



Policy on Inventions, Patents, and Innovation Transfer

Responsible Officer:	VP - Research and Innovation
Responsible Office:	RI - Research and Innovation
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Scope:	All University employees, non-employees using University Research Facilities, and non-employees using gifts, grants, or contracts received by or through the University.

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TABLE OF CONTENTS

I.	POLICY SUMMARY	1
II.	DEFINITIONS	2
III.	POLICY TEXT	3
IV.	COMPLIANCE / RESPONSIBILITIES	3
V.	PROCEDURES	3
VI.	RELATED INFORMATION	4
VII.	FREQUENTLY ASKED QUESTIONS.....	4
VIII.	REVISION HISTORY	4

I. POLICY SUMMARY

The University of California (“University”) is a major driver of economic and social prosperity in the State of California. This impact is primarily accomplished through the education of a highly trained workforce, the publication of research results, and the development of societal solutions through research and service initiatives. The University strives to manage [intellectual property assets](#) for the long-term benefit of both the University and the people of the State of California.

This policy supports the practical application of University research and the [Regents Policy on Innovation Transfer & Entrepreneurship](#) by establishing the University’s

ownership of intellectual property, facilitating legal protection under applicable intellectual property laws, promoting innovation transfer, and committing to an equitable distribution of intellectual property commercialization income.

II. DEFINITIONS

Intellectual Property: includes all Inventions, discoveries, developments, systems, methods, and materials, as well as all software and other copyrightable works for which the University retains copyright ownership under the [Copyright Ownership Policy](#) or [Ownership of Course Materials Policy](#). “Intellectual Property” also includes any legally recognized rights in the items enumerated in the preceding paragraph, including patents, registered or unregistered copyrights, registered or unregistered trademarks and service marks, and plant variety protection certificates. It also includes the physical embodiments of intellectual effort, for example, models, organisms, machines, devices, designs, apparatus, instrumentation, circuits, biological materials, chemicals, other compositions of matter, and plants. Future advances in science and the arts may result in new structures for intellectual property protection and they are also “Intellectual Property” within this policy.

This policy specifically excludes (1) scholarly and aesthetic works for which the copyright transfers to academic authors under the [Copyright Ownership Policy](#) and (2) student works for which the copyright resides with the student creator under the [Copyright Ownership Policy](#).

Invention: a new and useful device, method, process, machine, manufacture, design, or composition of matter, or any new and useful improvements, or any variety of plant, which is or may be patentable under United States patent laws and regulations.

Inventor: an individual covered by this policy who meets the criteria for inventorship under United States patent laws and regulations.

Net Commercialization Income: gross income received in consideration for a license or option, including income received through litigation, less unreimbursed costs of patenting, protecting, and preserving patent and other Intellectual Property rights; maintaining and prosecuting Intellectual Property rights; litigation and audit expenses; marketing and licensing of Intellectual Property rights; payments to third parties and related costs; and taxes.

University/UC Location: all University of California sites, including Agriculture and Natural Resources and University of California-managed national Laboratories such as Lawrence Berkeley National Laboratory.

University IP: all Intellectual Property wholly or partially created: 1) within the course and scope of University employment, 2) using University Research Facilities, or 3) using gifts, grants, or contracts received by or through the University. University IP excludes Intellectual Property wholly created outside the course and scope of University employment, without using University Research Facilities, and without using gifts, grants, or contracts received by or through the University.

University Research Facilities: University premises or resources dedicated in whole or in part to the performance of research. Exceptions may be available when an approved recharge facility is used under an approved external user agreement/fee.

III. POLICY TEXT

- A. Copyright and Course Material Policies.** This policy does not modify the ownership rights provided in the University policies regarding [copyright ownership](#) or [course material](#) ownership.
- B. Ownership.** The University owns University IP. This ownership statement fulfills in part the requirements imposed by applicable federal, state, and sponsor policies or regulations. The [Patent/IP Acknowledgment](#) is the document that confirms the University's ownership of University IP and all University employees must sign the [Patent/IP Acknowledgment](#) at the time of hiring.
- C. Income Distribution.** Subject to previous versions of this policy and the University's contractual obligations, the University agrees to pay Inventor(s), or Inventor(s)' heirs, successors, or assigns, 35% of the University's Net Commercialization Income received for a license or option to patent rights. The distribution of Net Commercialization Income from all other University IP is determined by the UC Location or national Laboratory. The remaining 65% will be provided to Chancellors, the Vice President, Agriculture and Natural Resources, or the Laboratory Director to distribute according to local policies and practices, of which 15% will be allocated for research-related purposes. The federal [Bayh-Dole Act of 1980](#) requires the University use Net Commercialization Income from Inventions for scientific research, development, and education. When two or more Inventors /creators are eligible to receive Net Commercialization Income for the same Invention /University IP, each shares equally, unless all Inventors/creators agree in writing to a different sharing arrangement. University-managed national Laboratories may establish separate royalty distribution formulas, subject to approval by the President.

IV. COMPLIANCE / RESPONSIBILITIES

As a public, state-funded university, the University must manage its assets fairly and prioritize its mission of research, education, and public service. Decisions related to patenting and commercialization of University IP will be made in the UC Location's sole and absolute discretion using processes developed and administered locally. All commercialization decisions must take into account the University's status as a 501(c)(3) organization, and be compliant with other University policies, applicable laws, and third-party obligations. To support the University's research and education purposes, all licenses and options in any University IP must retain a right for the University, and other non-profits, to practice and use that University IP.

V. PROCEDURES

- A. Patent/IP Acknowledgment.** As stated in the Policy Text, all University employees must sign the [Patent/IP Acknowledgment](#) at the time of hiring. Only individuals who

have signed the Patent/IP Acknowledgment may perform under University gifts, grants, or contracts. Individuals not employed by the University but who use University Research Facilities, or who perform under University gifts, grants, or contracts are also subject to this Policy and must sign the [Patent/IP Acknowledgment](#) prior to accessing such facilities or performing such work. All individuals subject to this Policy are responsible for ensuring that any employment/consulting agreements with third parties do not conflict with their preexisting and ongoing obligations to the University.

Campus Chancellors, the Vice President, Agriculture and Natural Resources, Laboratory Director and their delegates may authorize exemptions and exceptions from signing the [Patent/IP Acknowledgment](#), provided that such exemptions or exceptions are consistent with other University policies, applicable laws, and third-party obligations.

- B. Reporting.** All individuals subject to this Policy must promptly report and fully disclose all Inventions to their local authorized licensing office. Thereafter, all individuals subject to this Policy must provide to University any additional documents necessary for obtaining legal protection for University IP and entering into commercialization agreements.
- C. Income.** Net Commercialization Income under this policy will be distributed once per year based on income and costs from the previous year. In the event of any significant future expense such as litigation, actual or imminent, or any other action to protect University IP rights, the University may withhold distributions to cover costs until resolution of the matter.
- D. Exceptions.** In special circumstances, it may be in the best interests of the University to enter into agreements that require exceptions to this policy. Campus Chancellors, the Vice President, Agriculture and Natural Resources, Laboratory Director and their delegates may authorize such exceptions in accordance with other University policies, applicable laws, and third-party obligations.

VI. RELATED INFORMATION

- [Regents Policy on Innovation Transfer & Entrepreneurship](#)
- [United States Patent Laws](#)
- [Bayh-Dole Act](#)
- [Copyright Ownership Policy](#)
- [Ownership of Course Materials](#)
- [Patent Acknowledgment](#)

VII. FREQUENTLY ASKED QUESTIONS

[Frequently Asked Questions](#)

VIII. REVISION HISTORY

February 2, 2024: Effective date July 1, 2024, this Policy was revised to implement Section A (Governance) of the [Regents Policy on Innovation Transfer & Entrepreneurship](#), which provides that the responsibility, authority, and accountability for innovation transfer and entrepreneurship resides generally with the campuses. The revised Policy specifically gives UC Locations authority over innovation transfer and intellectual property related decisions. It also addresses unpatentable intellectual property which can generate commercialization income.

This Policy is also reformatted to meet Web Content Accessibility Guidelines (WCAG) 2.0

This Policy rescinds the Patent Policy dated October 1, 1997.