



# Inventions and Related Property Rights

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## POLICY STATEMENT

Cornell University requires inventors to assign to the university or its designee all rights and titles of their inventions and related property rights that result from activity conducted in the course of an appointment with the university and/or using university resources, including those provided through an externally funded grant, contract, or other type of award or gift to the university.

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## REASON FOR POLICY

A principal mission of Cornell University is the pursuit of knowledge for the benefit and use of society. The university recognizes that inventions and discoveries of commercial importance are a natural outgrowth of the pursuit of this mission and that the proper management of these inventions and related property rights often results in public usefulness of new ideas and discoveries. In support of these goals, Cornell asserts ownership of inventions and related property rights arising from the activities of its faculty, staff, students, and others who use university resources, including those provided through an externally funded grant, contract, or other type of award or gift to the university.

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## ENTITIES AFFECTED BY THIS POLICY

All units of the university

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## WHO SHOULD READ THIS POLICY

- Faculty, academic and nonacademic staff, students
- Deans, unit heads, and directors
- Administrative managers

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## WEB SITE ADDRESS FOR THIS POLICY

- This policy: [www.dfa.cornell.edu/dfa/treasurer/policyoffice/policies/volumes/governance/policies.cfm](http://www.dfa.cornell.edu/dfa/treasurer/policyoffice/policies/volumes/governance/policies.cfm)
- University Policy Office: [www.policy.cornell.edu](http://www.policy.cornell.edu)

## POLICY 1.5

### Inventions and Related Property Rights

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## CONTENTS

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<b>Policy Statement</b>	<b>1</b>
<b>Reason for Policy</b>	<b>1</b>
<b>Entities Affected by this Policy</b>	<b>1</b>
<b>Who Should Read this Policy</b>	<b>1</b>
<b>Web Site Address for this Policy</b>	<b>1</b>
<b>Related Documents, Forms, and Tools</b>	<b>3</b>
<b>Contacts</b>	<b>4</b>
<b>Definitions</b>	<b>5</b>
<b>Responsibilities</b>	<b>7</b>
<b>Principles</b>	<b>8</b>
Overview	8
Ownership of Inventions	8
Licensing Cornell Inventions	9
Waivers	9
<b>Procedures</b>	<b>10</b>
Signing the Invention and Related Property Rights	
Acknowledgement Form	10
Disclosing Inventions	10
Evaluating and Protecting Inventions	10
Distributing License Revenue	10
Distributing Equity Revenue	11
Requesting Waiver of Provisions	11
<b>Appendix: Disclosing, Protecting, and Managing a Cornell Invention</b>	<b>12</b>
<b>Index</b>	<b>13</b>

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## POLICY 1.5

# Inventions and Related Property Rights

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## RELATED DOCUMENTS, FORMS, AND TOOLS

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### University Documents

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[University Policy on Research Data: Recording, Retention, and Access \(under development\)](#)

[University Policy 3.9, Capital Assets](#)

[University Policy 3.25, Procurement of Goods and Services](#)

[Academic Freedom and Responsibility](#)

[Conflicts Policy](#)

[Copyright Policy](#)

[Facilities Use in Research](#)

[Faculty Handbook](#)

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### Other Documents

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[Bayh-Dole Act, background information](#)

[Bayh-Dole Act, Presidential Memorandum and Statement of Government Patent Policy](#)

[National Institutes of Health, Office of Extramural Research Intellectual Property Policy](#)

[National Science Foundation Grants Proposal Guide](#)

[Plant Variety Protection Act](#)

[U.S. Code Title 35 – Patents; CFR 15](#)

[U.S. Copyright Office Documents](#)

[U.S. Patent Office Documents](#)

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### Forms and Tools

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<b>Form</b>	<b>Description</b>
<a href="#">Enabling Invention Disclosure, Ithaca and Geneva</a>	To be completed by a person with a university appointment to report a novel discovery (invention). Ithaca appointees submit this form to the Cornell Center for Technology, Enterprise and Commercialization (CCTEC) in Ithaca.
<a href="#">Enabling Invention Disclosure, Weill Cornell Medical College (WCMC)</a>	To be completed by a person with a university appointment to report a novel discovery (invention). Weill appointees submit this form to CCTEC at WCMC.
<a href="#">Invention and Related Property Rights Acknowledgement</a>	To be signed by anyone receiving a university appointment, at the time of appointment, serving to document that the person is aware they are subject to the provisions of this policy.
<a href="#">Invention and Related Property Rights Acknowledgement, Weill Cornell Medical College (WCMC)</a>	To be signed by anyone receiving a university appointment, at the time of appointment, serving to document that the person is aware they are subject to the provisions of this policy.

## POLICY 1.5

### Inventions and Related Property Rights

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## CONTACTS

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Direct any general questions about this policy to your college or unit's administrative office. Direct questions about specific issues to the following offices.

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Subject	Contact	Telephone	E-mail/Web Address
<b>Policy Clarification and Interpretation</b>	Cornell Center for Technology, Enterprise and Commercialization	(607) 254-4698	<a href="mailto:cctecconnect@cornell.edu">cctecconnect@cornell.edu</a> <a href="http://www.cctec.cornell.edu">www.cctec.cornell.edu</a>
<b>Disclosure of Inventions</b>	Cornell Center for Technology, Enterprise and Commercialization	(607) 254-4698	<a href="mailto:cctecconnect@cornell.edu">cctecconnect@cornell.edu</a> <a href="http://www.cctec.cornell.edu">www.cctec.cornell.edu</a>
<b>Dispute Resolution</b>	Vice Provost for Research	(607) 255-7200	<a href="mailto:vp_research@cornell.edu">vp_research@cornell.edu</a> <a href="http://www.research.cornell.edu/vpr/">www.research.cornell.edu/vpr/</a>
<b>Intellectual Property, Licensing, and License Revenue Management</b>	Cornell Center for Technology, Enterprise and Commercialization	(607) 254-4698	<a href="mailto:cctecconnect@cornell.edu">cctecconnect@cornell.edu</a> <a href="http://www.cctec.cornell.edu">www.cctec.cornell.edu</a>
<b>Inventions and Related Property Rights Acknowledgement</b>	Unit administrator Vice Provost for Research	(607) 255-7200	<a href="mailto:vp_research@cornell.edu">vp_research@cornell.edu</a> <a href="http://www.research.cornell.edu/vpr/">www.research.cornell.edu/vpr/</a>
<b>Requests for Waiver of Provisions of This Policy</b>	Vice Provost for Research	(607) 255-7200	<a href="mailto:vp_research@cornell.edu">vp_research@cornell.edu</a> <a href="http://www.research.cornell.edu/vpr/">www.research.cornell.edu/vpr/</a>
<b>Material Transfer Agreements for Materials Into the University</b>	Office of Sponsored Programs	(607) 255-5014	<a href="mailto:osp-help@cornell.edu">osp-help@cornell.edu</a> <a href="http://www.osp.cornell.edu/">http://www.osp.cornell.edu/</a>
<b>Material Transfer Agreements for Materials Out of the University</b>	Cornell Center for Technology, Enterprise and Commercialization	(607) 254-4698	<a href="mailto:cctecconnect@cornell.edu">cctecconnect@cornell.edu</a> <a href="http://www.cctec.cornell.edu">www.cctec.cornell.edu</a>

## POLICY 1.5

### Inventions and Related Property Rights

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## DEFINITIONS

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<b>Cornell Center for Technology, Enterprise and Commercialization (CCTEC)</b>	Office responsible for all facets of technology transfer across Cornell's academic divisions, centers, and institutes. The Cornell Center for Technology, Enterprise and Commercialization (CCTEC) has offices in Ithaca and New York City. It manages invention disclosures and related property rights, including patents, trademarks, copyrights, and licenses. CCTEC administers the technology transfer process that includes responsibility for non-disclosure agreements, out-going material transfer agreements, and option and license agreements. CCTEC facilitates and promotes technology-based entrepreneurship and regional economic development.
<b>Cornell Invention</b>	Inventions made by anyone (i) with a university appointment and resulting from activities carried out in furtherance of his or her university responsibilities, and/or (ii) with the use of university resources, including those provided through an externally funded grant, contract, or other type of award or gift to the university. See also, "Invention," "University Appointment," and "University Resources," below.
<b>Cornell University Technology Transfer Advisory Committee</b>	Established and appointed by the Vice Provost for Research to provide advice and counsel on all matters related to the technology management and transfer activities of the university.
<b>Direct Expenses</b>	Expenses assignable to the management of a specific Cornell invention docket, including costs for perfecting and maintaining patent or other intellectual property protection, marketing, licensing, and other legal actions related to the enforcement of intellectual property and contract rights. Does not include CCTEC staff time or general administrative expenses.
<b>Enabling Invention Disclosure</b>	Written description of an invention that enables non-inventors to understand and practice the invention, and which is accompanied by an invention disclosure form, which is signed by the inventor(s) and submitted to CCTEC. (See Related Documents, Forms, and Tools.)
<b>Invention</b>	A novel creation, discovery, and/or idea that may be protected by patent, plant variety protection certificate, plant breeder's right, international treaties, or similar U.S. or international, intellectual property right. In those instances where a Cornell invention may be protected both by copyright and patent rights, this policy shall take precedence. See also, "Cornell Invention," above.
<b>Invention and Related Property Rights Acknowledgement</b>	Form to be signed by anyone receiving a university appointment with an academic title (including modified titles, such as visiting, courtesy, adjunct, etc.), clinical and affiliation appointments, graduate students appointed to research assistantships, graduate research assistantships, fellowships, and training grants, and such nonacademic positions as may be designated by the Vice Provost for Research. The initiation of a university appointment is conditioned on the completion of this form. See also, "University Appointment," below.
<b>Inventor</b>	Anyone who has made significant intellectual contribution to the conception and/or reduction to practice of an invention, and who satisfies the applicable statutory requirements of inventorship.
<b>Net License Revenue</b>	Gross revenue received by the university in consideration for a transfer or grant of property rights under a license, less direct expenses and, when applicable, revenue-sharing obligations to sponsors and joint owners of the licensed property rights. See also

## POLICY 1.5

### Inventions and Related Property Rights

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#### DEFINITIONS, CONTINUED

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	"Direct Expenses," above.
<b>Patentable Inventions</b>	Inventions that appear to satisfy the statutory requirements for the issuance of a patent by the patent authority of a country.
<b>Related Property Rights</b>	Trademarks, copyrights, and other tangible or intangible property of value that are directly related to an invention. Examples include logos or trade names associated with licensed products, documentation accompanying patentable software, and biological material licensed for invention-related purposes.
<b>Sponsored Project</b>	Research, extension, or instruction activity having a defined scope of work and budget, funded in whole or in part with support provided by an external organization (sponsor), and carried out according to terms and conditions of a signed award agreement, typically a grant, contract, or cooperative agreement.
<b>Unit/Sub-Unit</b>	Inventor's unit, typically the college or school in which an inventor holds a university appointment. In the case of inventors in a research center in the Research Division, the Office of the Vice Provost for Research. An inventor's sub-unit typically refers to the academic department within the college, school, or research center of the inventor's university appointment.
<b>University Appointment</b>	Position with the university, whether academic or nonacademic, full- or part-time, paid or unpaid, continuing- or limited-term, including, but not limited to, academic appointments with a modified title (visiting, courtesy, adjunct, etc.), clinical and affiliation appointments, assistantships and fellowships (e.g., research and teaching assistants, graduate research assistants, fellowship recipients, and training grant recipients).
<b>University Co-Inventors</b>	All inventors of an invention who have a university appointment.
<b>University Resources</b>	University facilities, equipment, personnel, tangible research materials, information that is not freely available to the public, or funds, including those provided through an externally funded grant, contract, or other type of award or gift to the university. Does not include routine use of university office space or library facilities.
<b>University Responsibilities</b>	Activities conducted in the course of a university appointment, including those carried out under an externally funded grant, contract, or other type of award or gift to the university.

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## POLICY 1.5

# Inventions and Related Property Rights

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## RESPONSIBILITIES

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<b>Cornell Center for Technology, Enterprise and Commercialization (CCTEC)</b>	<p>Receive and review completed Enabling Invention Disclosure forms. (See Related Documents, Forms, and Tools.)</p> <p>Conduct all operations necessary to manage process, protect, license, and report Cornell inventions.</p> <p>Negotiate licenses to Cornell inventions and related property rights.</p> <p>Administer the distribution of net license revenue.</p> <p>Facilitate and promote technology-based entrepreneurship and regional economic development.</p>
<b>Cornell University Technology Transfer Advisory Committee</b>	<p>Advise the Vice Provost for Research and the Cornell Center for Technology, Enterprise and Commercialization (CCTEC) on the following:</p> <ul style="list-style-type: none"><li>• Matters relating to the management of Cornell inventions</li><li>• Exceptions to this policy</li><li>• Guidelines, procedures, and amendments to this policy</li><li>• Such other matters as the university leadership may deem appropriate</li></ul>
<b>Dean or Unit Administrator</b>	<p>Administer the distribution of the inventor's unit/sub-unit's share of license revenue. In the case of research centers in the Research Division, this is the Vice Provost for Research.</p>
<b>Faculty, Staff, and Students</b>	<p>Report all inventions in writing to CCTEC in a timely manner.</p> <p>Assist CCTEC in the determination of the ownership of the inventions.</p> <p>Assign all Cornell inventions to the university or its designee.</p> <p>Provide reasonable assistance in the patent and licensing processes, as requested.</p> <p>Do not enter into contracts with third parties that would be inconsistent with the obligations described in this policy.</p>
<b>Inventors/Joint Inventors</b>	<p>Disclose all inventions in writing to CCTEC.</p> <p>Assist CCTEC in the determination of the ownership of the inventions.</p> <p>Cooperate with CCTEC to prepare and prosecute patent applications on Cornell inventions.</p> <p>Assist CCTEC in the marketing and licensing of Cornell inventions.</p> <p>Retain the records of inventions in the form of original research data consistent with University Policy 1.7, Research Data: Recording, Retention, and Access (currently under development).</p>
<b>Vice Provost for Research</b>	<p>Report to the President and Provost of Cornell University on matters of significance relating to this policy and Cornell inventions and related property rights.</p> <p>Serve as the final ruling authority on disputes regarding the allocation or distribution of net license revenue, inventorship, and/or ownership of inventions, and to waive any provision of this policy.</p>

## POLICY 1.5

# Inventions and Related Property Rights

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## PRINCIPLES

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### Overview

Cornell University's primary obligation in conducting research and scholarly activities is the pursuit of knowledge for the benefit and use of society.

The university recognizes that the natural outgrowth of research, scholarly, and other university activities conducted by faculty, staff, students, and others may be inventions and discoveries of commercial importance. Also, the university recognizes that for basic and applied research and other scholarly activities of its faculty, staff, students, and others, it depends on financial support from governmental agencies, private foundations, corporations operated for profit, and others. Consequently, it is incumbent upon the university to seek assurance that any inventions and related property rights arising from research, scholarly, and other university activities are administered consistent with the public interest. Because the protection of property rights can often enhance the public usefulness of inventions, Cornell seeks to protect the property rights of those ideas and discoveries that arise out of the activities of its faculty, staff, students, and others where it appears necessary or beneficial to do so.

The transfer of Cornell inventions to the marketplace, the publication and availability for educational purposes of the fruits of such inventions, and the achievement of a fair and equitable distribution of net license revenue, which acknowledges both the contribution of the inventor and the university, can best be assured by providing the university with ownership of Cornell inventions and related intellectual property.

This policy does not pertain to issues of copyright ownership and management covered under a separate university policy. However, in those instances where a Cornell invention may be protected both by copyright and patent rights, this policy shall take precedence.

### Ownership of Inventions

All inventions made by an individual with (i) a university appointment in furtherance of his/her university responsibilities, and/or (ii) with the use of university resources, including those provided through an externally funded grant, contract, or other type of award or gift to the university, belong to the university.

If the Cornell Center for Technology, Enterprise and Commercialization (CCTEC) determines that an invention was made by an individual on his/her own time and unrelated to his/her university responsibilities and was conceived or reduced to practice without the use of university resources, then that invention belongs to the individual inventor.

All inventions must be disclosed in writing to CCTEC, which will determine ownership in accordance with the terms of this policy. If CCTEC determines that Cornell has an ownership interest, the inventor must assign all rights and titles of the invention to the university or its designee, and cooperate and assist the university or

## POLICY 1.5

### Inventions and Related Property Rights

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#### PRINCIPLES, CONTINUED

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its designee in all phases of the management process.

Disputes regarding ownership determination may be appealed to the Vice Provost for Research, whose decision will be final.

In cases in which the university has an ownership interest in a Cornell invention or related property rights and the university or its designee has not pursued commercialization within one year of receipt of a completed “Enabling Invention Disclosure” form (see Related Documents, Forms, and Tools), the inventor who intends to pursue commercialization of the Cornell invention may request in writing that all university rights in such Cornell invention be reassigned to the inventor. To the extent the Cornell invention is not subject to any sponsored project rights or restrictions, and provided that all other co-inventors, if any, of the subject Cornell invention consent to the request, CCTEC shall reasonably consider such a request. Any reassignment of rights by the university to the inventor of a Cornell invention shall be limited only to the substance disclosed in the “Enabling Invention Disclosure” form (see Related Documents, Forms, and Tools) officially on record at CCTEC and further subject to the university reserving the rights to use the subject Cornell invention for research and educational purposes.

#### **Licensing Cornell Inventions**

CCTEC may negotiate a license to a Cornell invention and related property rights to promote the likelihood that the Cornell invention will provide a benefit to the public and the university. The license will generally cover nonrefundable license fees, patent expense reimbursement, royalty and minimum royalty payments, and a requirement of diligence and march-in rights where the licensee does not perform adequately.

#### **Waivers**

Provisions of this policy may be waived only in extraordinary and compelling circumstances and in accordance with steps outlined in Procedures.

## POLICY 1.5

### Inventions and Related Property Rights

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## PROCEDURES

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#### **Signing the Invention and Related Property Rights Acknowledgement Form**

Each individual receiving a university appointment to an academic position, including clinical and affiliation appointments and those with modified titles (visiting, adjunct, courtesy, etc.), graduate students appointed on research assistantships, graduate research assistantships, fellowships, and training grants, and certain nonacademic positions as may be designated by the Vice Provost for Research, must execute the [“Invention and Related Property Rights Acknowledgement”](#) form, acknowledging awareness of the terms of this policy. (See [Related Documents, Forms, and Tools.](#)) Initiation of the university appointment is conditioned on completion and submission of this form.

#### **Disclosing Inventions**

All inventions made by individuals with a university appointment and/or with the use of university resources must be disclosed promptly in writing to Cornell Center for Technology, Enterprise and Commercialization (CCTEC) using the [“Enabling Invention Disclosure”](#) form. (See [Related Documents, Forms, and Tools.](#)) Such disclosure will include documentation to fully describe the invention's prior art, and the potential utilization. CCTEC will then determine whether the invention is a Cornell invention.

#### **Evaluating and Protecting Inventions**

CCTEC will evaluate all disclosed inventions for their commercialization potential and determine the appropriate means for protecting and promoting the development of the invention. Inventors will cooperate with the university or its designee in the university's effort to evaluate and protect Cornell inventions.

When a patent application has been authorized on a disclosed invention, CCTEC will work with the inventors to prepare a patent application. Inventors are required to provide a reasonable level of assistance in this process. Patent applications are filed in the name of the university. CCTEC is responsible for responding to any requests for further information from a foreign patent office or the U.S. Patent and Trademark Office.

#### **Distributing License Revenue**

In the case of a Cornell invention, the university, through CCTEC, will receive all license revenue and, in recognition of the efforts and contributions of the inventor, distribute total net license revenue as follows:

- One-third (33.3 percent) to the university inventor(s) in recognition of their contribution. In the case of university co-inventors, this distribution will be shared
- One-third (33.3 percent) will be divided as follows: (a) 60 percent to the inventor's research budget, sub-unit (typically the inventor's department, school,

## POLICY 1.5

### Inventions and Related Property Rights

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#### PROCEDURES, CONTINUED

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section, or center) and university unit (typically the inventor's college) in a manner to be determined by the dean of the unit (or, for research centers in the Research Division, the Vice Provost for Research), and (b) 40 percent to the university for general research support

- One-third (33.3 percent) to the university to provide CCTEC with operating funds to cover the cost of service provided to the university with regard to intellectual property matters and particularly to cover direct costs, where license revenue or other cost recovery has not been achieved

In the case of an irresolvable dispute over net license revenue distributions, such revenue will be distributed as determined by the Vice Provost for Research, whose decision will be final.

#### **Distributing Equity Revenue**

Proceeds from the liquidation of equity received by CCTEC will be distributed as license revenue in the manner described in "Distributing License Revenues," above.

#### **Requesting Waiver of Provisions**

Requests for a waiver of any of the provisions of this policy will be directed to the Vice Provost for Research.

The request must identify which provisions of the policy are requested to be waived, the reasons why, and how the waiver would be consistent with the educational, research, or scholarly purposes of the university and the public interest.

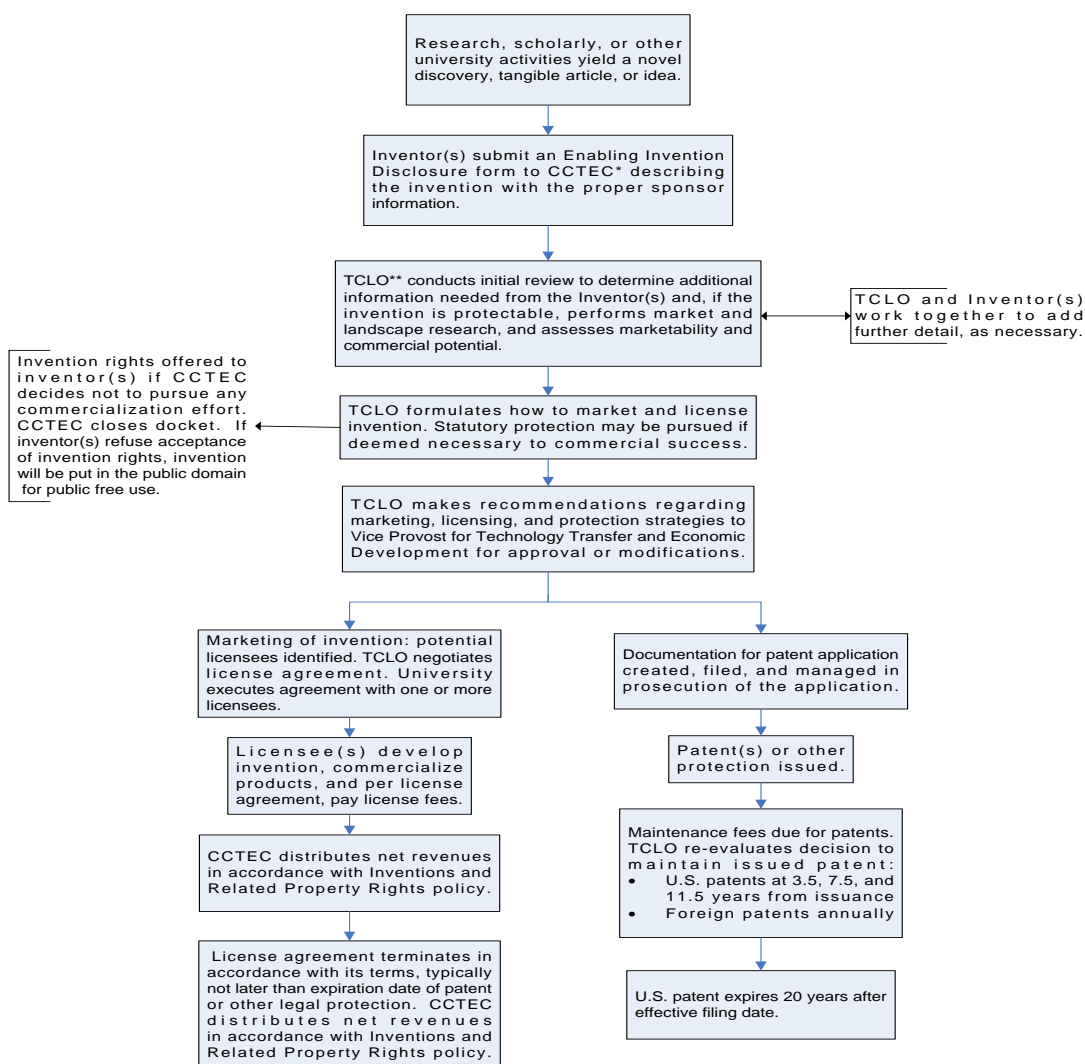
Waivers relating to the distribution of net license or equity revenue, and which would affect the inventor's unit/sub-unit, require the approval of the dean or unit administrator from which the invention emanated, prior to submission to the Vice Provost for Research.

Each request will be considered on its own merit and have no implication for subsequent requests.

**POLICY 1.5**  
**Inventions and Related Property Rights**

**APPENDIX: DISCLOSING, PROTECTING, AND MANAGING A  
 CORNELL INVENTION**

**DISCLOSING, PROTECTING, AND MANAGING  
 A CORNELL INVENTION**



\*CCTEC=Cornell Center for Technology, Enterprise and Commercialization  
 \*\* TCLO = Technology Commercialization and Liaison Officer

POLICY 1.5  
 Inventions and Related Property Rights

INDEX

Academic	
modified titles.....	5, 10
title .....	5
Academic Freedom and Responsibility .....	3
Affiliation appointment.....	5, 6, 10
Appointment .....	1, 3, 5, 6, 8, 10
Assistantship.....	6
Award .....	1, 5, 6, 8
Bayh-Dole Act.....	3
Biological material.....	6
Capital Assets, University Policy 3.9.....	3
U.S. Code Title 35 – Patents .....	3
Clinical appointment.....	5, 6, 10
Co-inventor.....	8, 10
Commercialization.....	8, 10
Conflicts Policy .....	3
Contract .....	1, 5, 6, 8
Contract rights .....	5
Cooperative agreement .....	6
Copyright.....	5, 6
Copyright Policy.....	3
Cornell Center for Technology, Enterprise and Commercialization (CCTEC).....	1, 3, 4, 5, 7, 8, 9, 10, 11
Cornell invention .....	5, 7, 8, 9, 10, 12
Corporation.....	8
Direct expenses.....	5
Discovery.....	1, 3, 5, 8
Dispute resolution.....	4
Enabling invention disclosure.....	3, 5, 7, 8, 10
Entrepreneurship.....	5, 7
Equity .....	11
Equity revenue .....	11
distributing .....	11
Extension .....	6
Facilities use in research .....	3
Faculty.....	1, 8
Faculty Handbook.....	3
Fellowship .....	6
Gift.....	1, 5, 6, 8
Governmental agencies.....	8
Graduate research assistant .....	5, 6, 10
Grant .....	1, 5, 6, 8
Idea .....	5
Instruction.....	6
Intellectual property.....	4
Intellectual property right .....	5
International treaty.....	5
Invention.....	1, 3, 4, 5, 6, 7, 8, 9, 10, 11
disclosing .....	10, 12
disclosure .....	4
disclosure form.....	5
evaluating.....	10
licensing.....	4, 9
ownership of .....	8
patentable.....	6
protecting .....	10
Invention disclosure.....	5
Inventions and Related Property Rights Acknowledgement....	4
Inventor .....	1, 5, 6, 7, 8, 10, 11
Inventorship.....	5, 7
Joint owners.....	5
Library facility.....	6
License .....	5, 7
License fee.....	9
License revenue.....	4, 10
distributing.....	11
Licensing .....	4, 5, 7, 9
Logos.....	6
March-in rights .....	9
Marketing .....	5, 7
Material transfer agreement.....	4, 5
National Institutes of Health, Office of Extramural Research Intellectual Property Policy.....	3
National Science Foundation Grants Proposal Guide.....	3
Net license.....	7, 8, 10, 11
Net license revenue.....	5, 7, 8, 10
Nonacademic .....	1, 5, 6, 10
Non-disclosure agreement .....	5
Office space.....	6
Option agreement .....	5
Ownership .....	1, 7, 8
Patent.....	5, 6, 7, 8, 9, 10
application.....	7, 10
Patent expense .....	9
Patent rights.....	5, 8
Plant breeder’s right .....	5
Plant Variety Protection Act.....	3
Plant variety protection certificate .....	5
President.....	7
Private foundations.....	8
Provost.....	7
Public interest.....	8, 11
Public usefulness .....	1, 8
Related property rights .....	1, 3, 5, 6, 7, 8, 9, 10
Research .....	1, 4, 5, 6, 7, 8, 10, 11
Research assistant.....	5, 10
Research center.....	6, 7, 10
Research Data Recording, Retention, and Access, University Policy 1.73, 7	
Research Division.....	6, 7, 10
Research fellow .....	6, 10
Revenue sharing .....	5

## POLICY 1.5 Inventions and Related Property Rights

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### INDEX, CONTINUED

---

Royalty .....	9	Trademark .....	5, 6
Scholarly activity .....	8	U.S. Copyright Office.....	3
Software.....	6	U.S. Patent and Trademark Office.....	10
Sponsor.....	6	U.S. Patent Office.....	3
Sponsored project .....	6	Unit.....	1, 4, 6, 7, 10, 11
Staff .....	1, 5, 8	University Appointment. <i>See also, Appointment</i> .....	5, 6
Student.....	1, 5, 8	University Co-Inventor. <i>See also, co-inventor</i> .....	6
Sub-unit .....	6, 7, 11	University resources .....	5, 6
Technology transfer .....	5	using.....	1, 5, 8, 10
Technology Transfer Advisory Committee.....	5, 7	University responsibilities .....	6
Third party .....	7	Vice Provost for Research .....	1, 4, 5, 6, 7, 8, 10, 11
Trade name .....	6	Waiver .....	4, 9, 11