1. Formal disclosure to the Office of Research and Scholarship
 - We use web based system to accept and process disclosures
2. An internal triage is performed
3. IP is submitted to the IPAC committee for review and determination on further actions



Thank You!

