

17.01.07 Administration, Oversight and Reporting of Intellectual Property



Approved May 1, 2019
Next Scheduled Review: May 1, 2029

Regulation Summary

This regulation defines the reporting requirements and role of Texas A&M Technology Commercialization (TTC) and the member commercialization offices in providing oversight for the management of intellectual property (IP) owned by The Texas A&M University System (system).

Definitions

Click to view [Definitions](#).

Regulation

1. OVERSIGHT AND GUIDANCE

- 1.1 TTC will report operationally to the system vice chancellor for research.
- 1.2 The Intellectual Property Oversight Committee (oversight committee) is chaired by the chancellor or designee and comprised of each member chief executive officer (CEO) or designee from each member principally involved in research and commercialization, as determined by the chancellor, and one representative who is the chair of the Technology Transfer Advisory Committee (advisory committee). The oversight committee may be expanded by the chancellor or designee to include additional members. The oversight committee will meet no less than annually and will advise the chancellor on budgetary concerns of TTC, TTC assessment methodology/metrics, operational issues of TTC and/or the member commercialization offices, commercialization funding strategies, system intellectual property regulations, the oversight/management of the commercialization development fund (as established by System Regulation *17.01.04, Distribution of Royalties, License Fees and Sale Proceeds from Licensing*), and other intellectual property and commercialization matters.
- 1.3 The advisory committee is chaired by a faculty representative appointed by the chancellor or designee and comprised of one IP creator, the chief administrator of TTC, each chief administrator of the established member commercialization offices and one research representative, as determined by each member CEO or designee from each

member principally involved in research and commercialization. The advisory committee will review quarterly reports provided by the TTC with information provided by the member commercialization offices, share best practices, and make recommendations to the oversight committee concerning policies/regulations and other matters relating to intellectual property and commercialization.

2. REPORTING REQUIREMENTS

- 2.1 In compliance with Section 51.912 of the Texas Education Code, the system Board of Regents (board) must file a report identifying (a) all employees who conceive, create, discover, invent or develop intellectual property and have an equity interest in or serve as an employee, officer or member of the governing board of business entities that have agreements with the system relating to the research, development, licensing or exploitation of intellectual property for which they are the creator and in which the system has an ownership interest, and (b) all individuals who serve, at the request of the system, as a member of the governing board of business entities that have agreements with the system relating to the research, development, licensing or exploitation of intellectual property in which the system has an ownership interest. The report will be filed in accordance with the requirements of Section 51.005 of the Texas Education Code.
- 2.2 TTC will prepare an annual investment holdings report on technology commercialization investments to include detailed investment holdings, transaction reports, valuation of holdings and material events that will affect the value of the investments since the last report. TTC will submit the report to the system board's Committee on Finance, the System Office of General Counsel (OGC), and the oversight and advisory committees within 90 days of the end of each fiscal year.
- 2.3 TTC will prepare a semi-annual intellectual property disclosure, licensing and commercialization report that includes all intellectual property disclosures, active license agreements and income per license involving system intellectual property in the last reporting period. For third-party license agreements, the report should include an overview of each licensee's compliance with license terms and resulting gains to the system through financial return or increased research funding. TTC will submit the report to the system board, chancellor, participating member CEOs, OGC, and the oversight and advisory committees. All member commercialization offices will report their information to TTC for the intellectual property disclosure, licensing and commercialization report 60 days prior to when the report is due.

3. SHARED SERVICES PROVIDED BY TTC

- 3.1 Members and the member commercialization offices will use TTC to provide centralized administrative services for commercialization. These services include accounting, revenue distribution, contract maintenance (billing, collections, contract compliance), invention disclosure recordation, agreement recordation, patent prosecution administrative services, reporting (state, federal, internal), and outside counsel contracts activity. Expenses incurred by TTC for a member related to cost of legal protection will be assessed to that member upon TTC's approval of the invoice.

- 3.2 TTC and a member commercialization office may enter into an agreement for that member commercialization office to handle the receipt and distribution royalties, license fees and sale proceeds received from the licensing or sale of intellectual property under System Regulation *17.01.04* for its member's IP creators and member portion. The member commercialization office must transfer the portion of net income allocated to the commercial development fund and any TTC required documentation to TTC for handling. If there are distributions for another member or another member's IP creators for the same licensing or sale, that member commercialization office will transfer the remaining amount and documentation to TTC 45 days before the distribution is due and TTC will handle the remaining distributions.
- 3.3 TTC may provide support or assistance for new venture analysis and/or formation if requested by a member commercialization office or system.
- 3.4 TTC is a shared service center for all members and member commercialization offices utilizing TTC. Each member will be assessed annually (at the beginning of each fiscal year) for TTC operating expenses based on a methodology provided by the System Office of Budgets and Accounting. This methodology will incorporate metrics provided by TTC concerning each member's utilization and that member's member commercialization office utilization (if one exists for that member) of the services provided by TTC.

4. SERVICES PROVIDED BY MEMBER COMMERCIALIZATION OFFICES

Each member, which does not have a member commercialization office established within that member, will reimburse for that member's use of the services provided by another member commercialization office.

5. DISPUTE RESOLUTION

Disputes related to System Policy *17.01, Intellectual Property Management and Commercialization*, and its related regulations will be made in writing to the chancellor who will submit the dispute to a panel, chaired by the faculty representative on the oversight committee and composed of no less than three disinterested members of the advisory committee. This panel may be expanded by the chancellor as needed. Once the panel has conducted its review of the dispute, it will forward its recommendation to the oversight committee for consideration. The chancellor will be the final arbiter in matters relating to System Policy *17.01* and its related regulations. OGC will provide legal advice to the panel and to the oversight committee.

Related Statutes, Policies or Requirements

[Tex. Educ. Code § 51.005](#)

[Tex. Educ. Code § 51.912](#)

[Tex. Educ. Code Ch. 153](#)

[System Policy 07.03, Conflicts of Interest, Dual Office Holding and Political Activities](#)

[System Policy 17.01, Intellectual Property Management and Commercialization](#)

Member Rule Requirements

A rule is not required to supplement this regulation.

Contact Office

System Office of the Vice Chancellor for Research
(979) 458-6000