

Dartmouth College Patent Policy

1. The objective of the College patent policy is to facilitate the invention, transfer, and application of new technology, which promises to be of benefit to the general public and, at the same time, to protect the interests of the inventor and the College. It applies to all employees and students of Dartmouth College.
2. Limitations exist with respect to the extent and manner in which the College, as a tax-exempt institution, may be involved in the exploitation of invention. This statement is not to be interpreted or administered in a way which jeopardizes this tax-free status. Furthermore, patent law requires that all inventors, and only the inventors, sign a patent application.
3. Patent rights to inventions developed through individual initiative, not in response to a specific College assignment, and with only incidental use of College facilities or resources, belong to the inventor; any royalty income accrues to the inventor alone.
4. When an individual's effort in developing a device or securing a patent is significantly assisted by the use of College facilities, resources, or personnel, the College claims equal ownership with the inventor in the patentable invention. The distribution of royalty income between the inventor and the College is negotiable; however, the College and the inventor will normally share equally in the royalty income.
5. Ownership of patentable inventions developed as a result of assigned College duty resides with the Trustees of Dartmouth College. The distribution of royalty income between the inventor and the College is negotiable; however, **royalty income will normally be divided as follows: 75% to the College and 25% to the inventor.**
6. The patent policy will be administered by the Dean of the Faculty of Arts and Sciences or the Dean of the appropriate professional school. The inventor must deliver a copy of the invention disclosure to the appropriate Dean within seven days of the date of the disclosure.
Commentary: The Technology Transfer Office and the Office of Sponsored Projects are designed to assist and implement this patent policy.
7. The College shall have the sole right to determine the disposition of inventions in which it has an equity. A decision to exercise this right shall be transmitted in writing to the inventor, within 180 days of the date of disclosure of the invention. When the College elects not to exercise its right, such right devolves on the inventor.
8. When a patentable invention is developed through a sponsored grant or contract, the special provision contained in the grant or contract must prevail. In the absence of such special provisions, the normal College policy applies. The Technology Transfer Office or the Office of Sponsored Projects should be contacted for required agreements.

Commentary: Federal law enacted in 1980 and amended in 1984 provides the institution with title to inventions made or conceived in the performance of federally sponsored research.

9. Disputes concerning application of the patent policy shall be resolved by a review panel of three members: a representative of the inventor, a person designated by the Vice President and Treasurer of the College, and a third person selected by the two other members. The decision of the panel may be appealed by any member of the panel to the President of the College.

Faculty of Arts and Sciences

April 24, 1978

LEGAL EXPENSES AND DISTRIBUTION OF PATENT INCOME

Under the auspices of the Provost's Office, the Technology Transfer Office provides assistance to faculty members in the area of technology transfer. Initially the Office helps with exploratory patent and marketing evaluations to determine whether the College is prepared to exercise its option to sponsor a technology transfer effort. If the decision is negative, Dartmouth's rights are signed over to the originator of the technology.

If the Technology Transfer Office determines that Dartmouth College wishes to sponsor development of the technology, it will open an account to which expenses associated with its subsequent efforts are charged. Such expenses will include all associated invoiced costs such as legal and patent filing fees, plus an allowance for the institutional effort involved in patent preparation, license negotiation, and such. This allowance will be 15% of gross revenues received on any license agreement.

Revenues received will first be used to recover expenses accumulated in the account associated with that particular technology. Expenses include the Technology Transfer Office administrative fee (normally 15% of revenue); expenses to prosecute and maintain a patent; and legal expenses for review/advice of Intellectual Property and agreements. Following recovery of expenses net revenues will be split 50% to the College and 50% to the originator(s). The 50% retained by the College will be divided as follows:

20% to the Provost's Office

40% to the originator's Dean's Office

25% to the originator's department

15% to the originator's laboratory

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