

I. PURPOSE

To establish Morehouse School of Medicine (MSM) policy for patenting any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereon made by MSM faculty, staff, and/or students, while using MSM facilities and/or funds, and to establish policy for the distribution of patent income (the "Policy").

II. ACCOUNTABILITY

Under the direction of the President, the Senior Vice President and Chief Financial Officer shall ensure compliance with this policy. The Vice President and Senior Associate Dean for Research Affairs shall implement this Policy.

III. APPLICABILITY

- A. All MSM personnel, including every person holding any form of teaching or research appointment, fellows, and non-academic staff, holding appointments at or employed by MSM.
- B. All students enrolled at MSM.

IV. DEFINITIONS

- A. Copyrightable Material - Material that is subject to U.S. copyright laws, including, but not limited to, literary works, musical works, dramatic works, choreographic works, graphic works, Software, photographic works, cardiographic, radiographic and pictorial works (e.g., digitized works, broadcast, web-based products, recorded materials, remote transmission of information, instructional software, CD/DVD-ROMs).
- B. Equity - Stock, stock options, or a contractual or other right to acquire stock or options or interests as an owner, proprietor, partner, or beneficiary, or a beneficial interest in any of the foregoing.
- C. Income - From the licensing or other utilization of Inventions, Intellectual Property, or Tangible Research Property, income means sale proceeds, license fees, royalties,

into products and market them to others, in exchange for royalties and other benefits to MSM and its Inventors.

4. Ownership of Inventions

a. A condition of appointment or continued employment by or enrollment in MSM is the agreement to assign to MSM in accordance with this Policy all Inventions Developed with MSM Support, or otherwise subject to MSM ownership pursuant to this Policy. Notebooks, electronic files, and other documents pertaining to research activities and all data (including written and computerized material and photographs, etc.) leading to an Invention must be maintained by the Principal Investigator and copies made available to MSM.

b.

ownership pursuant to Section A, 4, b(3)(a) above of this Article V,
but that arise out of or relate to the administrative, clinical, research,
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reviewed by the Intellectual Property Committee in accordance with this Policy before any provisional or full patent application is filed. In completing the Intellectual Property Disclosure Form, the applicant/Inventor will indicate the novelty of the potential Invention, and any and all obligations or collaborations made by the Inventor(s) that may have directly or indirectly led to the invention, including the intellectual contribution (percentage) made by the Inventors (i.e., % inventorship).

7. Inventions made Jointly with Outside Inventors

- a. Where an invention covered by this Policy has been developed jointly with individuals not covered by this Policy, the terms of any contractual agreement previously entered into by MSM with the non-MSM inventors will govern. If no agreement exists or the terms of the existing agreement are not complete, an agreement regarding patent rights and obligations, at MSM's discretion,

B. Patent/Intellectual Property Protocol

1. Once the Invention disclosure has been made to the ORD in accordance with the foregoing process, ORD shall promptly submit the disclosure to the Intellectual Property Committee for review. Upon a disclosure containing sufficient technical information to permit an effective patent study or other determination, and upon completion of such determination in accordance with the foregoing process, ORD shall notify the Inventor in writing of MSM's intentions regarding the Invention (for example, whether to seek a full or provisional patent and/or other statutory protections under international, federal, or state law).
2. Options Available to MSM. MSM may, after consultation with the inventor:
 - a. undertake the filing of patent prosecution within 30 days, development, and marketing of the Invention and shall bear all related costs;
 - b. seek support for the costs of patent prosecution through a licensing or other agreement;
 - c. cause the Invention to be assigned to a Patent Management Organization. The domestic or foreign patent rights, or both, may be assigned to a Patent Management Organization;
 - d. take other actions as it deems appropriate in its discretions, such as promoting, selling, and/or licensing the Invention to make it available to the public;
 - e. release to the Inventor all rights to the invention unless such rights revert to the sponsor of the program or the Federal Government; or if, for any reason, MSM is unwilling or unable to take appropriate steps to commercialize the Invention within 18 months following disclosure, offer to release the Invention to the Inventor(s), as in Section B, 2, e above of this Article VI, under conditions acceptable to both parties.
3. Continuing Option
 - a. Notwithstanding any previous decision to support an Invention, MSM, at its discretion,

2. Income from Other Research Results, Trademarks, Trade Secrets, and Other Intellectual Property. Income from the use of the name MSM shall belong to MSM and shall not be distributed to individuals. Otherwise, in the case of Trademarks, Trade Secrets, Tangible Research Property, or other research results or Intellectual Property that are not covered by Section C, 1 of this Article

