

**HISTORY OF THE UNIVERSITY OF TEXAS SYSTEM
INTELLECTUAL PROPERTY POLICIES AND GUIDELINES
1985 TO PRESENT**

Item No. 6	Date of BOR Meeting 12/7/89	Section Affected/New Section Added: Amendments to Part Two, Chapter V, Section 2.49
------------	-----------------------------	--

SUMMARY OF REVISION: Added new subdivision describing approval process for agreements that deviate from the Board's IP Policy.

* * * * *

U.T. Board of Regents - Regents' Rules and Regulations, Part Two: Approval of Amendments to Chapter V, Section 2, Subsection 2.4, Subdivision 2.49 (Approval of Agreements Relating to Rights in Intellectual Property). -- Committee Chairman Ratliff called on Vice Chancellor and General Counsel Farabee for background information on the proposed amendments to the Regents' **Rules and Regulations**, Part Two, Chapter V, Section 2 related to intellectual property rights in agreements. Vice Chancellor Farabee pointed out that the proposed amendments would allow sponsored research agreements (including research participation agreements, conditional gifts, extensions of or modifications to previously approved agreements, and consulting agreements) containing language in technical nonconformance with the Intellectual Property Policy or the Guidelines to be processed more expeditiously upon a finding that the potential benefits from the level of funding for the proposed research and/or other consideration from the sponsor outweigh potential disadvantages related to the policy deviation.

Mr. Farabee then introduced Mr. Dudley R. Dobie, Jr., Section Manager of Intellectual Property in the Office of General Counsel, who addressed certain matters relating to sponsored research agreements, corporate attitudes regarding policies of The University of Texas System concerning sponsored research, and positions taken by other major research universities with respect to similar issues. A copy of Mr. Dobie's report is on file in the Office of the Board of Regents.

Following these presentations and a brief discussion, the Regents' **Rules and Regulations**, Part Two, Chapter V, Section 2, Subsection 2.4, Subdivision 2.49 (Approval of Agreements Relating to Rights in Intellectual Property) were amended as set forth below to allow sponsored research agreements containing language in technical nonconformance with the Intellectual Property Policy or Guidelines to be processed more expeditiously:

Sec. 2. General Personnel.

2.49 Approval of Agreements Relating to Rights in Intellectual Property.

2.491 Agreements relating to rights in intellectual property shall ordinarily be approved by the Board on the institutional docket following review by the Office of General

Counsel and approval by the chief administrative officer of the component institution, the appropriate Executive Vice Chancellor and the Chancellor.

2.492 Any agreement altering substantially the basic intellectual property policy of the System as set out in the preceding sections and other policies and guidelines that may be adopted by the Board shall have the advance approval of the chief administrative officer, the appropriate Executive Vice Chancellor, the Chancellor, and the Board as an agenda item. Such an alteration in a sponsored research agreement shall not be considered substantial and may be approved by the Board on the institutional docket if, in the judgment of the chief administrative officer and with the concurrence of the appropriate Executive Vice Chancellor, the benefits from the level of funding for the proposed research and/or other consideration from the sponsor outweigh any potential disadvantage that may result from the policy deviation.