



Procedures for Disclosure, Assignment and Commercialization of Intellectual Property

These procedures supplement the policy on [Intellectual Property \(I.A.1\)](#). Refer to the policy for contact information and applicable definitions.

Effective date: July 1, 2015

PROCEDURES

I. Custody and Disclosure

- A. Purdue Intellectual Property that arises under third-party funding must be disclosed in accordance with the funding terms and these procedures.
- B. Purdue Intellectual Property consisting of an Invention, Proprietary Software Code or Commissioned Copyrightable Work must be disclosed in writing to the Senior IP Officer, who will log the disclosure and direct it to a Supporting Organization or appropriate unit within the University for evaluation and administration.
- C. For Tangible Research Properties and Research Data that are Purdue Intellectual Property, University researchers retain primary custody for the benefit of the University, its Supporting Organizations and their institutional missions. The Senior IP Officer is authorized to direct disclosure of Tangible Research Properties and Research Data for any purpose consistent with the University's obligations and objectives, as overseen by the Executive Vice President for Research and Partnerships (EVPRP). The Senior IP Officer and the Campus IP Officer (if any) at the researcher's campus are responsible for oversight of those custodial arrangements, and a departing researcher must comply with the instructions of those officers regarding custody and protection of Purdue Intellectual Property.

II. Assignment

- A. Upon request of the Vice President for Ethics and Compliance, the Executive Vice President for Research and Partnerships, the Office of the Provost, the Dean of the Graduate School, the Senior Director of Sponsored Program Services, the Senior IP Officer or a Campus IP Officer, individuals who create Purdue Intellectual Property must periodically (including prior to departing the University for sabbatical, leave of absence, termination of employment, or graduation) execute a general assignment of title in favor of the University for all Purdue Intellectual Property. In most instances the assignee will be Purdue Research Foundation.
- B. Assigning Purdue Intellectual Property to any third party other than a Supporting Organization is not permitted, unless specifically directed by the EVPRP or the Senior IP

Officer. Except and unless as directed by the Senior IP Officer, University personnel have no capacity or authority to assign or agree to assign Purdue Intellectual Property to a third party.

III. Commercialization

- A. For each disclosure of Purdue Intellectual Property received, the Supporting Organization, in consultation with the disclosing researchers and University personnel with relevant expertise, will evaluate whether to invest in commercialization of the Purdue Intellectual Property. In most instances, the Supporting Organization will report the investment decision to the disclosing researchers within 180 days of receipt of the disclosure.
- B. If the Supporting Organization determines to invest, it is authorized and responsible to:
- License the Purdue Intellectual Property for commercialization.
 - Recover legal fees and any other out-of-pocket expenses incurred by the University or the Supporting Organization in connection with the legal protection and commercialization of the Purdue Intellectual Property.
 - Administer Net Proceeds as directed by the EVPRP (see section III.D below).
- C. If the Supporting Organization determines not to invest, the Senior IP Officer (following consultation with the Campus IP Officer from which the disclosure originated, the disclosing researchers and their dean or head, and any associated research sponsors) will make a recommendation to the EVPRP regarding an appropriate disposition of the disclosed Purdue Intellectual Property. The EVPRP, following consultation with University Legal Counsel, will decide that disposition and report it to the Senior IP Officer.
- D. The University will in its discretion distribute Net Proceeds on an equitable basis. This general practice may be rescinded or modified at any time by the University, and it is not intended to and does not vest any right of any kind in any University personnel with respect to any Net Proceeds. The EVPRP, in consultation with the Provost, will determine in which instances Net Proceeds will be shared with persons who disclosed it and, if so, in what proportion. In most instances, Net Proceeds will be distributed as follows:
- One-third to the department or administrative unit(s) from which the underlying Purdue Intellectual Property originated, with due consideration of appropriate requests for sub-allocations to particular centers and research units.
 - One-third to the Trask Fund to support its research and development programs.

- One-third to University researchers who are verified legally as the creators of the Purdue Intellectual Property. Unless all of the verified creators agree in writing otherwise and among themselves, distributions to the verified creators will in most instances be divided per capita.

IV. Advisory Committee

The EVPRP may convene an advisory committee with respect to any concern arising under these procedures. In most instances the advisory committee will include the Senior IP Officer and each Campus IP Officer, the President of Purdue Research Foundation (or designee), the Director of the University Copyright Office and the Chair of the Faculty Affairs Committee of the University Senate.

HISTORY AND UPDATES

July 1, 2015: These procedures separated from the policy on Intellectual Property (I.A.1).