

## **HOFSTRA RESEARCH AND PATENT POLICY**

### **I. Objectives**

Recognizing that patentable discoveries may fortuitously result from research performed at the University, Hofstra desires to support and give incentive to inventive talent by establishing an orderly system to develop and handle patentables in the best interests of the public, the inventor, and the University. Hofstra's policy is ordinarily not to take title, patent, copyright, etc., in any result of research by its faculty, staff, and students, but it does seek to maintain its equity and to protect the equity of its inventors.

### **II. Coverage**

This policy applies to all faculty, staff, and students engaged in teaching, research, and/or study in any of the units of the University. Its inclusion in the Faculty Statutes and its appearance in the Administrative Policy Series shall make it binding upon all faculty and staff; its appearance in the Bulletin shall make it binding upon all students. Faculty, staff, and students (hereinafter referred to as inventors) are required to execute promptly all contracts, assignments, releases, or other legal documents necessary to vest in the University or its assignees any or all rights to inventions, processes, or patents whenever such action is required in order to carry out the provisions of this Research and Patent Policy.

### **III. Research**

- A. Decisions as to University sponsorship and the acceptance of grants or contracts for research should be based on the degree to which such research contributes to the acquisition and dissemination of knowledge and the search for truth. The degree to which research will result in financial gain should not be considered a significant factor.
- B. The contract for research work to be done on the campus shall be negotiated by the contracting agency and the University, except in instances where the Provost determines that use of University facilities is not substantial.

### **IV. Disclosure**

Since patent coverage by law must be obtained within certain time limits related to publication dates, all patentable discoveries resulting from both personal and University sponsored research shall be promptly disclosed to the University Committee on Patents.

## **V. Research Corporation**

Hofstra shall enter into an agreement, to be negotiated in the sense of the Hofstra Research and Patent Policy, with Research Corporation (a non-profit corporation serving colleges, universities and scientific institutions in the handling of patentables, which distributes its income as grants-in-aid of research to such institutions), whereby the University may at its discretion (or the researcher may, under restrictions defined below) offer to Research Corporation any invention which the University believes is patentable and should be developed for use by the public.

## **VI. Ownership and Equities of Participating Parties**

### **A. Personal Research**

1. Hofstra waives all claim to or equity in any discovery or invention of its researchers resulting from personal research and in any patents that may issue therefrom. Personal research shall mean research not related to any university research program and for which the University makes no special contribution of time, facilities, materials or monies. Normal graduate or undergraduate research is not to be construed as University research under the term of this policy. The payment of a salary and the provisions of a normal academic environment in which to work is not to be considered as giving the University any financial equity in personal research.
2. The name of the University may not be used in connection with inventions or processes in which the University has no interest without prior written permission.
3. If the inventor desires, the University may process his/her patentable under the conditions specified in VI. 2. b, c, d. below.

### **B. University Sponsored Research**

1. Hofstra shall own all right, title and interest, in patents resulting from University sponsored research, reserving the right to direct the assignment thereof to its designated agent, implicitly governing its action with due regard to the protection of the rights of the University and the interests of the inventor or inventors. University sponsored research shall mean any research activity supported by the University through special grants, special purchases, specially provided professional or technical assistance, specifically reduced teaching load when paid for by funds administered by the University, regardless of the source of such funds.
2. On recommendation of the University Committee on Patents and the direction of the President, the University shall offer such invention to Research Corporation or to some similar agency under similar conditions or declare its lack of interest to the inventor within a reasonable time as defined by the rules of the Committee. After

rejection of an application by Research Corporation and/or similar agencies, the Committee may recommend that an application for a patent be made at University expense. In the event that any monies are derived from the use of the patent, payments shall be made to the inventor in the same manner as is provided in VI. 2. d. of this Policy. Only after the Committee decides not to recommend patent application does the invention become the sole property of the inventor.

3. In the event that income accrues from the administration of a patent or invention in which the University has an interest, forty percent (40%) of the gross income shall be paid to the inventor or inventors, his/her or their heirs, executors, administrators or assignees. Not less than two-thirds of income which the University may receive (as provided in contracts with research corporations or similar agencies) shall be dedicated to research, of which not less than one-half shall be allocated to the inventor's department or area. Should the university committee on patents determine that such income exceeds the needs of research in these specified areas, it may recommend other disposition of the funds.
4. The payments to which the inventor shall be entitled hereunder shall be made not later than March 15 in each year, and the inventor shall be given at the same time a report, showing the computation of the amount remitted.

#### C. Outside Sponsored Research

1. Under the terms of certain contracts and agreements between the University and various agencies of government, private and public corporations, private interest, the University is, or may be, required to assign all patent rights to the contracting party. The University retains the right to enter into such agreements whenever such action does not violate the spirit of this Policy and is considered to be in the best interests of the University. The inventor or inventors shall be informed of all such agreements prior to final negotiation
2. The inventor shall be free to make his/her own agreements respecting patent rights arising out of consulting contracts for services outside the University, and these shall be governed solely by the mutual understanding of the parties thereto. The inventor shall notify the University Committee on Patents of all patents attributable to such agreements.
3. Should a patentable be discovered in research which is not clearly covered by any one of the three categories in Section VI of Hofstra's Research and Patent Policy, the University Committee on Patents shall determine in the spirit of this Policy where title, rights, interests and equity lie or how they shall be divided.