

**MOUNT HOLYOKE COLLEGE  
PATENT POLICY  
MAY 2002**

The College's patent policy is designed to encourage inventions produced at Mount Holyoke to be used for the greatest possible public benefit, to protect the rights of individual inventors and to recognize the contributions of the institution.

This policy applies to inventions, discoveries, apparatus, devices, processes, computer hardware, computer software, plants, organisms, genetic material, and other tangible or intangible processes or improvements that were first conceived or first reduced to practice by Mount Holyoke employees or students in the performance of research, work or study supported by externally sponsored funds administered by the College or involving the material use of funds or facilities of the College. Works that are regular academic work products or primarily educational, literary or artistic in nature are not included.

1. Individuals are expected to notify the College's Director of Sponsored Research on an Invention Disclosure form of any discovery, invention or work the individual has made with funds or facilities provided or administered, in whole or in part, by the College and that the individual has reason to believe may be patentable. The Director of Sponsored Research, in consultation with the Dean of Faculty and the Vice President for Finance and Administration, will review the form and determine whether or not the discovery is within the scope of this policy.
2. If the discovery is outside the scope of this policy (that is, no funds or facilities provided or administered by the College have been used), the individual may elect to pursue the patenting of the discovery without the assistance of the College. In that event, the individual is entitled to all royalties or other income resulting from the discovery and the College disclaims both ownership and responsibility pertaining to any such inventions.
3. If the research is subject to an agreement between an external sponsor and Mount Holyoke College that contains restrictions as to the disposition of inventions or works, the terms of the agreement take precedence over this policy. All participants in externally sponsored research are required to accept in writing the conditions in any agreement between the College and the sponsor before being permitted to participate in the sponsored research. In negotiation with sponsors, representatives of the College should strive to obtain the greatest latitude and rights for the individual inventor and the College consistent with the public interest and with this policy.
4. The Director of Sponsored Research, in consultation with the Dean of Faculty, the Vice President for Finance and Administration, and others as necessary will determine whether the College will undertake the expense of obtaining the patent and pursuing its commercial potential. The College is entitled to ownership of the patent when the discovery was made wholly or in part with funds or facilities provided or administered by the College. If the College determines not to pursue the patent rights, the inventor may proceed

to do so; however, the College's name, trademarks and service marks may not be used in the marketing of the invention. The Director of Sponsored Research will notify the inventor of the College's decision to seek or not seek a patent as soon as possible after submission of the Invention Disclosure form. If the decision is affirmative, the College will initiate patent procedures within 30 days of that decision, and require that the inventor(s) execute an agreement assigning rights to the College.

5. Income from inventions or works will normally be distributed on a quarterly basis as follows:
  - a. Until the College's costs and expenses incurred in obtaining rights to inventions and in marketing inventions have been reimbursed, all income will be used to reimburse College expenses. If the College finds it necessary to enforce or defend a patent, 75% of any income will go toward this reimbursement, with 25% distributed to the inventor, until the initial prosecution costs are recouped.
  - b. b. Thereafter, 75% of any remaining income will be distributed to the inventor, with the remaining 25% to the College.
  - c. If the invention is joint, the royalty designated to the inventor shall be to the joint inventors as a group, unless the inventors provide the College with an alternative royalty distribution agreed upon by them.
  - d. The College will provide an annual accounting.
6. When an inventor is uncertain about the application of this policy to an invention, he or she is encouraged to disclose it promptly to the College through the Invention Disclosure form, so that the application of the policy may be agreed to prior to any attempts to commercialize it. The College will accord such disclosures the confidentiality required to preserve the patent rights associated with them and will inform the inventor(s) as soon as possible, but not later than within 30 days of any claims it will make to such rights. If there is disagreement concerning the applicability of this policy in a specific instance, the potential conflict will be covered by the College's guidelines and procedures on the Resolution of Grievances.