



The Texas A&M University System
Texas A&M Engineering Extension Service

Standard Administrative Procedure (SAP)

SAP 17.01.99.01-1 Intellectual Property Protection

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Summary

The purpose of this document is to provide the intellectual property (IP) ownership guidelines, types of IP, licensing of IP, and employee responsibility for TEEX IP.

Definitions

Copyrightable work – an original work of authorship that has been fixed in any tangible medium of expression from which it can be perceived, reproduced or otherwise communicated, either directly or with the aid of a machine or device, such as books, journals, software, computer programs, musical works, dramatic works, videos, multimedia products, sound recordings, pictorial and graphical works. A copyrightable work may be the product of a single author or a group of authors who have collaborated on a project, or may be a derivative work based upon one or more preexisting copyrightable works.

Intellectual Property (IP) creator – a person who invents, authors or otherwise creates intellectual property.

Intellectual property – collectively, all forms of intellectual property including but not limited to issued patents, patent applications, patentable inventions, (including without limitation those inventions where the system has decided not to file for patent protection, or has deferred a decision to file for patent protection, or a patent application is not currently filed), plant variety protection certificates, copyrightable works, trademarks, mask works and trade secrets.

Invention – any discovery, including without limitation, any art or process (way of doing or making things), methods, machine, devices, manufacture, design or composition of matter, or any new and useful improvement thereof, or any new plant or variety of plant, which is or may be patentable under the patent laws or protected under the Plant Variety Protection Act of the United States or other similar laws in foreign jurisdictions. An invention further includes those inventions that may not be eligible for patent protection, but are otherwise commercially valuable.

Patent – a property right granted by a government to an inventor to exclude others from making, using, offering for sale, or selling the invention in a territory, or importing the invention into a territory, for a limited time in exchange for public disclosure of the invention when the patent is granted.

Trademark (including service mark) – a distinctive word, design or graphic symbol, or combination word and design, that distinguishes and identifies the goods and services of one party from those of another, such as names or symbols used in conjunction with plant varieties or computer programs.

Requirements

1. General

- 1.1. In accordance with Texas Education Code 153, the TAMU System Board of Regents, as the governing board, holds ownership of all intellectual property developed by personnel employed by TEEEX.
- 1.2. TEEEX will work with the Texas A&M Technology Commercialization (TTC) office to manage, transfer, market, and otherwise commercialize intellectual property.

2. Ownership of Intellectual Property

2.1. IP is owned by the TAMU System when the IP is created:

- 2.1.1. As a result of activities related to an individual's employment responsibilities,
- 2.1.2. With financial support from the System or TEEEX, or financial support received from a third party that is administered by the System or TEEEX, and/or,
- 2.1.3. With significant use of system and/or TEEEX resources.

2.2. IP is owned by the creator and not the TAMU System when the IP is:

- 2.2.1. Unrelated to the creator's employment responsibilities,
- 2.2.2. Developed on the IP creator's own time, and
- 2.2.3. Developed without the support of the System or TEEEX or the significant use of System or TEEEX resources.

2.3. TEEEX will own copyrightable works that are created by

- 2.3.1. An IP creator who was hired by TEEEX specifically or required as part of the IP creator's employment to produce copyrightable works for institutional purposes, or,
- 2.3.2. A third party commissioned or contracted by TEEEX and assigned to TEEEX on whose behalf the work was performed.

3. Types of Intellectual Property Protection

3.1. Trademark

- 3.1.1. The TEEEX Marketing and Communication (MaC) department is responsible for the oversight of all agency-owned trademarks.
- 3.1.2. Registered trademarks are tracked through TAMUS Office of General Council (OGC). TAMUS OGC notifies the TEEEX Director of Marketing and Communication when trademarks are to be renewed.

3.2. Copyright

- 3.2.1. The TEEEX Marketing and Communication (MaC) department is responsible for the oversight of copyrights for all agency-owned photographs and videos.

- 3.2.2. The MaC department is responsible for maintaining a process to monitor the use of TEEEX copyrighted logo/name by unauthorized individuals or organizations.
- 3.2.3. The Assistant Agency Director for Strategic and Education Services (SES) has oversight for all TEEEX copyrighted curriculum. TEEEX SES Department is responsible for maintaining an inventory log of all TEEEX copyrightable curriculum works approved through the US Library of Congress.

3.3. Patent

- 3.3.1. Invention disclosures are coordinated by the Assistant Agency Director of SES, the respective division, the inventor, and the TTC. TEEEX SES Department is responsible for maintaining an inventory log of all TEEEX registered patents or inventions.
- 3.3.2. The TTC will assist TEEEX with the patent process to include assessing and evaluating the viability of applying for a patent for the invention in terms of risk, return on investment, and ability to provide adequate invention protection.

4. Licensing of Intellectual Property

- 4.1. TEEEX must work with the TTC and the System Office of General Counsel (OGC) to develop license agreements for licensing system intellectual property.
- 4.2. TEEEX has the primary responsibility and authority, with assistance from OGC, for negotiating with third parties having an interest in using, developing, or otherwise commercializing TEEEX IP.
- 4.3. The TEEEX Director of Marketing and Communication shall review and approve the use and/or sale of all merchandise (internal or external) using a TEEEX trademark.
- 4.4. Revenue sharing for licensing of system owned patents and software shall be apportioned in accordance with the applicable provisions of TAMUS Policy 17.01.04.

5. Employee Responsibility

- 5.1. TEEEX employees (full time, part time, or wage) who work with TEEEX IP products shall adhere to the following basic IP protection and security measures:
 - 5.1.1. Coordinate with Assistant Agency Director of the Strategic & Education Services (SES) Department concerning IP protection and security measures
 - 5.1.2. Ensure that clear, detailed IP rights and protection language is contained in all TEEEX contracts and agreements. TEEEX employees shall not commit to any “work for hire” provisions, either verbally or written in contracts, without the review and approval of the Agency Deputy Director.
 - 5.1.3. Conduct due diligence when vetting potential business partners.
 - 5.1.4. Properly and conspicuously mark/label TEEEX IP assets.
 - 5.1.5. In coordination with SES Director and TTC, registration of high value copyrights, patents, and trademarks with the appropriate US government office and further consider registering high value

IP assets in foreign markets, including defensively in countries where IP right violations are common.

5.1.6. Employees shall not reproduce any other entity's copyright materials or works in print, video, audio, digital, or electronic form in violation of copyright law.

5.1.7. Employees Shall report any suspected incidents of infringement of IP rights to the Assistant Agency Director (SES).

5.2. Independent Contractors

5.2.1. All independent contractors must sign an agreement (TEEX Form CS48) that stipulates the ownership of work products.

5.2.2. All TEEX employees who have a supervisory responsibility for an independent contractor shall monitor the independent contractor's adherence to the stipulations of the agreement.

Quality Assurance Measures

1.1 The TEEX Director of Communication is responsible for completing required trademark renewals, as received by TAMUS OGC, within prescribed deadline. Documentation is maintained by the TEEX Director of Communication.

1.2 The TEEX SES Risk and Compliance Manager, or designee, will send an annual inventory report to the TEEX SES Director of all inventions, patents, and copyrightable works approved through the US Library of Congress.

1.3 TEEX employees and/or independent contractors that do not follow the guidelines provided in this SAP could receive additional training or disciplinary action.

Related Statutes, Policies, or Requirements

[TAMUS Policy 17.01 Intellectual Property Management and Commercialization](#)

[TAMUS Regulation 17.01.01, Ownership of Intellectual Property and Tangible Research Property](#)

[TAMUS Regulation 17.01.02, Evaluation and Protection of Intellectual Property](#)

[TAMUS Regulation 17.01.03, Commercial Development of Intellectual Property](#)

[TAMUS Regulation 17.01.04, Distribution of Royalties, License Fees and Sale Proceeds from Licensing](#)

[TAMUS Regulation 17.01.05, Charitable Gifts and Assignment of Ownership Rights](#)

[TAMUS Regulation 17.01.06, New Venture Formation and Related Investment](#)

[TAMUS Regulation 17.01.07, Administration, Oversight and Reporting of Intellectual Property](#)

Office of Responsibility

Strategic and Education Services (SES)

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