



Patent Payment and Distribution of Royalties Policy

Policy #:	RE003.1
Policy Type:	University
Responsible Executive:	VP for Academic Affairs
Responsible Office:	OSPR
Originally Issued:	January 1, 2020
Latest Revision:	January 1, 2020
Effective Date:	January 1, 2020

I. Policy Statement

The University of Louisiana Monroe's (ULM) Patent Payment and Distribution of Royalties Policy defines how royalty payments will be distributed by the university.

The ULM values fairness and transparency when making decisions regarding patent payments and royalty distribution.

ULM will follow the University of Louisiana System (ULS) policy described in the latter's Policy and Procedures Memorandum (FS.III.VI.-1a, See https://s25260.pcdn.co/wp-content/uploads/2017/11/FS-III.VI.-1a-Intellectual-Property-10_23_2012.pdf).

II. Purpose of Policy

ULM recognizes that academic research and scholarship should be encouraged without regard to potential gain from licensing fees, royalties, or other income; however, the University also recognizes that Intellectual Properties and discoveries may arise from the activities of faculty, staff, and students in the course of their institutional activities and duties or through the use, by any person, of institutional resources such as facilities, equipment, or funds.

The policies governing the administration of such Intellectual Properties should provide adequate recognition and incentive to Creators and, at the same time, ensure that the University will share in the rights pertaining to Intellectual Properties in which they have an equity.

It is the policy of the University of Louisiana Monroe (ULM) to follow any and all federal regulations. As such, ULM requires all employees to adhere to the federal regulations found in the Code of Federal Regulations (CFR) as promulgated by the Office of Management and Budget (Please see CFR Title 2, Subtitle A, Chapter II, Part 200, Subpart E, §200.430).

ULM will follow this policy unless the Vice President for Academic Affairs and the Director of the Office of Sponsored Programs and Research (OSPR) have approved a departure in advance.

III. Applicability

This policy and the associated procedures apply to all individuals employed at ULM.

IV. Definitions

Commercialization means assignment, licensing, manufacturing or production of Intellectual Property as well as the protection of Intellectual Property including but not limited to, obtaining protection and copyright registration, with the goal of financial return.

Creator means the individual or group of individuals who make, conceive, reduce to practice, author, or otherwise make a substantive intellectual contribution to the creation of Intellectual Property. This includes, but is not limited to, faculty, professional staff, administrative and support staff, and students. It shall also include the definition of “inventor” as used in U.S. patent law and the definition of “author” as used in the U.S. Copyright law.

Intellectual property means the result of intellectual or artistic activity created by an individual in a scholarly, professional or student capacity; including but not limited to inventions, discoveries, know-how, show-how, processes, unique materials, original works, computer software, scientific or technological developments and other creative or artistic works that have value; regardless of whether subject to protection under patents, copyrights, trademarks, service marks, trade secrets, mask works, and plant variety protection certificates. It also includes the physical embodiments of intellectual effort, for example, models, machines, devices, designs, apparatus, instrumentation, circuits, computer programs and visualizations, biological materials, chemicals, other compositions of matter, plants, and records of research.

V. Policy Procedure

A. Introduction

1. Application

- a. This applies to any and all ULM employees regardless of whether the research resulting in a patent application was derived from a federal award or subaward.
- b. Nothing here should be construed as superseding federal, state or University of Louisiana System laws, procedures or policies.

2. Payment

- a. Payment for any and all patent applications, filings and/or other intellectual property protection will come from the general fund of ULM.
 - i. Payment will be made only after the Technology Transfer process has been completed.
 - ii. Payment must be accompanied by a clear and reasonable path to commercialization.
- b. The College of the inventor may assume all payment costs if ULM decides to not pursue the patenting of an invention.
- c. The payment split will be as follows: ULM will pay eighty (80) percent of the costs and the College(s) will pay twenty (20) percent of the costs.

B. Distribution of Royalties

The distribution of any and all royalties come from the Vice President for Academic Affairs.

1. ULM

- a. ULM will receive sixty (60) percent of all royalties.
- b. Of that sixty (60) percent the division is as follows: thirty (30) percent for the general fund, twenty (20) percent for the College(s), and ten (10) percent for OSPR.

2. The Inventor

- a. The inventor(s) will receive forty (40) percent of all royalties.

- b. If there is more than one inventor or college involved, the combination of inventors may not exceed forty (40) percent.

VI. Enforcement

The Vice President for Academic Affairs is responsible for enforcing all policy provisions.

VII. Policy Management

The Vice President for Academic Affairs will be the Responsible Executive for the management of this policy. The Director of the OSPR will be the Responsible Office in charge of maintaining and disseminating it.

VIII. Exclusions

None.

IX. Effective Date

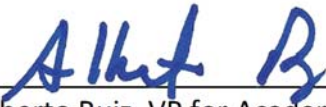
January 1, 2020.

X. Adoption

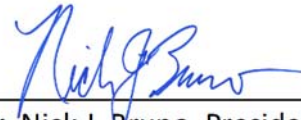
This policy is hereby adopted on this 1st day of January 2020.

Recommended for Approval by:

Approved by:



Dr. Alberto Ruiz, VP for Academic Affairs



Dr. Nick J. Bruno, President

XI. Appendices, References and Related Materials

University of Louisiana Lafayette. Office of Innovation Management.
<https://vpresearch.louisiana.edu/innovation/ul-lafayette-patent-portfolio-0>.

University of New Orleans. Intellectual Property at UNO.
http://www.uno.edu/otmc/intellectual_property_at_uno.aspx.

World Intellectual Property Organization. Academic Patenting: How universities and public research organizations are using their intellectual property to boost research and spur innovative start-ups.
https://www.wipo.int/sme/en/documents/academic_patenting.html.

XII. Revision History

Original Adoption Date: January 1, 2020