



UNIVERSITY OF THE INCARNATE WORD

University of the Incarnate Word INTELLECTUAL PROPERTY POLICY

Effective Date: June 1, 2025

Contact: General Counsel,
Office of General Counsel

PURPOSE

In the course of research, scholarship, education, and other activities, UIW faculty, staff, and students create patentable inventions, copyrightable works, and other forms of intellectual property that merit legal protection and may have financial, scientific, and scholarly value. It is the objective of the Board of Trustees to provide an intellectual property policy that will encourage the development of inventions and other intellectual creations for the best interest of the public, the creator, and the research sponsor, if any. Accordingly, UIW seeks purposeful translation of such intellectual property to societal good whenever possible. UIW is committed to timely assessment of legal protection and potential societal benefit of UIW intellectual property and to sharing equitably the rights and royalties resulting from intellectual property licensing.

This policy defines the rights and responsibilities of UIW and its faculty, staff, and students regarding ownership and administration of intellectual property.

SCOPE

The intellectual property policy shall apply to all persons employed by UIW and all students enrolled at UIW; anyone using University Resources under the supervision of UIW personnel, inclusive of all students (undergraduates, candidates for master and doctoral degrees, and pre- and post-doctoral fellows); anyone using University Resources for research supported by external funding, including State or Federal funds not otherwise bound by an outside agreement, or third-party sponsorship or supported by a private gift to UIW.

Except as expressly stated in this policy, this policy shall apply to, and UIW may assert ownership in intellectual property of all forms of intellectual property subject to legal protection in the United States or internationally including, but not limited to, any invention, discovery, trade secret, technology, scientific or technological development, or computer software regardless of whether subject to protection under patent, trademark, copyright, or other laws or means of protection. This policy shall be construed broadly to meet the Purpose of the policy.

DEFINITIONS

- 1.1 Creator. An inventor, developer, or author of intellectual property covered by this policy, including faculty, staff, students, researchers, and administrators.
- 1.2 Incidental Use. Incidental Use of UIW Resources means the infrequent or de minimus use of UIW office supplies, equipment, library resources, standard commercially available software (e.g. Microsoft Office) on any device, or other resources on UIW campuses which are publicly

available. It is the sole right of UIW to determine whether more than an Incidental Use of University Resources has occurred. Any use not considered Incidental Use shall be considered Significant Use under this policy.

- 1.3 Intellectual Property. Intellectual Property means and refers to all forms of technology and expression whose ownership is subject to legal protection in the United States or internationally including, but not limited to, patents, copyrights, trademarks, word marks, service marks, mask works, tangible research property, and rights in data and other proprietary information. Patentable discoveries and inventions may include any new and useful process, machine, article of manufacture, or composition of matter. Copyrightable Works include written and graphic works, computer software, and photographic, video, and audio works. A trade or service mark is a word, name, symbol, or device used by an organization to identify its goods or services. Tangible research property includes matter such as biological materials, prototype devices, and engineering designs. Protectable data includes the recorded factual material and supporting materials such as experimental protocols and code written for statistical analyses commonly accepted in the scientific community as necessary to validate research findings.
- 1.4 Owner. Individual or entity that retains ownership interest in the intellectual property with the right to develop or commercialize the intellectual property and claim profit resulting therefrom.
- 1.5 Scholarly Work. Academic works such as books and articles, lectures, syllabi, visual materials, and other teaching materials created by or utilized by UIW faculty.
- 1.6 UIW or the University. The University of the Incarnate Word, and all affiliate entities of the University of the Incarnate Word system.
- 1.7 University Resources. Funds, space, personnel, equipment, or facilities used to support research and scholarship, including direct funding such as gifts, contracts, grants, and UIW-allocated funds; laboratory space or shared research facilities; and supervision or employment, including student employment, on any such UIW-funded scholarship or research. Incidental Use of resources generally made available to faculty for teaching and research shall not be deemed Significant Use of University Resources for the purposes of this policy.

OWNERSHIP

- 2.1 General Statement of Ownership. Intellectual property created by faculty, staff, or students, or under the supervision of UIW faculty or staff, is owned by UIW if it is created either:
 - (a) within the scope of UIW employment, including work under UIW grants and contracts with third parties, unless otherwise excluded by contract; or
 - (b) with use of University Resources.
- 2.2 Students. Subject to the exclusions noted below, students shall retain ownership of the intellectual property they create in connection with their academic coursework. However, the University shall own all intellectual property that students create when such students: 1) are acting in the capacity of University employees or contractors; 2) are participating in research projects that are funded by the University, grants, or external sponsors or entities; or 3) are supporting a faculty or staff member in research or activities that fall under this policy. In these instances, students may be required to transfer ownership of, or grant rights to,

intellectual property as a condition to participating in certain educational programs or practicums as determined by the University.

- 2.3 Nonemployees. University departments shall ensure that all nonemployees participating in UIW research or activities involving or related to intellectual property have executed an appropriate agreement to transfer ownership of intellectual property that a nonemployee creates or supports to the University. Agreements are available in the Office of General Counsel by request.

2.4 Exclusions.

- 2.4.1 Intellectual property that is unrelated to an individual's employment responsibility that is developed on an individual's own time and without UIW support or use of University Resources is the exclusive property of the Creator, and UIW has no interest in any such property and no claim to any profits resulting from same.

2.4.1.1 Other than Incidental Use, University Resources shall not be used to create, develop, or commercialize intellectual property unrelated to an individual's employment responsibilities. In the event the University Resources are used in a way that is considered more than Incidental Use, as determined by the University, the intellectual property will be subject to UIW ownership and this policy.

- 2.4.2 *Scholarly Works.* UIW recognizes and affirms the tradition in higher education that academic works such as books and articles, lectures, works of art, literature, music recordings, syllabi, visual materials, and other teaching materials are owned by the faculty member authoring them rather than the employing educational institution, so long as it was not created under the direction and control of the University or developed in the performance of a sponsored research project or other third-party agreement. In keeping with that tradition, UIW waives its ownership rights in those academic copyrightable works, except when those academic copyrightable works were specifically assigned and funded by UIW, developed with significant use of University Resources, or developed under an externally funded agreement with UIW. Faculty ownership of such academic works may, however, be affected by the terms of agreements with third-party sponsors, or by agreements between faculty and UIW with respect to special projects such as the creation of online courses or other digital education offerings as described below.

2.4.2.1 Where faculty academic works covered in Section 2.4.2 are incorporated into educational resources designed for ongoing departmental classroom use in a particular school or college, UIW shall have a perpetual, nonexclusive, royalty-free license to use such academic works for such purposes.

- 2.4.3 *Works for Credit.* Creators shall retain all copyright in papers, theses, and dissertations written as a student to earn credit in University courses or otherwise satisfy UIW degree requirements.

- 2.4.4 *Consulting Materials.* Creators shall retain all rights in written materials and other works created by faculty or employees in connection with personal consulting activity including, but not limited to, use of UIW's office space, office computers, and off-the-shelf word processing software, as same does not constitute significant University resources under this policy. However, consulting activities are still subject to the

UIW's outside employment policy, as applicable.

- 2.2.5 *Publications.* Nothing in this policy shall limit or restrict the right of UIW faculty, staff, or students to publish results of their research, subject to reasonable delays to preserve a patent or other intellectual property rights. Delays in publication required by the University to preserve such rights shall not exceed ninety (90) days from the date of initial disclosure, unless otherwise agreed between the Creator and the Provost, in consultation with the Office of General Counsel.

MANAGEMENT RESPONSIBILITIES

- 3.1 Provost's Intellectual Property Advisory Committee. To monitor and collect information pursuant to this policy, the Provost shall appoint a committee consisting of four faculty members and one administrator or staff employee to the Provost's Intellectual Property Advisory Committee (the "PIPAC"), in accordance with the Provost's posted procedures. The PIPAC will:

- (a) Receive and review disclosures of intellectual property by Creators;
- (b) Gather data and information needed to assess UIW's ownership interest in each invention;
- (b) Decide whether to refer an invention to the Intellectual Property Advisory Committee (IPAC); and
- (c) Monitor progress of projects at various stages of this policy.

- 3.2 Intellectual Property Advisory Committee. To administer the intellectual property policy and make recommendations to the President or his or her designee, an Intellectual Property Advisory Committee (the "IPAC") shall be established.

- 3.2.1 The IPAC will consist of five voting members, including:

- (a) The Provost or his or her designee;
- (b) The Chief Financial Officer or his or her designee / AVP of Business and Finance;
- (b) The Dean of Research and Graduate Studies; and
- (c) Two members of the PIPAC as appointed by the Provost.

- 3.2.2 The IPAC will consist of two non-voting members: 1) the Dean from the Creator's respective program or department, or the divisional Vice President if the Creator is from a non-academic unit; and 2) the General Counsel or his or her designee from the Office of General Counsel.

- 3.2.3 The Intellectual Property Advisory Committee (the "IPAC") will:

- (a) Review and assess information provided by the PIPAC;
- (b) Based on the information provided by the PIPAC, consider whether to assert or decline UIW's ownership rights;
- (c) Make recommendations to UIW stakeholder(s) as directed by the President regarding whether to seek protection for Intellectual Property;
- (d) Assess whether to pursue development or commercialization of Intellectual Property; and
- (e) Assess whether to partner with an external third party in the development of Intellectual Property.

- 3.3 Office of General Counsel. The Office of General Counsel will have responsibility for all legal matters related to intellectual property.
- 3.3.1 The Office of General Counsel shall develop and recommend procedures for the various intellectual property committees, including PIPAC and IPAC, as appropriate, and draft documentation and agreements as may be needed for the implementation of this policy.
- 3.3.2 The Office of General Counsel shall appoint patent counsel as appropriate to implement this policy.
- 3.3.3 The Office of General Counsel, with the assistance of its designated patent counsel when necessary, will make recommendations regarding, and secure protection for, intellectual property when appropriate, police infringements, maintain central databases and files of patent applications, issued patents, copyrights, licenses and agreements, negotiate and prepare licensing agreements, review, and approve as to form all agreements relating to intellectual property.
- 3.4 The Chief Financial Officer. The Chief Financial Officer will assist in business and financial matters related to intellectual property. The CFO will make business decisions regarding intellectual property expenditures; coordinate evaluating royalty or equity transactions; review and approve agreements related to equity transactions; represent UIW on boards of directors of entities in which UIW holds equity; serve as a repository for certificates of shares in entities in which UIW holds equity and represent UIW's interest with respect thereto; and coordinate with the Office of General Counsel in all such matters.

PROCEDURES

- 4.1 Disclosure. Before intellectual property is disclosed to the public or for commercial purposes, and before publishing same, a Creator must disclose intellectual property developed under this policy to UIW. It is the Creator's duty to communicate, in a timely manner, all creations of intellectual property covered by this policy to the PIPAC to initiate the review process.
- 4.1.1 It is the responsibility of the Creator to communicate and disclose, in a timely manner, all creations of intellectual property covered by this policy to UIW in accordance with UIW's posted policies and procedures. Creators seeking to protect intellectual property shall follow the then-current policies and posted procedures.
- 4.1.2 Creators are required to cooperate fully in steps necessary to protect UIW's rights. The failure to adhere to these obligations in no way diminishes or extinguishes the rights of UIW.
- 4.2 Creators shall disclose modifications, extensions, derivations, improvements, or translations or previously identified works, educational materials, or inventions to UIW, and such disclosures will be administered according to this policy. Disclosure of modifications, extensions, derivations, improvements, or translations to UIW is required regardless of any previous or pending UIW decision to assign rights or interests to a creator in the case of an underlying work or invention.

ROYALTIES

- 5.1 Any royalty income received by UIW from intellectual property covered under this policy is

first used to reimburse UIW for all direct expenses associated with the protection, development, licensing, and commercialization of the intellectual property. This includes expenses for patent protection and legal fees.

- 5.2 Any distribution of royalties, or other distributable funds paid pursuant to this policy constitutes supplemental income to the recipient, who bears all tax consequences.
- 5.3 The split of royalty distributions is governed by the policy in place at the time the invention is disclosed to UIW.
- 5.4 The royalty breakdown for any distribution of royalties, or other distributable funds, shall be as follows:

Creator	50%
Office of the Provost	10%
UIW General Fund	40%

The funds payable to the Provost under this policy fund UIW's patent budget and the commercialization services that aid UIW Creators.

- 5.5 With the prior approval of the President, the allocation of royalties set forth herein may be adjusted, but in no event shall the creator receive more than 50% or less than 25% of such proceeds.
- 5.6 In the event that two or more persons are entitled to share royalty income pursuant to this policy, and such persons cannot agree on an appropriate sharing arrangement as evidenced by a clear and unequivocal written agreement transmitted to the Office of General Counsel, that portion of the royalty income to which the Creators are entitled under this policy will be distributed to such persons in such portions as the Chief Financial Officer may deem appropriate, and such decision shall be binding on the Creators.
- 5.7 The portion of the net income UIW retains from royalties or any other funds distribution under this policy shall be used for purposes approved by the Board of Trustees in accordance with standard budgetary policies. With the approval of the Board of Trustees, such income may be accumulated in an endowment fund with the income to be distributed as may be approved by the Board of Trustees.
- 5.8 With the prior written approval of the President, future royalties payable to a faculty member pursuant to this policy may be assigned to UIW by the faculty member and designated for use in research to be conducted by such faculty member.

RELEASE OF INTELLECTUAL PROPERTY

- 6.1 After assessment and review of intellectual property under this policy, UIW may, at the recommendation of the IPAC, decline to assert its ownership interest in an invention, in whole or in part.
- 6.2 UIW may release an invention before or after filing a provisional or formal patent application, either in the United States or foreign jurisdictions, or at any time during the process outlined by the IPAC.
- 6.3 In certain circumstances, inventions created from funding provided by external resources

(such as the state or federal government) are subject to contractual obligations related to the invention. Accordingly, ownership and subsequently, release of an invention may be governed by a contractual obligation outside this policy and will not follow the typical process of release.

WAIVERS

- 7.1 UIW, in its sole discretion, may grant a waiver of any provision of this policy on a case-by-case basis. All requests for waivers must go through the IPAC's procedures and be approved in writing and signed by the President or his or her designee. Any decision to grant a waiver should consider UIW's best interests and the facts of the situation involved. This paragraph shall not relieve UIW of its obligations under this policy. Any waiver granted pursuant to this paragraph will apply only to obligations imposed on the Creator, unless otherwise agreed to by the Creator.
- 7.2 A decision by UIW to seek patent or other available protection for intellectual property shall not obligate UIW to pursue such protection in all national or international jurisdictions. UIW's decision relating to the geographical scope and duration of such protection shall be final.

CONFLICTS

- 8.1 Where there is disagreement between the Creator and UIW as to ownership rights, the PIPAC shall conduct a review of the case and render a determination as to ownership. The burden of demonstrating that intellectual property was created outside the scope of UIW employment and without any significant use of University Resources is on the Creator. For disputes arising under this Section, the decision of the PIPAC may be appealed to UIW's President or his or her designee. The President's decision, or the decision of his or her designee, is final, and no further right of appeal is permitted.
- 8.2 The allocation of rights in intellectual property arising from research or creative work sponsored by government, industry, or other external organizations (the "Sponsor") will typically be governed by the terms of a written agreement between UIW and the Sponsor not subject to the provisions of this policy.
- 8.3 Creators who enter into consulting agreements or other private agreements with parties outside UIW must ensure that such agreements contain provisions that align with this policy and contain no requirement to assign or otherwise transfer rights in any intellectual property owned by UIW under this policy. Arrangements with other research institutions that involve dual appointments, visiting scientist agreements, and other arrangements that may require exceptions to this policy require prior UIW approval by the Provost or his or her designee.

TRADEMARKS

- 9.1 UIW's Office of Communications and Brand Marketing manages and monitors UIW trademarks.
- 9.2 The Office of General Counsel is responsible for all legal work required to maintain UIW trademarks and is responsible for monitoring trademark infringement.

COPYRIGHTS

- 10.1 UIW's Copyright Policy can be found in UIW's Employee Handbook and UIW's Policy Library and is monitored by the Dean of Libraries.

- 10.2 The Office of General Counsel is responsible for receipt of copyright infringement complaints and enforcement.

OVERSIGHT RESPONSIBILITIES FOR THIS POLICY

1. Oversight of this policy is assigned to the General Counsel.
2. The policy will be published in the Policy Library.
3. The General Counsel will assure its compliance.
4. This policy will be reviewed every three years for possible updates.

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