





Memorandum

To: Carmen Scholz  
President, Faculty Senate

From: Robert A. Altenkirch   
President

Christine W. Curtis   
Provost and Executive Vice President for Academic Affairs

Subject: Response to Faculty Senate Resolution 17/18-02 Patent Policy

Date: January 4, 2018, 2017

Faculty Resolution 17/18-02 states that the Faculty Senate supports the Patent Policy and is of the opinion that the Patent Policy only needs to reside in Appendix G of the Faculty Handbook and not as a separate policy. In addition, the Faculty Senate presented modifications to Board Rule 509 as part of the Resolution and included the Distribution of Income from Intellectual Property Proceeds Policy as part of the Patent Policy, rather than as a separate policy.

At our request, the Vice President for Research and Economic Development (VPRED), whose office is responsible for ensuring adherence to and compliance with the Patent Policy and for the distribution of income from intellectual property, reviewed the Faculty Senate resolution and its recommendations. After careful consideration of the changes proposed by the Faculty Senate, the VPRED recommends that the Patent Policy and the Distribution of Income from Intellectual Property Proceeds Policy be separated. The VPRED further recommends because of their university-wide applicability that Patent Policy and Distribution of Income from Intellectual Property Proceeds Policy be policies and placed on the University's Policies and Procedures Website. Moreover, the VPRED recommends that the Patent Policy, in compliance with Board Rule 108, be a restatement of Board Rule 509. In addition, the VPRED recommends that the income distribution stated in the Faculty Senate Resolution 17/18-02 be adopted.

As you are aware, Board Rule 108 requires the three universities composing The University of Alabama System work toward consistency to the extent practicable in our policies. To that end, we reviewed whether the Patent Policy and Distribution of Income from Intellectual Property Proceeds Policy were separate policies and determined where they resided at our sister universities.

The Patent Policy at The University of Alabama is located in several places as stated on the Technology Transfer web site:

### **Patent Policies from The University of Alabama Website**

- The Board of Trustees Board Rule 509 provides guidelines that address patent activities: [Board Rule 509: Patent Policy](#)
- The Faculty Handbook contains detailed guidance for patent related issues: [Patent Policy: Appendix G of the Faculty Handbook](#)
- [Policy and Procedures for Faculty and Staff Participating in Companies Commercializing University Technology](#)
- [Policy on Distribution of Royalties, Fees, and Other Financial Returns from Inventions Owned by The University](#)
- [Student Intellectual Property Guidelines](#)
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The University of Alabama has separate policies for the Patent Policy and the Distribution of Royalties, Fees and other Financial Returns from Inventions Owned by the University. The Patent Policy is located on The University of Alabama website and in the Faculty Handbook.

### **Patent Policies from The University of Alabama at Birmingham Website:**

UAB has the Patent Policy in three places:

- Policies and Procedures Library <http://www.uab.edu/policies/content/Pages/UAB-RA-POL-0000115.aspx>
- Faculty Handbook <http://www.uab.edu/policies/content/Pages/UAB-AA-POL-0000733.aspx>
- Human Resources <http://www.uab.edu/policies/content/Pages/UAB-HR-POL-0000183.aspx>
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The distribution of income from patents and copyrights at UAB is posted as a chart on UAB's website and does not have a policy associated with it.

We have accepted the above-stated VPRED recommendations. These recommendations are in agreement with Board Rule 108. The Patent Policy and the Distribution of Income from Intellectual Property Proceeds Policy will be separate policies and will be placed on the UAH Policies and Procedures Website. The Patent Policy may also reside in Appendix G of the Faculty Handbook. The Patent Policy is a restatement of Board Rule 509 and will be automatically updated both on the Policies and Procedures Web site and in the Faculty Handbook Appendix G when The Board of Trustees of The University of Alabama modify Board Rule 509. The Distribution of Income from Intellectual Property Proceeds Policy will be located on the Policies and Procedures Website and now includes the income distribution recommended by the Faculty Senate.

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January 4, 2018

The finalized Patent Policy and Distribution of Income from Intellectual Property Proceeds Policy are attached.

c: Rayford Vaughn, Vice President for Research and Economic Development  
Laterrica Simmons, Director of Compliance and Title IX Coordinator

**THE UNIVERSITY OF ALABAMA IN HUNTSVILLE**  
**FACULTY SENATE**

**FACULTY SENATE RESOLUTION 17/18-02:**

**Faculty Handbook Appendix G**  
**Patent Policy at the University of Alabama in Huntsville**

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**History:** Bill 411 was submitted to FSEC for first reading on 9/14/2017  
Bill 411 passed first reading on FSEC on 9/14/2017  
Bill 411 passed second reading in Faculty Senate unanimously on 9/21/2017

**Whereas** A clear and up-to-date Patent and Patent Income Distribution Policy is important for the dissemination of creative research, and

**Whereas** A clear-and-up-to-date Patent Policy is important for faculty, staff, and students to receive proper credit and remuneration, and

**Whereas** consistency within the University of Alabama system is important so individuals from the three campuses are working within common standards

**Therefore, be it resolved**

That the UAH Faculty Senate support the attached Appendix G, The University of Alabama in Huntsville Patent Policy.

**Be it further resolved**

that the UAH Faculty Senate approves for inclusion in the Faculty Handbook the attached Appendix G, with that item replacing the prior Appendix G of the Handbook.

**Be it further resolved**

That the acceptance of this policy, Appendix G of the UAH Faculty Handbook, negates the need for a separate Patent Policy (07.03.01) and Distribution of Income from Intellectual Property Proceeds (07.03.03), and said policies are withdrawn.

#### **APPENDIX G: The University of Alabama in Huntsville Patent Policy**

In view of the far-reaching research in the various divisions of the University, it is inevitable that new discoveries and inventions will be made. The University of Alabama in Huntsville recognizes that the protection and control provided under the patent laws may have to be invoked to obtain the greatest public benefit and usefulness from the products of scientific research. It is recognized that employees of the University need assistance in determining and evaluating patentability and in prosecuting patent applicants of inventions made by them. Many such inventions involve equities beyond those of the inventor himself or herself since the use of University facilities, the assignment of duties as a condition of employment, and the use of research funds with contractual obligations regarding patent rights give rise to complicated questions concerning rights and equities of all concerned. Therefore, in order to appraise relative rights and equities of all parties concerned, to facilitate patent applications, licensing, equitable distribution of any royalties or other financial returns, to provide a uniform procedure in patent matters, and to serve the public benefit and interest, The Board of Trustees of The University of Alabama in Huntsville (herein called University), on recommendation of the President of the University, authorizes the establishment of a Patent Committee and the adoption of the patent policy as set forth herein. This Appendix is intended to conform to the stipulations contained in Board of Trustee's rule 509.

1. The President of the University shall appoint a University Patent Committee composed of member's representative of the entire University to administer the patent policy and to designate a Patent Administrator to administer the policies of the committee. This committee and the Patent Administrator shall serve at the pleasure of and their actions shall be subject to the approval and right of review of the President of the University.
2. Subject to the approval of the President of the University, the Patent Committee shall have power to adopt such rules and procedures as are deemed appropriate; to determine the interest of the University in all reported inventions; to cause all reported inventions to be investigated in order to evaluate the interest of the University in said invention (with due consideration given to the achievement of the inventor and the financial returns to the inventor and the University); to authorize the release of patent rights when the Patent Committee decides that the University has no interest in the invention or decides that the University does not desire to pursue the patenting or development of the patent; to authorize applications for patents on reported inventions and to retain patent counsel, in association with the Office of Counsel, for matters pertaining to patent applications; and to make recommendations to the President of the University with regard to the prosecution and protection thereof and any litigation that may arise therefrom. The Patent Committee shall also have power to do all things appropriate for the investigation of patent rights and for the exploitation of patent rights by direct exercise, exclusive or nonexclusive licensing, and make recommendations to the President of the University

with regard to partial or total assignment or sale thereof. All questions concerning the methods by which the patent shall be commercially exploited shall be decided by the Patent Committee.

3. This patent policy, Appendix G, of the University, shall be deemed to be a condition of employment and contractual obligation, both while employed and thereafter, of every employee, including student employees, and a condition of enrollment and attendance and contractual obligation, both while in attendance and thereafter, by every student at each campus.
4. Any invention or discovery (1) which is the result of research carried on by or under the direction of an employee of the University and/or having the costs thereof paid from funds provided by, under the control or administered by the University, or (2) which is made by an employee of the University and which relates to the employee's field of work, or (3) which has been developed in whole or in part by the utilization of resources or facilities belonging to the University, shall be the property of the University. The applicability of the above stated criteria to any invention or discovery will be determined at the sole discretion of the President of the University or his/her designee.
5. As a condition of their employment or their continued employment by or enrollment at the University, each faculty member, employee and student agrees that he/she is contractually bound by this patent policy as implemented by the University and shall report to the officer or to any non-profit organization so designated by the President of the University to manage and commercialize such inventions and discoveries, any invention or discovery which such faculty member, employee or student has conceived, discovered, developed and/or reduced to practice by them or under their direction at any time following their initial appointment by, employment by, or enrollment with the University. All inventions and discoveries that meet the criteria of paragraph 4 above are hereby assigned to the University for the benefit of the University. Faculty members, employees and students do not have the authority to assign rights in such inventions and discoveries to third parties. The President of the University is authorized to further assign any invention or discovery the University is deemed to own pursuant to this policy to a designated nonprofit organization established for the benefit of the University, which said assignment shall be condition on full compliance with this policy, regulations promulgated hereunder by the Board of Trustees or by the President of the University, and appropriate state and federal law.
6. The Patent Committee shall cause each invention or discovery to be investigated in order to determine the interest of the University and, if the Patent Committee determines that the University has an interest in the invention which it desires to pursue, it shall undertake to obtain a patent on the invention. In determining whether or not the University has an interest in the invention, the Committee shall consider the benefits that might accrue to both the University and the inventor. The Patent Administrator and the Patent Committee are responsible for prompt action for the purpose of protecting the property rights of the inventor and the University.

7. If it is determined that the invention or discovery is one which is owned by the University pursuant to this policy but is one in which the University has no interest in retaining ownership, the University (or the non-profit organization to which an invention may have been assigned in accordance with the terms of this policy) may, but is under no obligation to, release its ownership rights to the inventor(s) on terms and conditions determined by the President or his/her designee, subject to any third party rights.
8. As further consideration for the assignment of rights set forth herein and recognizing Board of Trustees rule 509, the University agrees to pay annually to the inventor, his heirs and assigns, according to the following distribution:
- (i) Gross Revenue, fees, and other financial returns received by the University from such inventions shall first be reduced by 15% for administrative costs plus additional expenses of patenting, protecting patent rights, and marketing the inventions. (see 509.2.f.); and
  - (ii) Net income remaining shall then ordinarily be divided in accordance with the percentages stated below. If special equities exist due to unusual circumstances, a variation of this allocation scheme may be utilized at UAH's discretion.

<b>Net Income Remaining</b>	<b>UAH Employee</b>	<b>Employee's Unit</b>	<b>Technology Transfer Fund</b>
Above \$0 - to \$5,000	100%	0%	0%
Above \$5,000 – to \$50,000	60%	20%	20%
Above \$50,000	50%	30%	20%

**Example:** If the Net income remaining to be distributed to the UAH Employee(s) is \$60,000, the UAH Employee(s) share will be as follows:

100% of the first \$5,000	= \$5,000
60% of the amounts between \$5,000 to \$50,000	= \$27,000
50% of the amount over \$50,000	= <u>\$5,000</u>
Total received by UAH Employee(s)	= \$37,000

The Employee's Unit shall be the primary organization (i.e., college, center, or administrative unit) to which he or she is assigned and/or a student at the time the invention was made. Where appropriate, a portion of the income payable to any UAH Employee's Unit may be shared with the UAH Employee's department.

Technology Transfer Fund is managed by the Office for the Vice President of Research and Economic Development for further patent and copyright development, as well as paying for any unreimbursed out-of-pocket patent and copyright expenses incurred by UAH.

9. It is understood that many research contracts, grants, and consulting agreements from or with the United States Government or its agencies, corporations, or individuals contain ownership of intellectual property clauses that may be at variance with this policy but which, if agreed to, require compliance. Such documents which are at variance with this policy may be referred to the appropriate designated officer of the campus for recommendation prior to approval.
10. This statement of policy shall not apply to copyrights except as they may pertain to inventions covered by this policy. A separate copyright policy exists; see Appendix H.



# THE UNIVERSITY OF ALABAMA IN HUNTSVILLE

## PATENT POLICY

**Number** 07.03.01

**Division** Office of Technology Commercialization (OTC)

**Date** January 4, 2018

**Purpose** In view of the far-reaching research on the various campuses of The Board of Trustees of The University of Alabama (hereinafter referred to as University), it is inevitable that new discoveries and inventions will be made. The members of the Board of Trustees (hereinafter referred to as the Board) recognize the importance of obtaining the greatest public benefit and usefulness from the products of the University's scientific research and inventiveness, and that the protection and control provided under patent laws or other legal means for the protection of property rights may be necessary to obtain this goal. It is further recognized that employees of the University need assistance in determining and evaluating patentability and in prosecuting patent applications for or otherwise protecting inventions made by them. Furthermore, many such inventions involve equities beyond those of the inventor since the use of University facilities, the assignment of duties as a condition of employment, and the use of research funds with contractual obligations regarding patent rights give rise to questions concerning the rights and equities of all concerned. The purpose of this patent policy is to establish a mechanism to serve the public benefit and interest, to determine and apprise all concerned parties of relative rights and equities, to facilitate patent applications, the licensing of inventions, the equitable distribution of any royalties or other financial returns, to provide necessary uniformity in patent matters, and to provide for adequate reporting of patent activities. A clear and up-to-date patent policy is important for the dissemination of creative research, and for faculty, staff, and students to receive proper credit and remuneration for their efforts.

## **Policy**

It is UAH's policy to comply with The University of Alabama Board of Trustee's Patent Policy, Board Rule 509, found in The University of Alabama Board of Trustees Manual, available online at <http://uasystem.ua.edu/wp-content/uploads/2012/05/2013-Combined-Board-Manual-7.14.pdf>.

**A.** It shall be the policy of the Board to encourage the concept that patentable inventions produced at the University shall be used for the greatest possible public benefit and to provide every reasonable incentive to the faculty, students and staff for the disclosure, evaluation and dissemination of such inventions. When University support makes the research effort possible or when it provides support for the development of a patentable invention, it is reasonable for the University to participate in the fruits of such development, including reimbursement for its costs. To that end, the University encourages the procurement of patents for such inventions and the licensing or other commercialization thereof in the interest of the public, the inventor, and the University.

**B.** The President of each campus shall appoint an officer or Patent Committee or designate a non-profit organization established for the benefit of the campus to administer this policy. Each campus President may promulgate additional regulations and guidelines pursuant to this Policy to administer this policy within his/her respective campus.

**C.** This patent policy of the University, as amended from time to time, shall be deemed to be a condition of employment and contractual obligation, both while employed and thereafter, of every employee of each campus, including student employees, and a condition of enrollment and attendance and contractual obligation, both while in attendance and thereafter, by every student at each campus.

**D.** Any invention or discovery (1) which is the result of research carried on by or under the direction of an employee of a campus of the University and/or having the costs thereof paid from funds provided by, under the control of or administered by a campus of the University, or (2) which is made by an employee of a campus of the University and which relates to the employee's field of work, or (3) which has been developed in whole or in part by the utilization of resources or facilities belonging to a campus of the University, shall be the property of the applicable campus of the University. The applicability of the above stated criteria to any invention or discovery will be determined at the sole discretion of the President of the respective campus of the University or his/her designee.

E. As a condition of their employment or continued employment by or enrollment at a campus of the University, each faculty member, employee and student agrees that he/she is contractually bound by this patent policy as implemented by the respective campuses of the University and shall report to the officer or non-profit organization so designated by the President of the campus of the University to manage and commercialize such inventions and discoveries with respect to that campus, any invention or discovery which such faculty member, employee or student has conceived, discovered, developed and/or reduced to practice by them or under their direction at any time following their initial appointment by, employment by, or enrollment with that campus of the University. All inventions and discoveries that meet the criteria of Section D. of this policy are hereby assigned to the University for the benefit of the appropriate campus of the University. Faculty members, employees and students do not have the authority to assign rights in such inventions and discoveries to third parties. The President of each campus of the University is authorized to further assign any invention or discovery it is deemed to own pursuant to this policy to a designated nonprofit organization established for the benefit of the respective campus of the University, which said assignment shall be conditioned on full compliance with this policy, regulations promulgated hereunder by the Board or by the President of the respective campus of the University, and appropriate state and federal law.

F. If the invention or discovery is one which is determined to be owned by a campus of the University, the President of the applicable campus or his/her designee shall further evaluate the invention or discovery and determine if and how best to develop, commercialize and protect the invention as he/she deems appropriate, including, but not limited to, applying for patent protection, or requesting further development of the invention or discovery. In making this determination, the benefits that might accrue to both the campus of the University and the inventor(s) shall be considered. The designee shall act promptly in carrying out these duties so that the rights of the inventor(s) and the campus of the University may be protected.

G. If it is determined that the invention or discovery is one which is owned by the University pursuant to this policy but is one in which a campus of the University has no interest in retaining ownership, a campus of the University (or the non-profit organization to which an

invention may have been assigned in accordance with the terms of this policy) may, but is under no obligation to, release its ownership rights to the inventor(s) on terms and conditions determined by the President or his/her designee, subject to any third party rights.

H. In consideration of the automatic assignment of ownership set forth in this policy, the Presidents or their designees are authorized to pay to the inventors, their heirs or assigns, a percentage of the royalties, fees, or other financial returns received by the campus of the University (or the non-profit organization to which an invention may have been assigned in accordance with the terms of this policy) from such invention after a deduction of fifteen percent (15%) thereof for overhead costs, plus a deduction for costs of patenting and protection of intellectual property rights and any unusual expenses paid by the campus or its non-profit designee or the inventor (which have been approved by the campus or its non-profit designee). Each campus President shall be responsible for the development of a policy governing the percentage of royalties, fees, and other financial returns on an invention paid to the inventor and governing the internal distribution of the campus of the University's share of such financial returns.

I. It is understood that many research contracts, grants, and consulting agreements from or with the United States Government or its agencies, corporations, or individuals contain ownership of intellectual property clauses that may be at variance with this policy but which, if agreed to, require compliance. Such documents which are at variance with this policy may be referred to the appropriate designated officer of the campus for recommendations prior to approval.

J. Annual reports of patent matters will be made to the Chancellor for his/her information and that of the Board within thirty days (30) following the end of each fiscal year, to include as a minimum identification of each patent and patent applied for, the distribution of patent revenue including the share going to the inventor, and the expenses of obtaining and managing patents. The Chancellor may prescribe appropriate formats for such reporting.

K. The Patent Administrator shall be the President's designee to work with University employees in evaluating, protecting, and facilitating intellectual property commercialization.

**Procedures**

All forms and instructions related to the patenting of UAH intellectual property are located on the Office of Technology Commercialization website under the link: For UAH Inventors (<http://www.uah.edu/otc/for-uah-inventors/forms>).

This policy is Board Rule 509 Patent Policy of The Board of Trustees of The University of Alabama and can also be found as Appendix G of UAH Faculty Handbook.

UAH Patent Policy

[http://www.uah.edu/images/research/otc/2014\\_Patent\\_Policy3.pdf](http://www.uah.edu/images/research/otc/2014_Patent_Policy3.pdf)

UAH Policy on Income from Patents, Inventions, and Discoveries

[http://www.uah.edu/images/research/otc/2014\\_Income\\_from\\_Patents.pdf](http://www.uah.edu/images/research/otc/2014_Income_from_Patents.pdf)

UAH Invention Disclosure Form

[http://www.uah.edu/images/research/otc/2014\\_Invention\\_Disclosure\\_Form.pdf](http://www.uah.edu/images/research/otc/2014_Invention_Disclosure_Form.pdf)

Revision Dates: Adopted February 23, 1980 as Rule 510; amended September 16, 1981, February 27, 1986; renumbered as Rule 509 on December 5, 1997; amended June 19, 2009, and February 8, 2013.

**Review**

This policy will be reviewed every five (5) years or as needed or when there is a change in laws. This policy will be changed when The Board of Trustees changes Board Rule 509.

**Approval**

\_\_\_\_\_  
Chief University Counsel

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Date

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Provost and Executive Vice President for Academic Affairs

\_\_\_\_\_  
Date

\_\_\_\_\_  
Vice President for Administration and Finance Date

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Vice President for Advancement Date

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Vice President for Diversity Date

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Vice President for Research and Economic Development Date

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Vice President for Student Affairs Date

\_\_\_\_\_  
Director of Compliance and Title IX Coordinator;  
Campus Designee Date

**APPROVED:**

\_\_\_\_\_  
President Date

## THE UNIVERSITY OF ALABAMA IN HUNTSVILLE

### DISTRIBUTION OF INCOME FROM INTELLECTUAL PROPERTY PROCEEDS

<b><u>Number</u></b>	07.03.03
<b><u>Division</u></b>	Office of Technology Commercialization (OTC)
<b><u>Date</u></b>	January 4, 2018
<b><u>Purpose</u></b>	<b>I. INTRODUCTION</b>

The University of Alabama in Huntsville (UAH) has a rich tradition of discovery and innovation, made possible through the intellectual contributions of UAH faculty, staff, and students. These knowledge-driven discoveries and innovations have the potential to benefit the public through practical application. The University is committed to providing its faculty, staff, and students an optimal environment for creativity and innovation, and incentives that encourage and recognize excellence in scholarship and the creation of new knowledge. This environment should also recognize and protect the interests of UAH's faculty, staff, and students. Institutional policy concerning rights and equities in inventions made by UAH employees has been established by The Board of Trustees of The University of Alabama (Board Rule 509). The Board Rule directs each campus President to adopt a "policy governing the percentage of royalties, fees, and other financial returns on an invention paid to the inventor" (509.2.f). This policy is intended to carry out that directive.

#### Definitions:

For the purposes of this policy, "UAH employee" shall mean faculty, administrators, office and technical staff, students, and others whose primary work or academic affiliation is with UAH, whether compensated by UAH or not.

"Intellectual Property" shall mean patentable materials, copyrighted materials, trademarks, software, biological material, know-how, and/or trade secrets, whether or not formal protection is sought. This policy does not apply to scholarly works produced by the UAH faculty or

student body, nor does it include material developed for distance learning by UAH's employees.

"Gross Revenue" shall mean: (1) income from the sale, lease, transfer, or other conveyance of Intellectual Property by UAH, and (2) license issue fees, option fees, running royalties, and equity or other ownership interests paid to UAH by a licensee of UAH Intellectual Property, recognizing that such equity, which is negotiated on a case-by-case basis, shall not be considered "Gross Revenue" unless and until that equity, is sold by UAH at UAH's discretion.

## Policy

### **II. ALLOCATION OF ROYALTY INCOME**

Assignment of Intellectual Property created by UAH Employees is governed by The Board of Trustees of The University of Alabama Board Rule 509. In recognition of the assignment (see 509.II.D) and more importantly the contribution made by the creators or inventors of the Intellectual Property, it is UAH's intention to share proceeds of the commercialization with the UAH Employees who created the Intellectual Property.

In addition to such recognition, it is also important that such distribution of income from Intellectual Property proceeds help incentivize and motivate knowledge-driven UAH Employees who are in pursuit of discoveries and innovations.

Proceeds from Intellectual Property commercialization shall be shared as follows:

- (i) Gross Revenue, fees, and other financial returns received by the University from such inventions shall first be reduced by 15% for administrative costs plus any additional actual expenses of patenting, protecting patent rights, and marketing the inventions. This reduction is expressly required by Board Rule 509 (see 509.II.F.); and
- (ii) Net income remaining shall then ordinarily be divided in accordance with the percentages stated below. If special equities exist due to unusual circumstances, a variation of this allocation scheme may be utilized at UAH's discretion.



Net Income Remaining	UAH Employee	Employee's Unit	Technology Transfer Fund
Above \$0 - to \$5,000	100%	0%	0%
Above \$5,000 – to \$50,000	60%	20%	20%
Over \$50,000	50%	30%	20%

**Example:** If the Net income remaining to be distributed to the UAH Employee(s) is \$60,000, the UAH Employee(s) share will be as follows:

100% of the first \$5,000	= \$5,000
60% of the amounts between \$5,000 to \$50,000	= \$27,000
50% of the amount over \$50,000	= \$5,000
Total received by UAH Employee(s)	= \$37,000

The Employee's Unit shall be the primary organization (i.e., college, center, or administrative unit) to which he or she is assigned and/or a student at the time the Intellectual Property was created.

In addition to the Office of Technology Commercialization that helps UAH Employees in protecting and facilitating the commercialization of their Intellectual Property, the Office of the Vice President for Research and Economic Development also manages the Technology Transfer Fund. This fund is to further the development of Intellectual Property by UAH Employees, as well as paying for any unreimbursed out-of-pocket patent and copyright expenses incurred by UAH.

Because of the collaborative nature of research conducted at UAH, the resulting Intellectual Property may be developed by more than one employee. In such an event that two or more University Employees combine in the making or discovery of an invention, lacking an agreement between the employees, it shall be irrefutably presumed that such employees were equal contributors to the making or discovery of such invention. Therefore, all such UAH Employees and their respective organizational units shall divide accumulated net income pro rata and in equal shares. After such equal division between UAH Employees and their respective units, UAH Employee, his or her unit or organization and the Technology Transfer Fund shall divide that pro rata share according to the schedule provided above.

A UAH Employee who is no longer an employee or student of the University shall continue to be entitled to his or her personal share of the proceeds. In the case of a deceased UAH Employee, the estate of the

UAH Employee shall be entitled to the UAH Employee share of the proceeds. Each UAH Employee shall provide UAH's patent administrator with their forwarding address and contact information on a timely basis. If UAH is unable to contact the UAH Employee for lack of forwarding address or contact information, the proceeds due the UAH Employee shall be held in escrow for no more than five years. After which such UAH Employee's proceeds shall be allocated pro rata among the UAH Employee unit, and Technology Transfer Fund at UAH, as per the table above.

**Procedures**

All forms and instructions related to the patenting of UAH intellectual property can be found on the Office of Technology Commercialization website under the link: "For UAH Inventors" (<http://www.uah.edu/otc/for-uah-inventors/forms>).

Important, relevant information can be found at links below:

UAH Patent Policy

[http://www.uah.edu/images/research/otc/2014\\_Patent\\_Policy3.pdf](http://www.uah.edu/images/research/otc/2014_Patent_Policy3.pdf)

UAH Copyright Policy

[http://www.uah.edu/images/research/otc/2014\\_Copyright\\_Policy.pdf](http://www.uah.edu/images/research/otc/2014_Copyright_Policy.pdf)

**Review**

This policy will be reviewed every five (5) years or as needed or when there is a change in laws.

**Approval**

\_\_\_\_\_  
Chief University Counsel Date

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Provost and Executive Vice President for Date  
Academic Affairs

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Vice President for Administration and Finance Date

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Vice President for Research and Economic Development Date

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Vice President for Student Affairs Date

\_\_\_\_\_  
Director of Compliance and Title IX Coordinator;  
Campus Designee Date

**APPROVED:**

\_\_\_\_\_  
President Date