

NOTICE OF PROPOSED REGULATION

Date: February 20, 2013

REGULATION TITLE:
Works and Inventions

REGULATION NO.:
1.018

SUMMARY: The changes are clarifications and updates to conform to current practice.

AUTHORITY: BOG Regulation 1.001

COMMENTS CONCERNING THE PROPOSED REGULATION SHOULD BE SUBMITTED WITHIN 14 DAYS OF THE DATE OF THIS NOTICE TO THE CONTACT PERSON IDENTIFIED BELOW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED REGULATION IS: Rebecca J. Holt, Senior Administrative Assistant, 123 Tigert Hall, Post Office Box 113125, University of Florida, Gainesville, Florida 32611, 352-392-1358 office, 352-392-4387 facsimile, regulations@ufl.edu.

NAME OF PERSON WHO APPROVED THE PROPOSED REGULATION: Dr. Win Phillips, Senior Vice President and Chief Operating Officer

THE FULL TEXT OF THE PROPOSED REGULATION IS ATTACHED TO THIS NOTICE.

REGULATIONS OF THE
UNIVERSITY OF FLORIDA

~~6C1~~-1.018 Works and Inventions.

(1) For the purposes of this regulation, the following definitions shall apply:

(a) A “creator” shall mean a member of University personnel who creates a work or invention.

(b) An “invention” shall include any discovery, invention, process, composition of matter, article of manufacture, know-how, design, model, technological development, biological material, strain, variety, culture of any organism, or portion, modification translation, or extension of these items, and any mark used in connection with these items.

(c) “University personnel” shall include full-time and part-time employees of the University of Florida, including Academic Personnel (AP), Technical, Executive, Administrative and Managerial Support (TEAMS), University Support Personnel System (USPS), and Other Personnel Services (OPS) employees; appointees of the University, including certain faculty members and all volunteers; persons paid by or through the University, including fellows; and anyone working under University auspices. Students who are encompassed within any of these categories shall be considered “University personnel.”

(d) “University support” shall include the use of University funds, personnel, facilities, equipment, materials, or technological information, and includes such support provided by other public or private organizations when it is arranged, administered, or controlled by the University.

(e) “University-supported work” shall mean a work of a creator not made in the course of “independent efforts.” “Independent efforts” with regard to a work means that the ideas for

the work came from the creator, the work was not made with the use of University support, and the University is not held responsible for any opinions expressed in the work. Notwithstanding the foregoing, “University-supported works” do not include scholarly articles published in journals independent of the University and theses or dissertations of graduate students or other works excluded from the definition of “University-supported works” as set forth in the University’s Intellectual Property Policy as in effect at the relevant time.

(f) A “work” shall include any copyrightable material, such as printed material, computer software or databases, audio and visual material, circuit diagrams, architectural and engineering drawings, lectures, musical or dramatic compositions, choreographic works, and pictorial or graphic works.

(2) Works. A work which is made in the course of independent efforts is the property of the creator. A University-supported work is the property of the University, and the creator shall share in the proceeds therefrom subject to preexisting commitments to outside sponsoring agencies. University personnel are required to disclose promptly, pursuant to the University’s Intellectual Property Policy, all University-supported works. ~~_, including all instructional works.~~ The Office of Technology Licensing ~~The Vice President for Research or the Vice President’s designee~~ shall inform the creator of the University’s decision regarding ownership pursuant to the requirements of the University’s Intellectual Property Policy ~~and the University’s legal rights as soon as practicable, but no later than 60 days from receipt of the complete disclosure of the work.~~ Any University-supported work shall be handled in accordance with the University’s Intellectual Property Policy, ~~which is incorporated herein by reference.~~ The Work Disclosure form, Revised May 6, 2005, and the Invention Disclosure form, Revised May 5, 2005, ~~incorporated in the University’s Intellectual Property Policy are available from the Office of~~

~~Technology Licensing of the Office of Research and Graduate Programs. Copies of the University's Intellectual Property Policy are available from Office of Technology Licensing and at <http://www.research.ufl.edu/otl/pdf/ipp> of the Office of Research and Graduate Programs.~~

(3) Inventions.

(a) University personnel are required to disclose any invention made or discovered by them promptly pursuant to the University's Intellectual Property Policy. All inventions must be disclosed, even those believed by the creator to be unrelated to his or her University duties and not involving the use of University support.

(b) An invention which is made in the field or discipline in which the creator is engaged by the University or made with the use of University support is the property of the University, and the creator shall share in the proceeds therefrom subject to preexisting commitments to outside sponsoring agencies. An invention made outside the field or discipline in which the creator is engaged by the University and for which no University support has been used is the property of the creator. In the latter case, however, the creator and the University may agree that the invention be pursued by the University and the proceeds shared pursuant to the University's Intellectual Property Policy.

(c) The ~~Office of Technology Licensing~~ Vice President for Research or the Vice President's designee shall inform the creator of the University's decision regarding ownership pursuant to the requirements of the University's Intellectual Property Policy ~~and the University's legal rights as soon as practicable, but no later than 120 days from receipt of the complete disclosure of the invention.~~ Any invention shall be handled in accordance with the University's Intellectual Property Policy.

(4) Copies of the University's Intellectual Property Policy are available from Office of Technology Licensing and at <http://www.research.ufl.edu/otl/pdf/ipp.pdf>. The Work Disclosure form, and the Invention Disclosure form incorporated in the University's Intellectual Property Policy are available from the Office of Technology Licensing and at <http://www.research.ufl.edu/otl/newdiscovery.html>.

~~Specific~~ Authority: BOG [Regulation 1.001](#) ~~Resolution dated January 7, 2003~~.

Law Implemented: Section 1004.23.

History--New 5-28-80, Formerly 6C1-7.392, Amended 7-15-97, 06-15-99, Formerly 6C1-7.0392, Amended 2-5-03, 3-30-07, [Formerly 6C1-1.018, Amended](#)_____.