

THE UNIVERSITY OF MICHIGAN

Regents Communication

ACTION REQUEST

Subject: Regents Bylaw 3.10 on Ownership of Patents and Copyrights

Action Required: Approval of Bylaw Amendments

Attached are amendments to Regents Bylaw 3.10 on ownership of patents and copyrights. The amendments simplify and modernize the policy in view of legal developments relating to processes for assignment of patent rights. The amendments (a) do not affect the scope of intellectual property to which the University of Michigan is entitled to ownership; (b) harmonize the patent assignment processes for any employee hired after July 2011, since those employees are already subject to the same rules imposed outside of Bylaw 3.10; and (c) update Bylaw 3.10 to highlight the University's preferences with respect to transferring its copyright in scholarly works to the faculty who created those works.

As per the bylaw revisions policy, these amendments were posted in the University Record for public comment.

I recommend the adoption of the amendments presented.

Respectfully submitted,



Sally J. Churchill

Vice President and Secretary

*Original language of the bylaws with additions in **bold**, and proposed deletions are indicated with strikethrough.*

Sec. 3.10 Ownership of Patents **and** Copyrights, Computer Software, Property Rights, and Other
(revised February 16, 2023)

Unless otherwise provided by action of the Regents:

University employees hereby assign ~~Patents and copyrights~~ issued or acquired as the result of or in connection with administration, research, or other educational activities conducted by **the members of the university staff** and supported directly or indirectly (e.g., through the use of university resources or facilities) by funds administered by the university, regardless of the source of such funds, and all royalties or other revenues derived therefrom, **to shall be the property of the university.**

~~Computer software created by members of the university staff in connection with administration, research, or other educational activities supported directly or indirectly by funds administered by the university, regardless of the source of such funds, shall be the property of the university. Such computer software may be made available for use on a non-exclusive basis by those who pay appropriate charges to reimburse the university for the costs of development, distribution, and reproduction.~~

~~The provisions of 1 and 2, supra, shall apply unless they are inconsistent with the terms of any applicable agreement with a third-party sponsor or provider of funds, in which case the university's agreement with such sponsor or provider shall control.~~

~~Patents, copyrights, and property rights in computer software~~ resulting from activities which have received no support, direct or indirect, from the university shall be property of the inventor **thereof**; author, or creator thereof, free of any limitation which might otherwise arise by virtue of university employment.

~~In cases which involve both university-supported activity and independent activity by a university staff member, patents, copyrights, or other property rights in resulting work products shall be owned as agreed upon in writing and in advance of an exploitation thereof by the affected staff member and the vice president for research in consultation with the Committee on Patents and Copyrights and with the approval of the university's Office of the General Counsel. It is understood that such agreements shall continue to recognize the traditional faculty and staff prerogatives and property rights concerning intellectual work products.~~

Out of respect to principles of academic freedom and in support of its faculty, the University of Michigan transfers its copyright in faculty scholarly works to the faculty who created those works, consistent with Standard Practice Guide 601.28.

Clean Version of Revised Regents Bylaw 3.10 on Ownership of Patents and Copyrights

Sec. 3.10 Ownership of Patents and Copyrights (revised February 16, 2023)

Unless otherwise provided by action of the Regents:

University employees hereby assign patents issued or acquired as the result of or in connection with administration, research, or other educational activities conducted by them and supported directly or indirectly (e.g., through the use of university resources or facilities) by funds administered by the university, regardless of the source of such funds, and all royalties or other revenues derived therefrom, to the university.

Patents resulting from activities which have received no support, direct or indirect, from the university shall be property of the inventor thereof.

Out of respect to principles of academic freedom and in support of its faculty, the University of Michigan transfers its copyright in faculty scholarly works to the faculty who created those works, consistent with Standard Practice Guide 601.28.