Procedure for Patents

Note: The University Office of General Counsel is involved at all levels of the patent process. To the extent allowed by law, all disclosures remain confidential trade secret information throughout the process until public disclosure is made by the University (in the case of University owned intellectual property) or by the inventor (for inventor owned intellectual property).

Step I: Pursuant to University Policy Section 3E.04, the faculty member notifies the Research and Grants Center of the invention, and the faculty member completes the Invention Disclosure Form. This form is transmitted with the notification of invention to the Chair of the Faculty Research and Creativity Committee.

Step II: The Chair of the Faculty Research and Creativity Committee forms an Invention Review Subcommittee consisting of the Chair and two other committee members. In cooperation with University Office of General Counsel, the Invention Review Subcommittee consults Emporia State University and Kansas Board of Regents policy on ownership rights to determine ownership interests. University General Counsel may consult with or engage a patent attorney as needed. The Invention Review Subcommittee, in cooperation with University General Counsel, evaluates the invention quickly for general patent feasibility and marketability.

Step III: The Invention Review Subcommittee makes a recommendation on ownership and patent feasibility and marketability to the Emporia State University President who has the final decision authority.

Step IV: The University President’s decision is sent by letter to the inventor, with a copy to the Chair of the Faculty Research and Creativity Committee, who then shares it with the Invention Review Subcommittee.

Step V: Timely and appropriate notifications must be made to any funding agency (if applicable).

Step VI: If the University is pursuing a patent for the invention, the inventor will continue to work with the Invention Review Subcommittee, University General Counsel, and other University approved parties throughout patent, development and commercialization processes. The University President will be the final decision-maker for the University at each stage of the process and will be briefed by the Invention Review Subcommittee Chair and/or University General Counsel. If the University releases ownership to the inventor, the inventor is free to pursue a patent and associated development independent of the University.

Approved: ________________________
Dr. Michael R. Lance
President
Emporia State University

Date: 2/15/11