

APPENDIX A

Policy Statement for Inclusion in Research Proposals and Contracts/Agreements

THE UNIVERSITY OF TENNESSEE POLICY ON PATENTS, COPYRIGHTS AND OTHER INTELLECTUAL PROPERTY

I. Publications

The University's research activities are an integral part of the total educational program, and much of it forms the basis for articles in professional Journals, seminar reports, presentations at professional society meetings, and student dissertations and theses.

To fulfill the University's obligations as a publicly-aided educational institution, University research should serve a public rather than a private purpose, and the results should be disseminated on a non-discriminatory basis. The University encourages studies whose results can be freely published.

The University recognizes that the legitimate proprietary concerns of private research sponsors and the effective commercialization of research outcomes may require limited delays in publication. Where appropriate, publications can be deferred for a negotiated period of time in order to protect patent rights. Similarly, on those occasions where the University has accepted a sponsor's proprietary information as necessary background data for a research project, the sponsor may review proposed publications in order to identify any inadvertent disclosure of those specific data.

II. Patents and Copyrights

The University's policy with regard to inventions and creations resulting from research reflects the view that a university by its nature has an obligation to serve the public interest by ensuring that inventions and other intellectual property are developed to the point of maximum utilization and availability to the public. The University, therefore, generally assigns to the University of Tennessee Research Foundation title to inventions and creations made under its sponsored programs with the understanding that it will license them in the public interest under an active inventions/creations management program in which licensing of industrial research sponsors is an important part. The University and the inventor share in the proceeds of royalty-bearing licenses.

III. Use of Names

Research sponsors may not use the University's name in advertising or other product promotion activities without the University's prior written approval. Similarly, the University will not use the name of the sponsor in publicity releases without the sponsor's approval.

APPENDIX B

Statement for Inclusion on Proposal or Contract/Agreement Submittal Form

**STATEMENT FOR INCLUSION ON PROPOSAL
OR CONTRACT/AGREEMENT SUBMITTAL FORM**

It is understood that all discoveries, inventions, and other intellectual property made or conceived in performance of work on this project will be the property of The University of Tennessee or in accordance with the contract terms for this project; University policies and procedures are designed to assure that interests of the inventor, the University, and the sponsor are taken into consideration; and the Principal Investigator(s) will furnish prompt and full disclosure of inventions made during performance of this project to the Office for Research Administration.

NOTE: The above statement is to be incorporated into each proposal or contract/agreement submittal form that is transmitted to the chief research officer of each campus. This statement should be signed by all faculty and staff members who will be participating in the project.

APPENDIX C

University of Tennessee Research Foundation

GENERAL POLICIES OF UNIVERSITY OF TENNESSEE RESEARCH FOUNDATION

The University of Tennessee Research Foundation (UTRF) is an independent nonprofit organization chartered under the laws of the State of Tennessee.* Its main purpose is to promote and manage research and technology commercialization within the statewide University of Tennessee, including assistance to faculty and staff in the procurement of patents and registering of copyrights and the licensing thereof to support research at the various campuses of the University.

UTRF has adopted specific policies (82-1 and 82-2) relative to the distribution of income to inventors and creators. The following excerpts are taken from these policies:

Policy No. 82-2: When a potential patent or copyright is developed by a University employee (hereafter referred to as originator), it is the policy of the Foundation to offer the originator an agreement whereby if a patent or copyright is obtained in the name of the originator it will be assigned to the University of Tennessee Research Foundation, with any resulting income to be shared with the originator.

If the potential patent or copyright was developed using University time or facilities, the Foundation will share with the originator at the originator's option, either fifteen percent of any gross income resulting, or fifty percent of any net income resulting after all costs of obtaining, defending, licensing, and administering the patent or copyright have been paid.

At the originator's request, the Foundation will:

- (a) deduct a designated portion of the originator's share of income from a patent or copyright and pay such amount directly to the University, for purposes designated by the originator, or
- (b) designate a smaller share of income to be paid to the originator than that specified in the second paragraph above.

Policy No. 82-1: In determining distributions for research support to a campus or major budgetary entity, it shall be the policy of the Foundation to return to each campus and budgetary entity a large fraction of the Foundation's available net income resulting from patents, copyrights, discoveries, and developments originating at that campus or budgetary entity. Distribution will be made to an account designated to support research at each campus or budgetary entity, with internal distribution to be determined through a mechanism established by the responsible chancellor or vice president.

A small fraction of the Foundation's net income may be allocated to the University-wide Administration for the purpose of encouraging and developing multi-campus research initiatives. This allocation would be made to a designated University account, with further distribution to be determined through a mechanism established by the Vice President for Academic Affairs and Research.

It shall be the policy of the Foundation to maintain its operating expenses at the lowest feasible level consistent with prudent management of its resources and effective service to faculty and staff of The University of Tennessee.

For the privilege of acting as the patent, copyright and licensing agent for The University of Tennessee, UTRF provides the following services:

1. Investigate diligently the patentability, suitability for copyright registration, and commercial potential of all inventions and creations so assigned.
2. Obtain patents or register copyrights on those outcomes deemed patentable or suitable for copyright, and of potential commercial value, or, alternatively, to arrange for direct commercial development without patent protection or copyright registration where this appears to be a more attractive option.
3. Pursue an active licensing program for its inventions and creations. The normal mechanism for transfer of technology is a non-exclusive license. Where required for the effective development of inventions and creations to the point of commercial availability, however, UTRF will negotiate exclusive licenses for a limited term.
4. In the event that UTRF determines not to file a patent application or copyright registration, or otherwise pursue commercial development of a research outcome, to modify the University of this fact normally no later than six months after assignment of the invention or creation to UTRF. Under such conditions, all rights of UTRF in such invention or creation shall be released to The University of Tennessee.

*The charter of the University of Tennessee Research Foundation states that "The purposes for which Research Foundation is formed are educational, charitable, and scientific within the meaning of Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (Code), in conjunction with The University of Tennessee, and its Campuses and Institutes and other University-affiliated organizations (collectively referred to herein as University), to enable promoting, supporting, and carrying out the research mission of University, as set forth in T.C.A. §49-9-1401 et seq., to enhance the competitive position of University for research and development funding, otherwise to facilitate expanded research and development activities at University, and to facilitate the commercialization of University research outcomes and the transfer of research-generated technology from University to commercial and industrial enterprises in furtherance of the economic development of the State of Tennessee (State)"