

SUBCHAPTER O. INTELLECTUAL PROPERTY POLICIES

§ 51.680. REVIEW BY COMMISSIONER OF HIGHER EDUCATION.

(a) The commissioner of higher education, by December 31, 1987, shall review the intellectual property policies of institutions of higher education that were filed with the Coordinating Board, Texas College and University System, pursuant to Senate Concurrent Resolution 92 of the 69th Texas Legislature. In this review, the commissioner shall determine, as a ministerial duty, without regard to the substance of the content thereof, whether the intellectual property policies address as a minimum standard the following matters:

- (1) disclosure of scientific and technological developments, including inventions, discoveries, trade secrets, and computer software;
- (2) institutional review of scientific and technological disclosures, including consideration of ownership and appropriate legal protection;
- (3) guidelines for licensing scientific and technological developments;
- (4) clear identification of ownership and licensing responsibilities for each class of intellectual property;
- (5) royalty participation by inventors and the institution; and
- (6) equity and management participation on the part of the inventor or inventors in business entities that utilize technology created at the institution of higher education.

(b) No later than January 31, 1988, the commissioner of higher education shall inform institutions of higher education whether their intellectual property policies meet the minimum standards set out in Subsection (a). Thereafter, an institution of higher education may file or post on the institution's website on the Internet in a manner available to the public policies amended to overcome any failure to meet the standards. The commissioner shall within a reasonable time after receiving an amended policy inform the submitting institution whether it meets the standards.

(c) It is a policy of the state that each institution of higher education shall at all times after August 31, 1988, have a current copy of its intellectual property policies that meet the minimum standards set out in Subsection (a) on file with the Texas Higher Education Coordinating Board or posted on the institution's website on the Internet in a manner available to the public. The commissioner of higher education shall establish procedures for the monitoring of this policy of the state.

(d) Institutions of higher education not having an intellectual property policy meeting the minimum standards set out in Subsection (a) of this section by August 31, 1988, shall not receive funds under any state-run competitive research or advanced technology funding programs.

Added by Acts 1987, 70th Leg., ch. 772, § 1, eff. Aug. 31, 1987.  
Amended by Acts 2003, 78th Leg., ch. 1266, § 5.01, eff. June 20, 2003.