



December 4, 2017

VICE PRESIDENTS, ASSOCIATE AND ASSISTANT VICE PRESIDENTS, CHANCELLORS, VICE CHANCELLORS, ASSOCIATE AND ASSISTANT VICE CHANCELLORS, DEANS, ASSOCIATE DEANS, FACULTY, DIRECTORS, ASSOCIATES, AND STUDENTS OF ANA G. MENDEZ UNIVERSITY SYSTEM

**EXECUTIVE ORDER 13-2017:
AMENDMENT TO THE EXECUTIVE ORDER 01-2013 REGARDING INTELLECTUAL
PROPERTY POLICIES**

I. INTRODUCTION

The principal mission of the Ana G. Mendez University System ("SUAGM" in Spanish) is to encourage the cultural, social, and economic development and wellbeing of the Puerto Rican society, as well as other sectors of the Hispanic community outside Puerto Rico, broadening the academic opportunities for various sectors of the community it serves. Complying with this mission, those affiliated with the SUAGM will contribute new discoveries, creations, and other works through different media.

The SUAGM understands it is important to establish policies that address the intellectual property rights of works created, invented, and developed under the SUAGM by its employees, contractors, students, and others. Intellectual property laws in the United States and Puerto Rico regarding ownership, use, and protection of inventions and creations are the basis of our intellectual property policies. This document amends the Copyright Policy document of the SUAGM (the "Policy"). The provisions included here may be amended from time to time and may be altered through contracts, agreements, and licenses individually negotiated by relevant parties.

This Policy does not cover intellectual property rights related to patents or brands, for which there are one or more current policies in place.

II. SCOPE

This Policy will apply to every associate and professor of the SUAGM, including those working full-time, part-time, and those on any leave; full-time and part-time students; independent researchers and contractors; as well as any other person who uses the resources or facilities of the SUAGM or who performs work under the supervision and/or by request of the SUAGM including members of the Board of Directors. What is established in this Policy only applies to works, creations, or materials, among others, protected by copyright. The Policy does not apply to those works that are part of the public domain. Those works and/or creations whose period of protection expired and/or that were never object of protection are part of the public domain and may be copied or reproduced.

III. DESCRIPTION OF APPLICABLE LAWS

In Puerto Rico, copyright is composed of the interaction of two rights. These are the patrimonial right and the moral right. The patrimonial right is known as copyright which consists of the right to the work's economic exploitation. The moral right protects the link between the author and his or her work.

With regards to the patrimonial rights of copy, in Puerto Rico we are governed by federal copyright law known as the Copyright Act of 1976, as amended, 17 U.S.C. §101-et seq., (from now on the "Copyright Act"). With respect to moral rights, we are governed by the Moral Rights Act of Puerto Rico, Law Num. 55 from March 5, 2012 (from now on the "Law Num. 55 of 2012").

Under Puerto Rico and federal laws, it is a crime and illegal that a person violates the rights provided by copyright and moral laws. It is important to point out that under the laws discussed below the author is attributed with the creation of his or her work, irrespective of whether the ownership of the copyright falls on the SUAGM, the author, or a third party.

A. Description of Federal Copyright Law

Copyright is an exclusive right granted by the federal government to the creators of original works for a determined period. An original work protected by copyright is that which is fixed in a tangible form of expression, now known, or invented in the future and from which the work may be perceived, reproduced, or communicated in any other way. The protection given under federal law starts at the moment in which the work is fixed in a tangible form.

Works that may be protected by copyright include: (i) literary works, including books, pamphlets, manuscripts, and computer programs; (ii) dramatic works, including any musical accompaniments; (iii) musicals, including any vocal accompaniments; (iv) choreographies and pantomimes; (v) pictures, graphics, and sculptors; (vi) cinematographic films and audiovisual works; (vii) sound recordings; and (viii) architectonic works.

Federal law provides the author or copyright owner the exclusive right to the: (i) reproduction; (ii) distribution; (iii) preparation of derived works or adaptations of the original; and (iv) represent, interpret, execute, and exhibit the work publicly.

Rights given by the federal law are for a defined and determined period, after which the work will become public domain, general knowledge of humanity. Copyright laws will not be exercised on works that have become public domain.

The federal statute does not provide protection to ideas, procedures, methods, processes, concepts, principles, discoveries, or devices. It does not offer protection to works consisting only of information that is public knowledge and part of the public domain.

B. Description of the Moral Rights Act of Puerto Rico

Moral rights are exclusive rights granted to the creator of a work to protect the link between the author and his or her work.

An author's moral right on his or her work confers them with the right of: (i) attribution; (ii) retraction; (iii) integrity; and (iv) access. Moral rights granted by state law are for a defined and determined period. Moral rights may not be exercised on works that have become public domain.

Every work created by an employee as part of their work functions, all work for hire, or as an independent contractor **does not grant moral rights**.

IV. COPYRIGHT POLICY

A. Traditional academic work

The SUAGM, in accordance to federal copyright law known as the *Copyright Act*, is the owner of the copyright of works created by its employees as part of their labor and/or functions, including but not limited to associates, faculty members, and students.

The SUAGM will not claim and will transfer copyright to the author of all work created by faculty members when they are considered traditional academic works; except when they are works made for hire (see item B); they involve SUAGM “substantial resources” (see item E); or they involve resources and/or funds pertaining or assigned to the SUAGM; or they are created under a special project and/or endorsed by a third party through a contract by virtue of which the copyright ownership is transferred and/or relinquished to the SUAGM or to the third party, in which case what is expressed in the contract will prevail over what is hereby established.

Traditional academic works are those created independently and by initiative of their creator for a purely academic purpose.

This category includes:

- (i) course guidelines, course outline, syllabus, journal articles, course textbooks, other books, poems, musical compositions, work product of the artistic imagination not created using substantial resources of the SUAGM;
- (ii) work created by students throughout their education, such as assignments/tasks, projects, and other similar academic requirements that were not created using substantial resources of the SUAGM; and
- (iii) work created by students throughout their education and as part of their concentration requirements, such as theses, dissertations, and projects not created using substantial resources of the SUAGM.

In all works described on items (i) and (ii) of this section, the SUAGM will have and withhold the non-exclusive and royalty-free right to use and reproduce these academic works for teaching, learning, and research purposes, and may withhold additional rights where applicable, through a contract with the author.

In those works, described on item (iii) of this section, the student, as a condition of obtaining his or her degree, will grant the SUAGM the non-exclusive and royalty-free right over the work for its reproduction and public distribution for educational and research purposes.

The SUAGM will withhold and reclaim copyright of all work, modules, units, presentations, course guidelines, syllabi, course outlines, among others, created and/or elaborated by faculty members with relation to the line1 course offering.

The SUAGM will withhold and reclaim the power to review, check, and comment on course guidelines, outlines, syllabi, and/or modules, among others, created and developed by its faculty.

8. Works Made for Hire

Copyright of a work made for hire will belong to the SUAGM. All work made for hire will not yield moral rights.

A work made for hire includes:

- (i) all work created by faculty members, professors, associates, employees, and students of the SUAGM within the functions of their job, irrespective of the place where the work is created, and irrespective of there being specific instructions requesting its creation.
- (ii) all work commissioned and/or requested to a professor, associate, student, independent contractor, or other, by written contract and signed between the person and the SUAGM by virtue of which the specificity of the work being requested is detailed, and its copyright is expressly relinquished and transferred to the SUAGM.

C. Institutional Works

Institutional works are those resulting from the simultaneous contribution or as a sequence of various faculty members, associates, employees, or students under the direction or supervision of the SUAGM.

The SUAGM will withhold all copyright of every work created and yielding from an institutional work.

D. Conflicts with Patent Policy

Some woks described in the previous items of this section may be object of protection under copyright and patent concepts.

All work susceptible of copyright and patent protection is registered and will be subject to what is established in the SUAGM's Patent Policy.

¹ See the Policy for the course offering supported by web and distance technology, Executive Order Number 20-2016.

E. Substantial Use of SUAGM Resources

Copyright of a work created by virtue of substantial use of SUAGM resources will belong to the SUAGM.

Copyright of all work created by a member of the SUAGM community, including faculty, associate, employee, student, or others, in a SUAGM program using SUAGM funds or facilities will be property of the SUAGM.

Substantial use of SUAGM resources includes:

- (i) the use of facilities and other resources of SUAGM, including employees and students, for other purposes than job functions of the individual with the SUAGM, or the academic curriculum of a student;
- (ii) the use of facilities and other resources of SUAGM without which the creation of the work would not have been possible; and
- (iii) the use of those resources that are not ordinarily accessible to all or almost all faculty members with similar placement in the SUAGM, the university, or the department.

F. Recognition of the Work's Creator

The previous items establish who is the owner of the copyright for those works created within the parameters thereby described. In addition to what is stipulated, in recognition to the significant efforts and talents of the faculty, associates, and students of the SUAGM when developing and elaborating such works, the SUAGM is committed to the following:

1. Offer recognition to professors, associates, and students, where applicable, as the work's creators.
2. Provide the associate faculty and students with the first option to update or review the created work, according to what the SUAGM deems necessary, while the professor or associate is employee of the SUAGM. If a professor or associate refuses to update or review the work within a reasonable period and in an acceptable manner, the SUAGM will have the right to appoint another person to perform this task.
3. Allow, in a reasonable manner, the professor, associate, or student to modify and update the work.

G. Distribution of SUAGM Copyright Royalties

The SUAGM recognizes the significant efforts and contributions of faculty, professor, employee, and student creators who belong to the SUAGM, among others. To encourage these efforts, the SUAGM will share its net income product of sales, licenses, and other commercial exploitation of copyright belonging to the SUAGM, according to what is indicated in this item.

Royalty distribution will be executed in accordance with the SUAGM's Commercialization Policy.

The SUAGM and the creator/author in particular may agree in a written document signed by all involved parties, a distribution of royalties different to the one established in the Commercialization Policy. The agreements subscribed individually between the SUAGM and the creator/author will prevail when they differ from the terms of this Policy.

H. Notification of Copyright

The Associate Vice president of Academic Affairs (from now on the "Office") will be responsible for the administration of this Policy and will handle all matters related to copyright in coordination with the SUAGM's legal advisers. Every person to whom this Policy applies will promptly notify **the Office** about those works in which the SUAGM may have and/or has copyright in accordance with the terms of this Policy.

The Associate Vice president of Academic Affairs must, when necessary, procure external legal support, or other forms of assistance, including the creation of special committees composed of members of the SUAGM and others, to comply with these responsibilities.

It is the responsibility of the faculty, associates, and other employees or contracted people, and students of the SUAGM to know the content of this Policy and notify or consult copyright matters, as applicable.

I. Copyright Warning

In each publication of a work of which the SUAGM has copyright, including a printed work or one published on the Internet, among others, the following copyright warning will appear:

© 20XX. Sistema Universitario Ana G. Mendez. All Rights Reserved.

The notice consists of the copyright symbol, the year of publication, and the name of the owner of the copyright, the Sistema Universitario Ana G. Mendez. S u b s t i t u t i o n s of t h e Sistema Universitario Ana G. Mendez with the name of a university, department, or other initiative of the SUAGM will not be allowed.

This notice is a requirement to comply with this Policy and the applicable laws. The notice has the purpose of informing about the work's protection.

J. Disciplinary Measures

Any person who violates any provision contained in this Policy will be subject to disciplinary and/or corrective measures according to the seriousness of the violation and the applicable policies imposed by the SUAGM. Any possible violation of the provisions of this Policy and applicable laws will be referred to the Vice Presidency of Academic Affairs of SUAGM and/or the Chancellor of the corresponding university for its evaluation and resolution.

K. Amendments

The provisions contained in this Policy may be amended by another executive order.

L. Date of Effectiveness

This Policy will be effective from the date of its approval by the SUAGM President and repeals any prior policy, rule, or regulation that might exist in the SUAGM with respect to copyright.

No part of this document may be borrowed, copied, reproduced, or transmitted in any form or used for different purposes from those for which it was created, without written consent from the Sistema Universitario Ana G. Mendez.

Approved by:

Signed by Jose F. Mendez, President on December 4th, 2017



December 4, 2017

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**EXECUTIVE ORDER 14-2017:
AMENDMENT TO EXECUTIVE ORDER 19-2016, REGARDING POLICY OF USE AND REPRODUCTION OF PROTECTED COPYRIGHT MATERIAL**

I. INTRODUCTION

This document amends the policy of use and reproduction of protected copyright material ("Fair Use") of all work, and/or material, among others, (the "Policy"). This Policy does not cover intellectual property rights related to brands, patents, or copyright of created, invented, and/or developed works developed under the SUAGM, for which more policies exist for these topics.

II. SCOPE

This Policy will apply to every associate and professor of the SUAGM, including those working full-time, part-time, and those on any leave; full-time and part-time students; independent researchers and contractors; as well as any other person who uses the resources or facilities of the SUAGM or who performs work under the supervision and/or by request of the SUAGM including members of the Board of Directors. What is established in this Policy only applies to works, creations, or materials, among others, protected by copyright. The Policy does not apply to those works that are part of the public domain. Those works and/or creations whose period of protection expired and/or was never object of protection are part of the public domain and may be copied or reproduced.

111. DESCRIPTION OF APPLICABLE LAWS

A. Federal Copyright Law

Copyright is an exclusive right granted by the United States federal government to the creators of original works for a determined period, by virtue of the *Copyright Act*. An original work protected by copyright is that which is fixed in a tangible form of expression, now known or invented in the future and from which the work may be perceived, reproduced, or communicated in any other way. For more information about copyright access the *Guidelines for Copyright*.

Works that may be protected by copyright include: (i) literary works, including books, pamphlets, manuscripts, and computer programs; (ii) dramatic works, including any musical accompaniments; (iii) musicals, including any vocal accompaniments; (iv) choreographies and pantomimes; (v) pictures, graphics, and sculptors; (vi) cinematographic films and audiovisual works; (vii) sound recordings; and (viii) architectonic works.

Federal law grants the author or owner of copyright certain exclusive rights, these are;

1. Reproduction (copy, digitalize);
2. Distribution (sell, upload to the Internet, send via email);
3. Preparation of derived works (sequels, translations, adaptations);
4. Execution (perform in public); and
5. Exhibition (expose in public).

Rights given by the federal law are for a defined and determined period of time, after which the work will become public domain. Copyright laws will not be exercised on works that have become public domain.

The absence of the copyright warning in a work does not mean and may not be interpreted as the work not being protected by copyright.

IV. FAIR USE

A. Fair Use

The *Copyright Act* allows, under certain circumstances and as prescribed by law, the limited use of protected copyright material by people who are not owners of said right. This is known as the fair use doctrine.

The fair use analysis consists of a two-part evaluation. First, it considers whether the material will be used for one of the following purposes: (i) educational; (ii) a parody; (iii) a work critique; (iv) a comment; (v) a news article; and/or (vi) research. If the use is for one of these purposes, an evaluation under the second level of fair use analysis is done. If the proposed use is not for one of these purposes, then the use is not a fair use and prior authorization of the copyright owner is required.

In this second part of the analysis the considered use will be evaluated case by case, in accordance with the four factors identified below. These are:

1. The nature of the original work. The use of creative works or opinions will not be considered fair use as long as the use of less creative works and those based on facts are considered fair use. The following questions will be necessarily considered:
 - How creative is the work?
 - Is it a work of fiction or not?
 - Does it expose opinions, critiques, or facts?
2. The purpose of the use given to the material. The context and medium in which the material will be shared will always be necessary. The academic or educational use will be fair use. The commercial, promotional, protocol, entertainment, or administrative use will not be fair use. The following questions will be necessarily considered:
 - Is it for commercial, promotional, or administrative use?
 - Is it a transformative use of the original?
 - Is the use purely academic/educational?
 - Is the use for entertainment?
 - If it is part of a commercial activity, with facts of entertainment use, or no credit is given to the original author, it strays from fair use.
3. **The amount or portion of the original work which must be object of the use.** The amount or portion of the material to be used will always be evaluated.

The applicable jurisprudence has been emphatic that the use and custom of percentages, seconds, and limit of page numbers is not based on a legal foundation, and as such it will not be a valid argument. The following questions will be necessarily considered:

- What portion of the original will be used?
- Is it the totality, a large part, or a small extract of the work?
- Is it the heart of the work?
- Is it the minimum needed to transmit the message?
- If the totality or the majority of the work and/or the heart of the work is used.

4. The effect of the protected work on the market or potential market.

The following questions will be necessarily considered:

- How will the original's market be affected by this use?
- How will the original's market be affected if all universities do the same thing?
- With this use, am I superseding or substituting the need for the original?
- When copyright has been acquired, few copies are made, no significant effect is caused in the market, or there is no procedure to obtain a license, it will be possible considered fair use.

It is required to perform this analysis each time you use or reproduce material whose authorship is from a different person from whom intends to use it. In case of doubts, a consultation must be done.

If the use is anticipated, planned, repeated, continuous and/or involves works from which one would expect to obtain a license and/or permit of use with enough time, then the use would not be fair use and the copyright owner's prior authorization would be required for its use.

B. Use of Content Protected by Copyright

The SUAGM encourages the responsible use of content protected by copyright in face-to-face and distance education in accordance with the exceptions established by applicable legislation and jurisprudence. The exceptions established by the *Copyright Act* for teaching and academic function only apply within the framework of academic activity. They do not extend or apply to other activities within the university environment, such as administrative, protocol, promotional, cultural and/or entertainment activities and functions, among others. For these activities, the proper fair use analysis must be performed, as well as obtaining authorization from the copyright owner and/or pay licenses of use. For more information refer to the *Guidelines*

for Fair Use in Academia.

Beyond the exceptions established by law, the use of illegally acquired or unauthorized content will be considered a violation of law and of this Policy, as well as the public reproduction, distribution, transmission, exhibition, or exposition and preparation of works derived without the prior authorization of the copyright owner.

In addition to what has been expressed, to responsibly use content protected by copyright, the following must be observed, as a minimum:

1. The acquisition of a copy does not grant the user the right to reproduce and distribute copies of the acquired copy. As previously indicated, the rights to reproduce and distribute are rights reserved for the copyright owner.
2. All fair use must be spontaneous and not repeated. If the use is anticipated, programmed, or continuous, it will not be fair use and it will require the authorization of the copyright owner and/or the payment of license.
3. All professors and/or lecturers have the duty and obligation to inform their students that they are not allowed to distribute copies of the provided material, since it is prohibited.
4. All work copied and/or reproduced for academic and educational use has to comply with a legitimate purpose within the course and must be closely intertwined with the subject in order to comply with this purpose.
5. Books, films, music, among others cannot be copied as a substitute of buying and/or acquiring them.
6. The educational technology platform to be used by the SUAGM faculty will be the one authorized by the SUAGM and managed by the Central Office of Computing and Telecommunications (OCIT, in Spanish).
7. All content uploaded by the faculty to the educational platform must be in accordance with what is established in this Policy.

For practical examples refer to the following materials: (i) Guidelines for Fair Use in Academia, (ii) pamphlet on Copyright in the Academic Environment, and (iii) pamphlet on Copyright in the Administrative Environment.

V. DISCIPLINARY MEASURES

The SUAGM expressly prohibits acts that constitute violations to applicable copyright laws. Anyone who violates any provision contained in this Policy and/or in applicable law, will be subject to disciplinary and/or administrative measures.

Any violation of the provisions of this Policy and applicable laws will be referred to the Associate Vice Presidency of Academic Affairs of SUAGM and/or to the Chancellor of the corresponding university for evaluation and action.

VI. AMENDMENTS

The provisions contained in this Policy may be amended from time to time as deemed necessary by SUAGM.

VII. DATE OF EFFECTIVENESS

This Policy will be valid from the day of its approval by the SUAGM President. Any current policy, rule, or regulation that might exist in the SUAGM regarding this topic will be amended to harmonize with this policy.

Approved by:

Signed by the President Jose F. Mendez on December 4th, 2017.



December 4, 2017

VICE PRESIDENTS, ASSOCIATE AND ASSISTANT VICE PRESIDENTS, CHANCELLORS, VICE CHANCELLORS, ASSOCIATE AND ASSISTANT VICE CHANCELLORS, DEANS, ASSOCIATE DEANS, FACULTY, DIRECTORS, ASSOCIATES, AND STUDENTS OF ANA G. MENDEZ UNIVERSITY SYSTEM

EXECUTIVE ORDER 15-2017: AMENDMENT TO EXECUTIVE ORDER 09-2011 REGARDING PATENT POLICY

I. INTRODUCTION

The principal mission of the Ana G. Mendez University System ("SUAGM" in Spanish) is to encourage the cultural, social, and economic development and wellbeing of the Puerto Rican society, as well as other sectors of the Hispanic community outside Puerto Rico, broadening the academic opportunities for various sectors of the community it serves. Complying with this mission, those affiliated with the SUAGM will contribute new discoveries, creations, and other works through different media. The SUAGM encourages the development of these inventions and creations.

The SUAGM understands it is important to establish policies that address intellectual property rights of works created, invented and developed under the SUAGM by its employees, contractors, students, and others. Intellectual property laws in the United States and Puerto Rico regarding ownership, use, and protection of inventions and creations are the basis of our intellectual property policies. This document amends the SUAGM Patent Policy. The provisions included here may be amended from time to time and may be altered through contracts, agreements, and licenses individually negotiated by relevant parties.

This Policy does not cover intellectual property rights related to patents or brands, for which there are one or more current policies in place.

II. SCOPE

This Policy will apply to every associate and professor of the SUAGM, including those working full-time, part-time, and those on any leave; full-time and part-time students; independent researchers and contractors; as well as any other person who uses the resources or facilities of the SUAGM or who performs work under the supervision and/or by request of the SUAGM including members of the Board of Directors.

III. PATENT POLLICY

A. Description of the Federal Patent Law

A patent is a property right granted by the federal government which provides the inventor of a patentable invention the right of impeding that others do, use, or sell the invention in the United States, its territories or possessions for a period of twenty (20) years.¹ When a patent is requested, United States Patent and Trademark Office (USPTO) will review the invention to determine if it is “new, useful, and not obvious” (criteria needed to grant a patent). According to federal law, “inventions are those processes, machines, products, compositions of matter, or any new and useful improvement thereof”. Patents may be originated from a wide variety of fields, including devices, systems, circuits, chemical compositions, mixtures, biological materials, or others, that have been improved or are novel. In some cases, the materials created in the system may be protected by a patent as well as by copyright. These materials may include software and other technologies used to support the recording, storage, recovery, transformation, and presentation of data in digital information.

B. Disclosure

All person to whom this policy applies (the inventor) will promptly notify the Associate Vice Presidency of Academic Affairs (AVPAA) of any invention he or she develops. The obligation to disclose starts at the moment in which the person has reason to believe, based on his or her own knowledge or by information provided by others, that the invention may be patentable. Nevertheless, the certainty that the invention is in fact patentable is not essential for the disclosure. The notification will be done in writing using a Disclosure Document provided by the SUAGM, which must include the following:

1. brief description of the invention;

¹ There are three types of patents: (1) utility or use, whose duration is of 20 years; (2) design, whose duration is of 14 years; and (3) plant, whose duration is also of 20 years. All these duration periods start on the date the patent is requested.

2. summary of the procedure which produced the invention;
3. description of the resources of the System that were used during the development of the invention, if any; and
4. reference to any agreement with sponsors or third parties under which the invention was developed.

AVPAA may require additional disclosures, if such information is deemed necessary for the process of patent application or for the protection of any other intellectual property right.

All information disclosed to AVPAA is considered confidential and will not be disclosed to the public, except when required by the USPTO and/or any organization with a memorandum of understanding (MOU) with the SUAGM.

Each administrative unit of the SUAGM, meaning each university as well as the central administration, will be responsible of assisting the inventors in the preparation of the Disclosure Document. Once the Disclosure Document is completed by a researcher, professor, associate, or student, this document will be submitted by the inventor to the AVPAA, who will review it with the support of the legal advisor and qualified experts, to determine if it is in the best interest of the SUAGM to request a patent for the invention.

Any funds required for the application and process of obtaining a patent will be managed by the AVPAA. In those cases where the invention is generated by the subvention of external funds, the Vice Presidency of Financial Affairs (VPFA) will inform if the proposal includes funds directed to process a patent application. In those cases, said Vice Presidency will coordinate the disposition and use of the funds.

C. Confidentiality

Any publication or public disclosure of an invention, or any part of it, may affect its patentability. To ensure the maximum protection of intellectual property rights of inventions, inventors are required to maintain any information related to their inventions under strict confidentiality. All publication or public disclosure by an inventor will require prior written consent by the AVPAA.

D. Ownership of Inventions

After evaluating the Disclosure Document, the AVPAA, together with its legal and technical advisors, will determine if the invention is supported by the SUAGM, supported by its sponsors, or an independent invention. Ownership rights are assigned in accordance with the classification of the invention under one of the following categories:

"Invention Supported by the SUAGM": it is an invention conceived created, or reduced to practice in part or in whole under one of the following:

1. with the direct or indirect use of funds provided by the SUAGM or any of its universities, university centers, institutions, or departments, as well as any funds provided by an external source that are assigned and managed by the SUAGM;
2. using space, facilities, equipment, materials, or other resources provided by the SUAGM;
3. under the employment contract of the inventor with the SUAGM.

In these cases, the ownership of the invention and other rights and interests belong to the SUAGM. The inventor will be required to sign an agreement of assignment in which intellectual property rights are relinquished to the SUAGM. The Inventor will have the right to a percentage of any royalty, in accordance to the SUAGM Commercialization Policy.

"Invention Supported by Sponsors": it is an invention conceived, created, or reduced to practice in part or in whole under a contract between the SUAGM and a third party, whether the third party is an individual, a private company, or a federal government entity, local or foreign. For this type of invention, the ownership and other rights correspond to the SUAGM, except in cases in which the contract between the SUAGM and the third party specifies the contrary. Such as in cases of inventions supported by the SUAGM, the inventor will be required to sign an agreement of assignment in which intellectual property rights are relinquished to the SUAGM and will have the right to a percentage of all royalties.

The responsibility to consult with AVPAA to ensure any contract with external organizations is consistent with this policy falls in the hands of the inventor, as well as of the offices of external resources, or of the office that submits the contract for the official institutional signature.

"Independent Invention": it is one conceived, created, or reduced to practice, in part or in whole:

1. during the inventor's free time;
2. out of the scope of the employment contract between the inventor and the SUAGM;
and
3. without using (or using only incidentally) funds, space, installations, facilities, equipment, materials, or other resources of the SUAGM or any third party who provides resources to the SUAGM under a contract.

The rights for an independent invention belong to the inventor, except for any right that may be relinquished to the SUAGM in accordance to this policy.

E. Application and Maintenance of Patents

As established in section 'B' of this Policy, AVPAA will determine if the SUAGM must request a patent. Once the SUAGM determines it will request a patent, the inventor will be required to cooperate with and during the process, including providing all the information required.

Likewise, the AVPAA will determine periodically if it is in the best interest of the SUAGM to continue with the process to obtain a particular patent or keep a patent for a particular invention.

The SUAGM will not assume responsibility with relation to the application or maintenance of patents for independent inventions.

F. Transfer of Rights for Inventions Supported by the SUAGM or Inventions Supported by Sponsors

An inventor may request that the SUAGM transfer him or her its rights if, after evaluating the invention and the Disclosure Document, the SUAGM:

1. decides not to continue with the process of requesting a patent;
2. decides not to commercialize the invention;
3. abandons the patent application; or
4. abandons the invention's patent.

If the legal advisors determine the transfer does not violate the terms of any contract with any third party and that the transfer will result in the best interest of the general public, the SUAGM may transfer the invention's intellectual property rights to the inventor. In such cases, any transfer of rights must have, in writing, the consent of legal advisors and the Vice Presidency of Financial Affairs of the SUAGM.

Parties must agree to the transfer of rights in writing. The AVPAA may require the inventor to agree to the following:

1. reimburse the SUAGM for any legal cost incurred by the SUAGM with respect to the invention, once the inventor receives income for the invention;

2. inform the SUAGM, per request, of any effort to develop the invention for public use;
3. in case of Inventions Supported by Sponsors, comply with the obligations that may exist with third parties who have participated in the research that led to the invention;
4. provide the SUAGM with an irrevocable, perpetual, royalty-free, non-exclusive, and universal license for the use of the invention for research and academic purposes;
5. any other requirement imposed by the SUAGM.

G. Office of the Associate Vice President of Academic Affairs (AVPAA)

AVPAA will have the following responsibilities, among others that may be established under other policies or documents of the SUAGM;

1. Coordination of processes related to the implementation of this policy through the SUAGM and the development of guidelines and related procedures, as needed;
2. Preparation of information concerning laws related to this Patent Policy, and its dissemination to the members of the SUAGM;
3. Receive and review the Disclosure Documents;
4. Monitor the use of inventions whose patents belong to the SUAGM; and

For the development of these functions the AVPAA will procure legal and/or external technical support, or other forms of assistance, including the creation of special committees composed of members of the SUAGM and others, in order to fulfill these responsibilities.

Faculty, associates, students, and any other person to whom this policy applies are invited to direct any questions that may arise regarding this policy or general patent matters to the AVPAA.

H. Dispute Resolution

Any party who believed has been adversely affected by a determination made in these processes, may appeal the determination before the SUAGM Vice President of Academic Affairs. This appeal must be presented in writing during the fifteen (15) days following the AVPAA determination.

The Vice President of Academic Affairs will review any determination at his or her discretion. The support of legal advisors or of other units of the SUAGM may be used for this purpose.

IV. DISCIPLINARY MEASURES

Any person who violates any provision contained in this Policy will be subject to disciplinary and/or corrective measures according to the seriousness of the violation and the applicable policies imposed by the SUAGM. Any possible violation to the provisions of this Policy will be referred by the AVPAA to the Vice Presidency of Human Resources (VPHR) or the Vice Presidency of Marketing and Student Affairs (VPMSA) for its evaluation and determination. The validity of these violations and its consequences, if any, will be determined by the VPHR and will be subject to the procedures established by this office.

V. AMENDMENTS

The provisions contained in this Policy may be amended from time to time by way of executive orders. The effect of any amendment will not be retroactive.

VI. DATE OF EFFECTIVENESS

This Policy will be valid from the date of its approval by the SUAGM President and repeals any prior policy, rule, or regulation that may exist regarding to Patents of Inventions of the SUAGM.

Approved by:

Signed by the President, Jose F. Mendez on December 4th, 2017.