

Emory University

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Research Policies

Emory University Patent Policy

Revised: September 13, 1990

I. A. Any discovery by any individual who:

1. makes use of University resources, except library, or
2. made the discovery within the normal field of his or her employment responsibility and activity with the University without regard to location or salary source (specifically including individuals employed at affiliated hospitals and institutions), shall be subject to the provisions hereof.

Such individual shall be referred to as "Inventor".

B. Acceptance of the University's patent policy, as hereafter prescribed, shall be a condition of employment.

II. A. The President of the University appoint a special University Committee on Patents to advise him on patent matters, administer the policy, and make recommendations concerning the relinquishment of University rights as contemplated in Paragraph VII hereof.

B. The Office of Patenting and Licensing, subject to the approval of the President, shall make such rules and regulations and issue such instructions as may be necessary to implement this policy.

III. A. All rights in a discovery by an Inventor shall be assigned to Emory University; provided that such obligation to assign shall be subject to waiver, as hereinafter set out.

B. Any Inventor who during his or her association with the University, shall make any discovery subject to this policy shall report the same promptly to the Office of Patenting and Licensing in writing and in reasonable detail and cooperate with the Office of Patenting and Licensing in making a determination of rights in the item.

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retain the patent rights, the University will defray all expenses involved in the preliminary investigations and related to the patent applications; and the Inventor shall execute in favor of the University all assignments considered by the counsel of the University to be necessary for effectuating this policy.

B. The University will make reasonable efforts to determine the potential commercial use and patentability of the discovery and will seek to make

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patent to be filed and prosecuted, at no expense to the inventor. Subject to the provisions of Paragraph VI, should the University determine that there is not reasonable potential for commercial use and no reasonable potential for contribution to the public good, it will, when possible, return to the Inventor all rights in the discovery and relinquish any claim thereto. Such determination will be made within a reasonable time, and in any event, within one (1) year from full disclosure of the discovery to the University.

C. Following disclosure of discovery to University, the University will move to grant an exclusive license, or one or more non-exclusive licenses, to market the item. As a general policy the University does not sell or assign patent rights. If within a reasonable time, the University has not granted a license to market the item, then, at the request of the Inventor, all rights in and to the patent will be transferred to him or her.

D. The University and the Inventor may by agreement elect to have a different procedure followed; e.g., employing the service of Research Corporation, etc.

V. Income derived from retained patents shall be distributed as follows:

A. Expenses incurred by the University in preliminary investigations in filing and presenting the application for patent, licensing and in otherwise protecting the patent rights, shall constitute the first charge against any income derived from the patent rights.

B. Forty percent (40%) of the Net Income, in the aggregate, shall be distributed to the inventor.

Twenty percent (20%) of the Net Income, in the aggregate, shall be credited in an account for the inventor and be used to support the inventor's research.

Ten percent (10%) of the Net Income shall be credited to the Department or Departments in which the inventor serves.

Ten percent (10%) of the Net Income shall be credited to the School or Division in which the inventor serves.

Twenty percent (20%) of the Net Income shall be credited to a restricted fund to be controlled by the President of the University and disbursed at his direction or the direction of his designee. It is contemplated that these resources will be employed to encourage and assist the development of new patents or for other appropriate and related purposes.

In the case of federally funded discoveries, royalties distributed other than to the Inventor shall be used solely for purposes of research and education.

The term Inventor shall include multiple inventors and, and in the case of multiple inventors, the applicable royalty percentage shall be divided equitably among them. Their Departments and Schools or Divisions shall also divide the applicable percentage equally.

the activities of the inventor and to the programs of the Department or Departments.

D. With respect to any patent matter in which another institution or an outside agency shall share in the income derived from the patent rights:

(i) An amount, in the aggregate, equal to forty percent (40%) share of the Net Income received by the University shall be distributed to the Inventor;

(ii) Any remaining income to the University shall be divided accordingly; one-third (1/3) to the Inventor's research; one-third (1/3) to the President; one-sixth (1/6) to the Chair of Inventor's department; and one-sixth (1/6) to the Dean/Director of Inventor's unit.

VI. When the subject matter of the patent shall be affected by any grant or contract to or with the University, or by legislation, those elements shall control; and the provisions of this policy shall be deemed to be amended to the extent necessary to give effect to such elements.

VII. When the University's contribution to the discovery shall have been insignificant, the President of the University shall be authorized, with the concurrence of the Office of Patenting and Licensing, to relinquish, when possible, in whole or in part the rights of the University with respect thereto. Should conditions of an applicable grant or law require it, concurrence of the Federal government must be secured. Further, the President of the University shall be authorized to alter or modify the allocation of income from patent rights as set out in Paragraph V, when he shall be advised by the Office of Patenting and Licensing that special circumstances justify each action.

VIII. This revised policy shall supersede the policy heretofore existing and become effective following its adoption by the Trustees of the University on and after November 16, 1989, and shall apply to all discoveries of which notice is given to the University on and after said date. This policy will be applied retroactively to all existing and/or pending patents.

IX. The policy shall not be construed in any way as having an application to copyrights.

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